

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
SEPTEMBER 8, 1988 CHICAGO, ILLINOIS

All Board Members were present.

A Supplemental Opinion and Final Order was adopted in #86-193, City of Freeport, by a vote of 7-0. (JM)

An Opinion and Order was adopted in #86-218, City of East Moline, by a vote of 7-0. (JD)

An Opinion and Order was adopted in #87-71, City of Dixon CSO, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #87-136, Roadmaster Corporation, by a vote of 6-1. B. Forcade dissented. (MN)

An Opinion and Order was adopted in #88-18, Village of Sauget, by a vote of 6-1. B. Forcade dissented. (JM)

An Opinion and Order was adopted in #88-22, Deere & Company, by a vote of 7-0. J. Dumelle concurred. (RF)

An Opinion and Order was adopted in #88-60, Sonoco Products, by a vote of 7-0. (JD)

An Opinion in support of a previously entered Order in #88-81, -88, Turnberry Utilities, was adopted by a vote of 7-0. (MN)

An Adopted Rule, Final Order, Opinion and Order was adopted in R84-45, Cretex, by a vote of 7-0. (JA)

A Proposed Rule, Second Notice, Opinion and Order was adopted in R86-3, North Shore Sanitary District, by a vote of 7-0. (BF)

A Proposed Rule, Second Notice, Order was adopted in R87-1, John Deere, by a vote of 7-0. (JTM)

A Proposed Amendments, First Notice, Opinion and Order was adopted in R88-1, Omnibus Rulemaking, by a vote of 7-0. (RF)

A Proposed Amendments, First Notice, Order was adopted in R88-5, Procedural Rules (Parts 101, 102 and 106), by a vote of 7-0. (JTM)

A Proposal for Public Comment, Proposed Opinion and Order was adopted in R88-16, RCRA Update (January 1, 1988 through July 31, 1988), by a vote of 7-0. (JA)

By a vote of 7-0, new case #88-127, Peter Arendovich and Patricia

A. Listerman v. Koppers Company, Inc., was authorized for hearing and Respondent's motion to appear Pro Hac Vice was granted. The Board reserved ruling on Respondent's motion to file Instanter its motion to dismiss while awaiting a reply from the Complainants. (JA)

By a vote of 7-0, a hearing was authorized in new case #88-133, Village of Brocton v. Illinois Cereal Mills.

Motion for extension of time for hearing was granted until November 1, 1988 in AS 88-1, Viskase Corporation, by a vote of 7-0. (JM)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##88-50, James L. Watts; 88-74, Hayden Wrecking; 88-78, Gordon Montgomery and Kenneth Einsweiler.

Motion to withdraw Petition for Review was denied in #AC 88-53, Waste Management, by a vote of 7-0. (JA)

Motion to dismiss was granted in #81-151, Dean Foods, by a vote of 7-0. (BF)

Motion in Limine was denied in #83-55, Alton Packaging, by a vote of 7-0. (RF)

Motion for extension of time in #84-93, S.C. Industries, was granted until September 10, 1988 by a vote of 7-0. (BF)

An agreed motion to dismiss was granted in #86-204, Schrock, by a vote of 7-0. (BF)

By a vote of 7-0, the parties in #87-84, Jefferson Smurfit, were ordered to simultaneously brief certain issues no later than September 30, 1988. (BF)

By a vote of 7-0, the parties in #88-112, Jefferson Smurfit, were ordered to simultaneously brief certain issues no later than September 30, 1988. (BF)

An agreed motion to dismiss was granted in #87-102, Shell Oil, by a vote of 7-0. (BF)

An Order was adopted pursuant to a motion for Board ruling in #87-127, City of East Moline, by a vote of 7-0. (BF)

By a vote of 7-0, Petitioner's request for hearing was denied as moot and Petitioner's request to withdraw its general waiver of the decision deadline was not allowed in #87-150, Natural Gas Pipeline. (BF)

Motion to voluntarily dismiss was granted in #87-160, Congress Development, by a vote of 7-0. (BF)

Motion to dismiss was granted in #87-166, Nesco Steel Barrel , by a vote of 7-0. (BF)

Petitioner's motion to stay time for filing Certificate of Acceptance was denied in #87-181, Simkins Industries, by a vote of 7-0. (RF)

An Order dismissing the proceedings without prejudice and granting Petitioner leave to refile a properly captioned petition was adopted in #88-106, America OTR, by a vote of 7-0. (JD)

Petitioner's motion to amend name of Respondent Applicant Instanter in #88-126, Macon County Board, was granted by a vote of 7-0. (JD)

Motion to dismiss was granted in R82-25, Dean Foods, by a vote of 7-0. (RF)

An Order was adopted pursuant to a motion for adoption of First Notice filed by the Illinois Environmental Regulatory Group in R86-9(B), Hazardous Waste Prohibitions, by a vote of 7-0. (JD)

An Order accepting Petitioner's May 5, 1988 proposal as filed and directing any person desiring to supplement the record to do so prior to September 21, 1988 for consideration at the September 22, 1988 Board meeting was adopted in R87-37, Public Water Supply, by a vote of 7-0. (BF)

These cases were discussed and held to September 22, 1988 for further consideration or possible decision: ##84-83, Russell Perkinson; 85-19, Monsanto Company; AC 87-100, Village of Rantoul; 88-80, Sours Grain.

These regulatory matters were discussed and held to September 22, 1988 for further consideration or possible decision: R85-27, Special Waste Categorization Study; R87-21, Peoria Sanitary District; R88-18, Pretreatment Update; R88-24, Managing Scrap Tire Accumulation for the Control of Mosquitos.

By a vote of 7-0, this regulatory matter was dismissed: R88-17, UIC Update (January 1, 1988 through June 30, 1988). (JA)

A hearing was authorized in amended petition #88-130, New Jersey Zinc, by a vote of 7-0. (BF)

In new cases these actions were taken by a vote of 7-0: ##88-131, Ligma Corporation v. EPA, hearing authorized, **Order by B. Forcade**; 88-132, DMI, Inc. v. EPA, additional information requested, **Order by J. Dumelle**; 88-134, Village of Plainfield v. EPA, motion to file limited copies of exhibits granted and held for an Agency Recommendation, **Order of the Board by J. Anderson**; 88-135, EPA v. Rowe Construction Company, hearing mandatory; 88-136, Trojan Corporation v. EPA, hearing authorized, **Order by B. Forcade**; 88-137, J & R Landfill, Inc. v. EPA, hearing

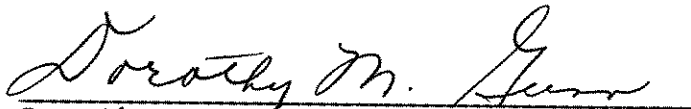
authorized, **Order by B. Forcade**; 88-138, EPA v. Jerry Goss, hearing mandatory; 88-139, John Sexton Contractors Company v. EPA, hearing authorized, **Order by B. Forcade**; 88-140, Consolidation Coal Company v. EPA, hearing authorized, **Order by B. Forcade**; 88-141, Consolidation Coal Company v. EPA, hearing authorized, **Order by B. Forcade**; 88-142, City of Havana CSO, docket closed and new rulemaking docket R88-25 opened and all filings in PCB 88-142 shall be subsumed in R88-25, **Order by J. Dumelle**; 88-143, Quantum Chemical Corporation, USI Division v. EPA, hearing authorized, **Order by B. Forcade**; 88-144, Triad Circuits, Inc. v. EPA, provisional variance granted, **Order by J. Dumelle**; 88-145, Modine Manufacturing Company v. EPA, provisional variance granted, **Order by J. Dumelle**; 88-146, A.E. Staley Manufacturing, Division of Staley Continental, Inc. and Decatur, City of v. EPA, provisional variance granted, **Order by J. Dumelle**; R88-23, Proposed Amendments to Parts 211 and 215 (SOCMI), Proposed Rule, First Notice, **Order by J. Dumelle**.

These Administrative Citations will be set for hearing: #88-75, Steve Zimmerman; 88-80, Steve Zimmerman; 88-81, Steve Zimmerman.

Minutes of the August 15 and August 18, 1988 Board meetings were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to September 22, 1988 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 22nd day of September, 1988 by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
SEPTEMBER 8, 1988 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A. M.

DECISIONS:

- 86-193 City of Freeport (see motion to intervene (8/2)  
Freeport's response(8/15), Intervenors reply (8/17)(JM)  
\_\_\_\_\_
- \* 86-218 City of East Moline (JD)(open waiver)\_\_\_\_\_
- 87-71 City of Dixon CSO (RF)\_\_\_\_\_
- \* 87-136 Roadmaster Corp. (MN)(due 11/3)\_\_\_\_\_
- \* 88-18 Village of Sauget (JM)(9/8)\_\_\_\_\_
- \* 88-22 Deere & Company (RF)(due 9/22)\_\_\_\_\_
- \* 88-60 Sonoco Products (JD)(due 9/8)\_\_\_\_\_
- \* 88-88 Turnberry Utilities, Opinion (MN)\_\_\_\_\_
- R84-45 Cretex, Adopted Rule, Final Order, Opinion and Order  
(JA)\_\_\_\_\_
- R86-3 North Shore Sanitary District, Proposed Rule, Second  
Notice, Opinion and Order (BF)\_\_\_\_\_
- R87-1 John Deere, Proposed Rule, Second Notice, Order (JTM)  
\_\_\_\_\_
- R88-1 Omnibus Rulemaking, Proposed Amendments, First Notice,  
Opinion and Order (RF)\_\_\_\_\_
- R88-5 Procedural Rules (Parts 101, 102, 106), Proposed  
Amendments, First Notice, Order (JTM)  
\_\_\_\_\_
- R88-16 RCRA Update (January 1, 1988 through July 31, 1988)  
Proposal for Public Comment, Proposed Opinion and Order  
(JA)\_\_\_\_\_

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- \* INDICATES VARIANCE OR PERMIT APPEAL  
\*\* INDICATES ADMINISTRATIVE CITATION APPEAL

AC DECISIONS:

88-50 James L. Watts \_\_\_\_\_  
88-74 Hayden Wrecking \_\_\_\_\_  
88-78 Montgomery & Einsweiler \_\_\_\_\_

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AC MOTIONS:

88-53 Waste Management - motion to withdraw Petition for  
Withdraw (9/2) \_\_\_\_\_

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MOTIONS:

81-151 Dean Foods: - motion to dismiss (9/2)(BF)  
\_\_\_\_\_  
83-55 Alton Packaging - motion in Limine (8/31), Agency  
response (9/7)(RF) \_\_\_\_\_  
84-93 S. C. Industries - motion for extension of time (8/9)(BF)  
\_\_\_\_\_  
85-83 Marathon Petroleum - motion to modify January 23, 1986  
Board Order (9/6)(BF) \_\_\_\_\_  
86-204 Schrock - agreed motion to dismiss (8/29)(BF)  
\_\_\_\_\_  
87-84 Jefferson Smurfit - Agency motion to dismiss (8/19)  
Petitioner's response (8/24) \_\_\_\_\_  
87-102 Shell Oil - agreed motion to dismiss (8/31)(BF)  
\_\_\_\_\_  
87-127 City of East Moline - Agency motion for Board Ruling  
(8/22), Petitioner's motion to strike Agency motion for  
Board Ruling (8/29)(BF) \_\_\_\_\_  
87-150 Natural Gas Pipeline - supplemental Brief and request  
for hearing (see also withdrawal of open waiver of  
decision deadline)(9/1), Agency response to request for  
hearing (9/7)(BF) \_\_\_\_\_  
87-160 Congress Development - motion to voluntarily dismiss  
(8/31)(BF) \_\_\_\_\_  
87-166 Nesco Steel - Petitioner's motion to dismiss (8/23)(BF)  
\_\_\_\_\_

MOTIONS: (Cont'd)

- 87-181 Simkins Industries - Petitioner's motion to stay (8/18)  
(RF) \_\_\_\_\_
- 88-36 Mervis Industries - Americans for a Clean Environment  
memorandum in support of application to Intervene and  
debarment request (8/18), motion to withdraw  
application to Intervene (9/6), motion in Limine  
regarding Public Participation (9/6)  
\_\_\_\_\_
- 88-106 America OTR - Petitioner's motion for extension of time  
(8/19) \_\_\_\_\_
- 88-112 Jefferson Smurfit - Agency motion to strike (8/19)  
\_\_\_\_\_
- 88-113 City of Springfield - Agency motion to file  
Recommendation (8/23) \_\_\_\_\_
- 88-117 BFGoodrich - Objection (8/23)(Awaiting Amended Petition;  
see 8/4 Board Order) \_\_\_\_\_
- 88-126 Macon County - Petitioners' motion to amend Instanter  
name of Respondent (8/25) \_\_\_\_\_
- R82-25 Dean Foods: - motion to dismiss (9/2)(RF)  
\_\_\_\_\_
- R86-9 Hazardous Waste Prohibitions - IERG's motion for  
(B) adoption of First Notice (8/4); CBE's response (8/17),  
motion for leave to file Comments Instanter (9/6)  
(JD) \_\_\_\_\_
- R87-37 Public Water Supply - Board Order (BF)  
\_\_\_\_\_

DISCUSSIONS:

- 84-83 Russell Perkinson (MN) \_\_\_\_\_
- 85-19 Monsanto (BF) \_\_\_\_\_
- \*\* 87-100 Village of Rantoul (JA) \_\_\_\_\_
- 88-80 Sours Grain(due 9/22) \_\_\_\_\_

REGULATORY DISCUSSIONS:

- R85-27 Special Waste Categorization Study (JA) \_\_\_\_\_
- R87-21 Peoria Sanitary District (RF) \_\_\_\_\_
- R88-17 UIC Update (1/1/88 thru 6/30/88) (JA) \_\_\_\_\_
- R88-18 Pretreatment (1/1/88 thru 6/30/88) (JM) \_\_\_\_\_
- R88-24 Managing Scrap Tire Accumulation for the Control of Mosquitos (JM) \_\_\_\_\_

AMENDED PETITIONS:

- 88-130 New Jersey Zinc Co. (filed 8/31)(BF) \_\_\_\_\_

NEW CASES:

- 88-127 Peter Arendovich and Patricia A. Listermann v. Koppers Company, Inc. (11:00 a.m. September 8, 1988)(See also motion to appear Pro Hac Vice, motion to file Instanter motion to dismiss (9/2)) \_\_\_\_\_
- 88-131 Ligma Corporation v. EPA (BF) \_\_\_\_\_
- 88-132 DMI, Inc. v. EPA \_\_\_\_\_
- 88-133 Village of Brocton v. Illinois Cereal Mills (11:00 a.m. September 8, 1988) \_\_\_\_\_
- 88-134 Village of Plainfield v. EPA (see motion to file limited copies of exhibits) \_\_\_\_\_
- 88-135 EPA v. Rowe Construction Company \_\_\_\_\_
- 88-136 Trojan Corporation v. EPA (BF) \_\_\_\_\_
- 88-137 J & R Landfill, Inc. v. EPA (BF) \_\_\_\_\_
- 88-138 EPA v. Jerry Goss \_\_\_\_\_
- 88-139 John Sexton Contractors Company v. EPA (BF) \_\_\_\_\_
- 88-140 Consolidation Coal Company v. EPA (BF) \_\_\_\_\_
- 88-141 Consolidation Coal Company v. EPA (BF) \_\_\_\_\_



NEW CASES: (Cont'd)

88-142 City of Havana CSO\_\_\_\_\_

88-143 Quantum Chemical Corporation, USI Division v. EPA (BF)  
\_\_\_\_\_

88-144 Triad Circuits, Inc. v. EPA (Provisional Variance)(JD)  
\_\_\_\_\_

88-145 Modine Manufacturing Company v. EPA (Provisional  
Variance)(JD)\_\_\_\_\_

88-146 A. E. Staley Manufacturing, Division of Staley  
Continental, Inc. and Decatur, City of v. EPA  
(Provisional Variance)(JD)\_\_\_\_\_

R88-23 Proposed Amendments to Parts 211 and 215 (SOCMI), Joint  
Motion (8/24)(JD)\_\_\_\_\_

AC APPEALS

88-75 Steve Zimmerman\_\_\_\_\_

88-80 Steve Zimmerman\_\_\_\_\_

88-81 Steve Zimmerman\_\_\_\_\_

MINUTES:

August 15, 1988\_\_\_\_\_

August 18, 1988\_\_\_\_\_

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)  
\* 83-55 Alton Packaging (RF)(open waiver)  
\* 85-95 Citizens Utilities (Remand)(JTM)(open waiver)  
85-137 Fred Jurcak (JD)  
\* 85-140 Citizens Utilities (MN)(open waiver)  
\* 85-166 Citizens Utilities (JTM)(open waiver)  
\* 85-203 City of Farmington (JD)(open waiver)  
85-213 Village of Western Springs CSO (BF)  
\* 86-57) Village of Sauget (BF)(due 12/1)  
86-62)  
\* 86-58) Village of Sauget (BF)(due 12/1)  
86-63)  
86-161 Elizabeth Street Foundry (JD)  
86-181 Village of Riverside (BF)  
\*\* 87-25 County of Whiteside (RF)  
\*\* 87-47 Chicago Heights Refuse (MN)  
\* 87-62 Riverside Laboratories (JM)(due 12/1)  
\* 87-124 Modine Manufacturing (RF)(open waiver)  
\* 87-125 Modine Manufacturing (RF)(open waiver)  
\* 87-127 City of East Moline (BF)(due 3/23)  
\* 87-131 Amerock Corporation (JM)(open waiver)  
87-139 Browning-Ferris (JD)  
\* 87-180 Lawrence Brothers (JM)(due 10/20)  
87-182 M & D Flexographic Printers (RF)(open waiver)  
88-16 Hinsdale Golf Club (BF)  
\* 88-17 Marley-Ingrid (BF)(due 2/2)  
\* 88-37 Village of Lake Villa (RF)(due 10/6)  
88-54 Edwin & Mary Susan Kozoyed (JD)  
\* 88-84 The Nutrasweet Company (JM)(due 11/17)  
\* 88-85 The Eureka Company (JA)(due 1/5)  
\* 88-90 Borden Chemical (JTM)(due 10/6)  
\* 88-107 City of Rockford (BF)(due 11/3)  
\* 88-110 County of Wabash (JM)(open waiver)  
\* 88-126 County of Macon (JA)(12/1)