

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
SEPTEMBER 22, 1988 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #AC 87-47 (Docket A), Chicago Heights Refuse, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #AC87-100, Village of Rantoul, by a vote of 7-0. (JA)

An Order was adopted in R84-20, Joliet Site-Specific, by a vote of 7-0. (JTM)

An Order dismissing the regulatory proposal in R86-11, Liquid Wastes in Landfills, was adopted by a vote 7-0. (JM)

An Adopted Rule, Final Order, Opinion and Order was adopted in R86-31, CIPS Site-Specific, by a vote of 7-0. J. Dumelle concurred. (JM)

A Proposed Rule, First Notice, Opinion was adopted in R88-5, Procedural Rules (Parts 101, 102, 106 and 107), by a vote of 7-0. J. Dumelle, J. Anderson and J. Marlin concurred. (JTM)

A Proposal for Public Comment, Proposed Opinion and Order was adopted in R88-18, Pretreatment Update (January 1, 1988 through June 30, 1988), by a vote of 7-0. (JA)

A Proposed Rule, First Notice, Proposed Opinion and Order was adopted in R88-24, Managing Scrap Tire Accumulations for the Control of Mosquitoes, by a vote of 7-0. J. Theodore Meyer concurred. (JM)

An Amended Resolution was adopted in RES 88-1, Regulatory and Other Non-Adjudicative Hearings and Proceedings, by a vote of 7-0. (JA)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##88-68, Randolph County Landfill; 88-79, City of Galva.

A Supplemental Order was adopted pursuant to a motion to modify in #85-83, Marathon Petroleum Company, by a vote of 7-0. J. Dumelle concurred. (BF)

Motion for leave to withdraw as counsel was granted in #86-44, Continental Grain, by a vote of 7-0. (BF)

Motion to dismiss was granted in #87-58, Allied Corporation, by a vote of 7-0. (BF)

Petitioner's motion for voluntary dismissal was granted in #87-196, Monsanto Company, by a vote of 7-0. (BF)

A motion for extension of time within which to file Briefs was granted until September 30, 1988 in #88-17, Marley-Ingrid, by a vote of 7-0. (BF)

Motion to withdraw application to intervene was granted and the motion in Limine regarding public participation was referred to the Hearing Officer for disposition in #88-36, Mervis Industries, by a vote of 7-0. (JA)

On its own motion the Board granted Petitioner and Respondent each leave to file an amended brief or to supplement its existing brief on or before September 30, 1988 in #88-37, Village of Lake Villa, by a vote of 7-0. (RF)

Motion to dismiss was granted in #88-41, Cerro Copper Products, by a vote of 7-0. (BF)

An agreed motion for extension of time to respond to a May 5, 1988 Board Order to allow implementation of a settlement agreement was granted until November 7, 1988 in #88-80, Sours Grain, by a vote of 7-0. (JD)

Agency motion for leave to file Record Instanter was granted in #88-116, Sexton Filling, by a vote of 7-0. (JD)

Agency motion for extension of time to file Record was granted until October 12, 1988 in #88-136, Trojan Corporation, by a vote of 7-0. (JD)

Motion to supplement the record in R87-2, Marathon Petroleum, was referred to the Hearing Officer for disposition.

An Order was adopted pursuant to a motion to set a pre-hearing conference in R88-21, Water Toxics, by a vote of 6-1. J. Theodore Meyer dissented. (BF)

By a vote of 7-0 motion to dismiss in #AC 88-52, Waste Management, was granted and unless already paid, Respondent was ordered to pay a penalty in the amount of \$500.00 within 30 days of the entry of this Order. (JA)

By a vote of 7-0 motion to dismiss in #AC 88-53, Waste Management, was granted and unless already paid, Respondent was ordered to pay a penalty in the amount of \$1,000.00 within 30 days of the entry of this Order. (JA)

An Order setting an additional hearing was adopted after the Agency filed a motion to reverse ruling of Hearing Officer in ##86-57, -62, -58, -63, Village of Sauget, by a vote of 7-0. (BF)

An Order was adopted pursuant to a motion for withdrawal and reconsideration filed by Viskase Corporation in R86-18, Generic RACT, by a vote of 7-0. (JM)

These cases were discussed and held to October 6, 1988 for further discussion or possible decision: ##84-83, Russell Perkinson; 85-19, Monsanto Company, 85-140, Citizens Utilities; 87-180, Lawrence Brothers; 88-90, Borden Chemical.

These regulatory matters were discussed and held to October 6, 1988 for further discussion or possible decision: R85-27, Special Waste Categorization Study; R86-17(B), Deoxygenating Waste; R87-21, Peoria Sanitary District; R87-38, Air Emissions; R88-13, Fluoride Standard Public Water Supplies.

In amended petitions these actions were taken by a vote of 7-0: ##88-113, City of Springfield, Petitioner's motion for leave to amend its petition for variance as previously filed was granted and Petitioner's statement, which was interpreted by the Board to be a motion for declaration that the filing does not constitute an amended petition, was denied and the 120-day decision time clock was restarted, **Order by R. Flemal**; 88-117, BFGoodrich Company, held for an Agency Recommendation; 88-121, Simkins Industries, hearing authorized, **Order by B. Forcade**.

In new cases these actions were taken by a vote of 7-0: ##88-147, Village of Sugar Grove v. EPA, additional information requested, **Order by B. Forcade**; 88-148, City of St. Charles v. EPA, hearing authorized, **Order by B. Forcade**; 88-149, Cablec Corporation v. EPA, hearing authorized, **Order by B. Forcade**; 88-150, Illinois Department of Transportation, City of Chicago, **Chairman authorized to prepare an Order and to sign the permit document**; 88-151, Citizens Utilities Company of Illinois v. EPA, additional information requested, **Order by J. Anderson**; 88-152, Cerro Copper Products Company v. EPA, hearing authorized, **Order by B. Forcade**; 88-153, Fiat-Allis of North America, Inc. v. EPA, hearing authorized, **Order by B. Forcade**; 88-154, City of Chester v. EPA, Provisional Variance granted, **Order of the Board by J. Dumelle**; 88-155, Illinois Department of Transportation, Mr. & Mrs. Goldblatt and Robyn Douglas, **Chairman authorized to prepare an Order and to sign the permit document**; 88-156, Trojan Corporation (Ensign-Bickford Company, Operator) v. EPA, additional information requested, **Order by B. Forcade**.

This Administrative Citation will be set for hearing: #88-83, Waste Management.

These Administrative Citations were received by the Board: ##88-85, Steve Zimmerman; 88-86, Steve Zimmerman.

Minutes of the September 8, 1988 Board Meeting were approved by a vote of 7-0.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 6th day of October, 1988 by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
SEPTEMBER 22, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

DECISIONS:

- AC87-47 Chicago Heights Refuse (MN) _____
- AC87-100 Village of Rantoul (JA) _____
- R84-20 Joliet Site-Specific, Order (JTM) _____
- R86-11 Liquid Wastes in Landfills, Dismissal Order (JM)

- R86-31 CIPS Site-Specific, Adopted Rule, Final Order (JM)

- R88-5 Procedural Rules, Parts 101, 102, 106 and 107, Proposed
Opinion (JTM) _____
- R88-18 Pretreatment Update (January 1, 1988 through June 30,
1988) (JM) _____
- R88-24 Managing Scrap Tire Accumulation for the Control of
Mosquitos, Proposed Rule, First Notice (JM)

AC DECISIONS:

- 88-68 Randolph County Landfill _____
- 88-79 City of Galva _____

* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

88-52 Waste Management - motion to dismiss Petition (9/20)

88-53 Waste Management - motion to dismiss Petition (9/20)

MOTIONS:

85-83 Marathon Petroleum - motion to modify January 23, 1986 Board Order (9/6), Agency response (9/19)(BF)

86-44 Continental Grain - motion for leave to withdraw as counsel (9/20)(BF)

86-57) Village of Sauget - Agency motion for leave to file
86-58) Supplemental copies of Record and Discovery (9/12),
Agency motion to reverse Hearing Officer ruling (9/14)
(BF)

86-103 Waste Managment - motion for withdrawal of Petition
(9/9)(BF)

87-58 Allied Corporation - motion to dismiss (9/21)(BF)

87-150 Natural Gas Pipeline - Agency motion to require
amendment to pleadings (9/12)(JD)

87-196 Monsanto Company - Petitioner's motion for voluntary
dismissal (9/13)(BF)

88-17 Marley-Ingrid - final motion for extension of time
within which to file Briefs (9/8)(BF)

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)

88-37 Village of Lake Villa - Board Order (RF)

88-41 Cerro Copper Products - motion to dismiss (9/16)(BF)

MOTIONS: (Cont'd)

- 88-80 Sours Grain - agreed motion for extension of time to respond to May 5, 1988 Board Order to allow implementation of Steelelement Agreement (9/8)
-
- 88-116 Sexton Filling - motion for leave to file Record Instanter (8/23)
-
- 88-130 New Jersey Zinc - Objection (9/14), Objection (9/16)(Note: hearing authorized 9/8)
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- 88-136 Trojan Corporation - Agency motion for extension of time to file Record (9/14)
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- R86-18 Generic RACT - motion of Viskase Corporation for withdrawal and reconsideration (6/13), Allsteel response (6/27), Stepan Company response (6/27), Agency motion to deny Viskase request for withdrawal and reconsideration (9/21)(JM)
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- R86-41 Village of Winnetka - motion for reconsideration and Stay (9/8), reponse of John Leslie (9/21)(JTM)
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- R87-2 Marathon Petroleum - motion to supplement record (9/9)(BF)
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- R87-37 Public Water Supply - Agency motion for leave to file a Revised Proposal (9/20)(BF)
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DISCUSSIONS:

- 84-83 Russell Perkinson (MN)
-
- 85-19 Monsanto Company (BF)
-
- * 85-140 Citizens Utilities (MN)(open waiver)
-
- * 87-180 Lawrence Brothers (JM)(due 10/20)
-
- * 88-90 Borden Chemical (JTM)(due 10/6)
-

REGULATORY DISCUSSIONS:

- R85-27 Special Waste Categorization Study (JA)
-
- R86-17 Deoxygenating Waste (JM)
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REGULATORY DISCUSSIONS: (Cont'd)

- R87-21 Peoria Sanitary District (RF) _____
- R87-38 Air Emissions (JD) _____
- R88-13 Fluoride Standard Public Water Supplies, Dismissal Order
(JA) _____
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AMENDED PETITIONS:

- 88-113 City of Springfield (filed 9/14)(See motion for leave to
amend Petition for variance 9/14 page 1, #4)(RF)

- 88-117 BFGoodrich Company (filed 9/19) _____
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NEW CASES:

- 88-147 Village of Sugar Grove v. EPA (BF) _____
- 88-148 City of St. Charles v. EPA (BF) _____
- 88-149 Cablec Corporation v. EPA (BF) _____
- 88-150 IDOT, City of Chicago (JD) _____
- 88-151 Citizens of Utilities Company of Illinois v. EPA

- 88-152 Cerro Copper Products Company v. EPA (BF)

- 88-153 Fiat-Allis of North American, Inc. v. EPA (BF)

- 88-154 City of Chester v. EPA _____
- 88-155 IDOT, Mr. & Mrs. Goldblatt and Robyn Douglas (JD)

- 88-156 Trojan Corporation (Ensign-Bickford Company, Operator)
v. EPA (BF) _____
- R88-26 Safe Drinking Water Act Rules (JA) (RESERVED)
- R88-27 Underground Storage Tank Rules (JA) (RESERVED)

AC APPEALS:

88-83 Waste Management _____

NEW AC CASES:

88-85 Steve Zimmerman _____

88-86 Steve Zimmerman _____

MINUTES:

September 8, 1988 _____

PENDING CASES ASSIGNED:

* 83-55 Alton Packaging (RF)(open waiver)
 * 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
 85-137 Fred Jurcak (MN)
 * 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)
 AC 87-25 County of Whiteside (RF)
 * 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)
 87-171 Archer Daniel Midland (JD)
 87-182 M & D Flexographic Printers (RF)(open waiver)
 * 87-184 Jefferson Smurfit (RF)(due 10/20)
 87-209 Commonwealth Edison Company (JTM)
 88-16 Hinsdale Golf Club (BF)
 * 88-17 Marley-Ingrid (BF)(due 2/2)
 AC 88-24) Bi-State Disposal (MN)
 88-33)
 * 88-37 Village of Lake Villa (RF)(due 10/20)
 88-54 Edwin & Mary Susan Kozoyed (MN)
 * 88-84 The Nutrasweet Company (JM)(due 11/17)
 * 88-85 The Eureka Company (JA)(due 1/5)
 * 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)
 * 88-134 Village of Plainfield (MN)(due 12/15)