

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
OCTOBER 20, 1988 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #84-83, Russell Perkinson, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #85-38, Heckett, by a vote of 6-1. R. Flemal dissented. (MN)

An Opinion and Order was adopted in #87-180, Lawrence Brothers, by a vote of 7-0. (JM)

An Opinion and Order was adopted in #87-182, M & D Flexographic, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #87-184, Jefferson Smurfit, by a vote of 7-0. (RF)

An Opinion and Order was adopted in #88-37, Village of Lake Villa, by a vote of 7-0. (RF)

In R85-11, Illinois-American Water Company, a Proposed Rule, Second Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (JTM)

In R86-17(B), Deoxygenating Waste, a Proposed Rule, First Notice, Proposed Opinion and Order was adopted by a vote of 7-0. J. Dumelle concurred. (JM)

In R88-5, Procedural Rules Revision, an Interim Order was adopted by a vote of 7-0. (JTM)

A Final Order was adopted in #AC 87-25 (Docket B), County of Whiteside, by a vote of 5-2. Messrs. J. Theodore Meyer and M. Nardulli dissented. (RF)

A consolidated motion to dismiss was granted with prejudice in ##AC 88-23, -34, J & R Landfill, by a vote of 7-0. (JA)

Motion for rehearing was denied in #88-24, Daubs Landfill, by a vote of 5-1. J. Dumelle dissented and B. Forcade abstained. (JTM)

Petitioner's motion for leave to file response Instanter to the Agency Recommendation in #88-25, Modine Manufacturing, was granted by a vote of 6-1. J. Theodore Meyer dissented. (JD)

Motion for leave to file Recommendation Instanter was granted in #88-84, The Nutrasweet Company, by a vote of 6-1. J. Theodore

Meyer dissented. (JM)

Motion to withdraw in #88-111, Illinois Power Company, was granted by a vote of 7-0. (BF)

Agency motion to file Brief Instanter was granted in #88-113, City of Springfield, by a vote of 7-0. (BF)

Motion for continuance of hearing in #88-143, Quantum Chemical, was referred to the Hearing Officer for disposition.

Motion for an extension of time to file an amended petition in #88-151, Citizens Utilities, was granted until November 15, 1988 by a vote of 6-1. J. Theodore Meyer dissented. (JA)

An Order was adopted in R87-37, Public Water Supply, by a vote of 7-0. (BF)

Motion for protection of confidential business information contained on page 3 of Petitioner's Post-Hearing Brief filed in R88-9, Reilly Tar and Chemical, was granted and the Clerk of the Board was ordered to treat the material as "Not Subject to Disclosure", by a vote of 7-0. (MN)

An Order was adopted in #87-84, Jefferson Smurfit, which addressed a motion to suspend further briefing on jurisdiction. The vote was 7-0. (JA)

An Order was adopted in #88-112, Jefferson Smurfit, which addressed a motion to suspend further briefing on jurisdiction. The vote was 7-0. (JA)

These cases were discussed and held to November 3, 1988 for further discussion or possible decision: ##85-19, Monsanto Company; 85-140, Citizens Utilities; 88-87, General Tire; 88-96, Western Springs; 88-107, City of Rockford.

This regulatory matter was discussed and held to November 3, 1988 for further discussion: R85-27, Special Waste Categorization Study.

In amended petitions these actions were taken by a vote of 7-0: ##88-156, -168, Trojan Corporation/Ensign-Bickford Company, Ensign-Bickford Company separated from docket #88-156 and docketed as a separate proceeding under docket #88-168 and petitions were ordered held for Agency recommendations. (JD)

In new cases these actions were taken by a vote of 7-0: ##88-163, Vincent D. Koers, Alone and in Conjunction with Danville Citizens for Control of Hazardous Waste Injection v. EPA and Allied-Signal, Inc., parties ordered to brief by November 15 whether third parties have standing to challenge UIC permits and permit conditions and to inform the Board whether this action is frivolous or duplicative of another proceeding, Order by J.

Dumelle; 88-164, Village of Winnetka v. EPA, hearing authorized, Order by B. Forcade; 88-165, Crescent Plating Works, Inc. v. EPA, Provisional Variance granted, Order by J. Dumelle; 88-166, Frantz Manufacturing Company v. EPA, Provisional Variance granted, Order by J. Dumelle; 88-167, A.E. Staley Manufacturing Division of Staley Continental, Inc. and City of Decatur v. EPA, Provisional Variance granted, Order by J. Dumelle.

These Administrative Citations were received by the Board: #88-88, Steve Zimmerman; 88-89, Kinetic Energy Development Corporation; 88-90, James Esarey.

Minutes of the October 6, 1988 Board Meeting were approved by a vote of 7-0.

Motion to withdraw in #88-19, Allied Tube and Conduit, was granted by a vote of 7-0. (JD)


Motion to withdraw in #88-35, Allied Tube and Conduit, was granted by a vote of 7-0. (JD)

Petitioners motion to modify an October 4, 1988 Board Order in #88-158, Joan Benya Bernabei, was denied by a vote of 7-0. (BF)

By a vote of 7-0, this new regulatory matter was accepted for publication and hearing: R88-28, Amendments to 35 Ill. Adm. Code 211 and 243, Air Quality Standards and Measurement Methods for PM₁₀.

All other matters not disposed of as listed were ordered held to November 3, 1988 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 3rd day of November, 1988 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 20, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

DECISIONS:

- 84-83 Russell Perkinson (MN) _____
- 85-38 Heckett (MN) _____
- * 87-180 Lawrence Brothers (JM)(due) _____
- * 87-182 M & D Flexographic (RF)(open waiver) _____
- * 87-184 Jefferson Smurfit (RF)(due 12/15) _____
- * 88-37 Village of Lake Villa (RF)(due) _____
- R85-11 Illinois-American Water Company (JTM) _____
- R86-17 Deoxygenating Waste, Proposed Rule, First Notice,
(B) Proposed Opinion and Order (JM) _____
- R88-5 Procedural Rules, Interim Order (JTM) _____

AC DECISIONS:

- 87-25 County of Whiteside (RF) _____
- 87-47 Chicago Heights Refuse (MN) _____

AC MOTIONS:

- 88-23) J & R Landfill - consolidated motion to dismiss (9/27)
88-34) _____

MOTIONS:

- 86-193 City of Freeport - motion for limited rehearing or modification of final Order (10/13)(JM)
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- 86-218 City of East Moline - motion for rehearing (10/13)(JD)
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- 87-84 Jefferson Smurfit - motion to suspend further briefing on jurisdiction (10/17)(BF)
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- 88-18 Village of Sauget - motion for reconsideration of September 8, 1988 Opinion and Order (10/11), Agency motion to strike, objection to motion for reconsideration and request for clarification (10/19)(JM)
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- 88-24 Daubs Landfill - motion for rehearing (7/7), response to motion for rehearing (7/20)(JTM)
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- 88-25 Modine Manufacturing - Petitioner's motion for leave to file Instanter Response to Agency Recommendation (10/11)
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- 88-84 Nutrasweet Company - Agency motion for leave to file Recommendation Instanter (10/13)(JM)
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- 88-111 Illinois Power - motion to withdraw (10/7)(BF)
-
- 88-112 Jefferson Smurfit - motion to suspend further briefing on jurisdiction (10/18)(BF)
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- 88-113 City of Springfield - Agency motion to file Brief Instanter (10/12)(BF)
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- 88-143 Quantum Chemical - motion for continuance of hearing (10/19)
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- 88-151 Citizens Utilities - motion for extension of time (10/18)(JA)
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- 887-37 Public Water Supply - Agency motion for leave to file a Revised Proposal (9/20), motion for leave to file Instanter (9/22), motion to extend the record (9/22), Agency Revised Proposal (10/11)(BF)
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- 888-9 Reilly Tar & Chemical - motion for protection of Confidential Business information (10/7)(MN)
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DISCUSSIONS:

- 85-19 Monsanto Company (BF) _____
- * 85-140 Citizens Utilities (MN)(open waiver) _____
- * 88-87 General Tire (MN)(due 11/3) _____
- * 88-96 Western Springs (JD)(due 12/1) _____
- * 88-107 City of Rockford (BF)(due 11/3) _____
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REGULATORY DISCUSSIONS:

- 885-27 Special Waste Categorization Study (JA) _____
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AMENDED PETITIONS:

- 88-156 Trojan Corporation/The Ensign-Bickford Company (filed 10/17) _____
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NEW CASES:

- 88-163 Vincent D. Koers, Alone and in Conjunction with Danville Citizens for Control of Hazardous Waste Injection v. EPA and Allied Signal, Inc. _____
- 88-164 Village of Winnetka v. EPA (BF) _____
- 88-165 Crescent Plating Works, Inc. v. EPA _____
- 88-166 Frantz Manufacturing Company v. EPA _____
- 88-167 A.E. Staley Manufacturing Division of Staley Continental, Inc. and City of Decatur v. EPA _____
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NEW AC CASES:

- 88-88 Steve Zimmerman _____
- 88-89 Kinetic Energy Development Corporation _____
- 88-90 James Esarey _____

MINUTES:

October 6, 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 (RF)(due 12/1)
 86-62)
 * 86-58 Village of Sauget (RF)(due 12/1)
 86-63)
 86-161 Elizabeth Street Foundry (JD)
 86-181 Village of Riverside (BF)
 AC 87-25 County of Whiteside (RF)
 AC 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)
 87-171 Archer Daniel Midland (JD)
 87-209 Commonwealth Edison Company (JA)
 AC 88-14 Archer A. Daniels (JA)
 88-16 Hinsdale Golf Club (BF)
 * 88-17 Marley-Ingrid (BF)(due 2/2)
 AC 88-24 Bi-State Disposal (MN)
 88-33)
 88-33 Elmhurst-Chicago Stone (RF)
 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)
 * 88-110 County of Wabash (JM)(open waiver)
 * 88-117 The BFGoodrich Company (JTM)(due 1/5)
 * 88-126 County of Macon (JA)(12/1)
 * 88-134 Village of Plainfield (MN)(due 12/15)

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CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

MOTIONS:

- 88-19 Allied Tube - motion to withdraw (10/20) _____
- 88-35 Allied Tube - motion to withdraw (10/20) _____
- 88-158 Wilmer Brockman - Petitioner's motion to modify Board Order and
to extend Briefing Schedule (10/18) _____