

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
NOVEMBER 3, 1988 CHICAGO, ILLINOIS

All Board Members were present save Dr. Flemal who was absent due to family illness.

An Order dismissing the proceedings in #85-19, Monsanto Company, was adopted by a vote of 6-0. (BF)

An Opinion and Order was adopted in #88-87, General Tire, by a vote of 6-0. (MN)

An Opinion and Order was adopted in #88-96, Village of Western Springs, by a vote of 5-0. J. Anderson abstained. (JD)

In R84-20, Joliet Site-Specific, a Proposed Rule, Second Notice, Proposed Opinion and Order was adopted by a vote of 6-0. (JTM)

In R86-3, North Shore Sanitary District, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (BF)

In R86-30, Shell Oil, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (JTM)

In R87-1, John Deere, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (JTM)

In R88-28, PM₁₀, a Proposed Rule, First Notice, Proposed Opinion and Order was adopted by a vote of 6-0. (JD)

An Opinion and Order was adopted in #AC 87-47(B), Chicago Heights Refuse, by a vote of 5-1. J. Theodore Meyer dissented. (MN)

An Order was adopted in #AC 87-47(A), Chicago Heights Refuse, by a vote of 6-0. (MN)

A joint motion for finding of no violation was denied in #AC 88-54, Waste Management, by a vote of 6-0. (JA)

Motion to dismiss was granted in #86-29, American Hoechst, by a vote of 6-0. (BF)

Respondent's motion for additional time to file its brief in #86-181, Village of Riverside, was referred to the Hearing Officer for disposition.

Motions for limited rehearing or modification of final Order and for stay were denied in #86-193, City of Freeport, by a vote of 6-0. J. Dumelle concurred. (JM)

Motion for rehearing was denied in #86-218, City of East Moline,

by a vote of 6-0. (JD)

An Order suspending the briefing schedule until further order was adopted in #87-124, Modine Manufacturing, by a vote of 6-0. (JA)

Petitioner's motion for reconsideration of a September 8, 1988 Opinion and Order and Agency motion to strike were denied in #88-18, Village of Sauget, by a vote of 5-1. B. Forcade dissented. (JM)

An Order was adopted pursuant to a motion for expedited consideration in #88-113, City of Springfield, by a vote of 6-0. (BF)

In #88-130, New Jersey Zinc, an Order was adopted pursuant to a motion for admission to practice pro hac vice and motion to incorporate a prior variance record, by a vote of 6-0. (BF)

Motion for leave to file Record Instanter was granted in #88-149, Cablec Corporation, by a vote of 5-1. J. Theodore Meyer dissented. (JD)

By a vote of 6-0, Petitioner's motion for authorization to appear pro hac vice was granted and the Board, on its own motion, extended the briefing schedule from November 15 to November 28. In addition, the Agency was requested and granted leave to November 15 to supplement its November 2 brief filed in #88-163, Vincent A. Koers. (JA)

Motions for reconsideration and stay and to defer ruling on motion for reconsideration in R86-41, Village of Winnetka, were denied by a vote of 6-0. (JTM)

New case #88-171, William E. Brainerd v. Donna Hagan, David Bromaghim and Phil Robbins d/b/a The Gables Restaurant, was accepted for hearing by a vote of 6-0.

New case #88-173, Village of Kildeer v. Village of Lake Zurich, Nichols Grove Properties, Liberty Lake Partnership, ESR/Anden Corporation, Lexington Development Company, Lexington Homes, Inc., was accepted for hearing by a vote of 4-2. J. Marlin and J. Theodore Meyer dissented. (BF)

An Order requesting the parties to brief by November 29, 1988, the issue of whether the Board may grant a variance as requested by the Petitioners in #88-84, The Nutrasweet Company, was adopted by a vote of 6-0. (JM)

This regulatory matter was discussed and held to November 17, 1988 for further discussion or possible decision: R87-6, Phosphorus Effluent Standard.

In amended petitions these actions were taken by a vote of 6-0:

#88-21, Rowe Foundry, no action needed; 88-132, DMI, Inc., accepted for hearing, **Order by B. Forcade**; 88-147, Village of Sugar Grove, ordered held for an Agency Recommendation.

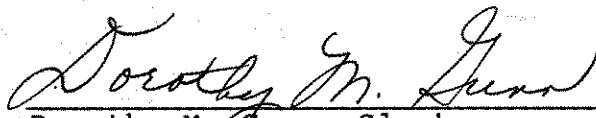
In new cases these actions were taken by a vote of 6-0:
#88-169, Catty Corporation v. EPA, accepted for hearing, **Order by B. Forcade**; 88-170, James G. Esarey v. EPA, accepted for hearing, **Order by B. Forcade**; 88-172, Allied-Signal, Inc. v. EPA, additional information requested, **Order by B. Forcade**; 88-174, Allied-Signal, Inc. v. EPA, permit appeal re-captioned from PCB 88-172 and accepted for hearing, **Order by B. Forcade**; 88-175, Jefferson Smurfit Corporation (Alton Mill) v. EPA, accepted for hearing, **Order by B. Forcade**; 88-176, American National Can Company (Batavia Plant) v. EPA, Opinion and Order from PCB 87-190 incorporated into this record and accepted for hearing, **Order by B. Forcade**; 88-177, EPA v. Ekco Housewares, Inc., hearing mandatory; 88-178, Indian Refining Company and Texaco Refining and Marketing, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 88-179, Marathon Petroleum Company v. EPA, accepted for hearing and Petitioner and Agency ordered to simultaneously brief whether a RCRA Part B permit can be issued by operation of law, **Order by B. Forcade**.

This Administrative Citation will be set for hearing: #88-90, James Esarey.

Minutes of the October 20, 1988 Board Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to November 17, 1988 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 17th day of November, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
NOVEMBER 3, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- 85-19 Monsanto Company (BF) _____
- * 88-87 General Tire (MN)(due) _____
- * 88-96 Western Springs (JD)(due 12/1) _____
- * 88-107 City of Rockford (BF)(due) _____
- R84-20 Joliet Site-Specific, Proposed Rule, Second Notice,
Opinion and Order (JTM) _____
- R86-3 North Shore Sanitary District, Adopted Rule, Final Order
(BF) _____
- R86-30 Shell Oil, Adopted Rule, Final Order, Opinion and Order
(JTM) _____
- R87-1 John Deere, Adopted Rule, Final Order, Opinion and Order
(JTM) _____
- R88-28 PM-10, Proposed Rule, First Notice, Proposed Opinion and
Order (JD) _____

AC DECISIONS:

- 87-47 Chicago Heights Refuse (MN) _____
(B)

AC MOTIONS:

- 87-47 Chicago Heights Refuse - Board Order (MN) _____

AC MOTIONS: (Cont'd)

88-23) J & R Landfill - consolidated motion to reconsider
 88-34) October 20, 1988 Board Order (10/27), response (11/2)

88-54 Waste Management - joint motion for finding of no
 violation (10/24)

MOTIONS:

86-29 American Hoechst - motion to dismiss (10/21)(BF)

86-181 Village of Riverside - Respondent's motion for
 additional time to file Brief (10/26)(BF)

86-193 City of Freeport - motion for limited rehearing or
 modification of final Order (10/13), motion for Stay of
 civil penalty pending review by the Appellate Court
 (10/24)(JM)

86-218 City of East Moline - motion for rehearing (10/13),
 Agency Response (10/27)(JD)

87-124 Modine Manufacturing - Agency motion for sanctions
 (11/1), Petitioner's motion to file Post-Hearing Brief
 Instanter (11/2)(RF)

87-125 Modine Manufacturing - Agency motion for sanctions
 (11/1), motion to dismiss (11/2)(RF)

87-183 Container Corporation - Agency motion for sanctions
 (11/2)

88-18 Village of Sauget - motion for reconsideration of
 September 8, 1988 Opinion and Order (10/11), Agency
 motion to strike and objection to motion for
 reconsideration and request for clarification (10/19),
 response to motion to strike (10/28)(JM)

88-19 Monsanto - joint motion to dismiss (10/31), motion to
 withdraw information request (10/31)

88-76 Allsteel - Agency motion to dismiss (10/26), response to
 motion to dismiss (10/31)

88-113 City of Springfield - motion for expedited consideration
 (10/26)(RF)

S/b
 85-19 →

MOTIONS: (Cont'd)

- 88-130 New Jersey Zinc - motion for admission to practice
(10/21), motion to incorporate prior record (10/26)
-
- 88-148 City of St. Charles - motion to Stay Condition #10
(10/31)
-
- 88-149 Cablec Corporation - Agency motion for leave to file
Record Instanter (10/27)
-
- 88-163 Vincent A. Koers - motion to dismiss (10/28), motion for
authorization to appear Pro Hac Vice (10/28)(BF)
-
- R86-41 Village of Winnetka - motion for reconsideration and
Stay (9/7), Village of Winnetka's Notice of Stipulation
(10/17), Agency response to motion for reconsideration
and Stay (10/27), motion to defer ruling upon motion for
reconsideration (11/2)(JTM)
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DISCUSSIONS:

- * 88-84 The Nutrasweet Company (JM)(due 11/17)
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REGULATORY DISCUSSIONS:

- R87-6 Phosphorous Effluent Standard (JA)
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AMENDED PETITIONS:

- 88-21 Rowe Foundry (filed 10/21)
-
- 88-132 DMI, Inc. (filed 11/1)(BF)
-
- 88-147 Village of Sugar Grove (filed 10/31)
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NEW CASES:

- 88-169 Catty Corporation v. EPA
-
- 88-170 James G. Esarey v. EPA (BF)
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NEW CASES: (Cont'd)

- 88-171 William E. Brainerd v. Donna Hagan, David Bromaghim, and Phil Robbins d/b/a The Gables Restaurant (11:00 a.m.)

- 88-172 Allied-Signal, Inc. v. EPA (BF) _____
- 88-173 Village of Kildeer v. Village of Lake Zurich, Nichols Grove Properties, Liberty Lake Partnership, ESR/Anden Corporation, Lexington Development Company, Lexington Homes, Inc. (See also request to dismiss (11/1)(11:00 a.m.) _____
- 88-174 Allied-Signal, Inc. v. EPA (BF) _____
- 88-175 Jefferson Smurfit Corporation (Alton Mill) v. EPA (BF) _____
- 88-176 American National Can Company (Batavia Plant) v. EPA (BF) _____
- 88-177 EPA v. Ekco Housewares, Inc. _____

AC APPEALS:

- 88-90 James Esarey _____

MINUTES:

October 20, 1988 _____

PENDING CASES ASSIGNED:

* 83-55 Alton Packaging (RF)(open waiver)
 84-92 Richard Krohn (JD)
 * 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
 85-137 Fred Jurcak (MN)
 * 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)
 86-2 City of LaSalle CSO (JTM)
 * 86-57) Village of Sauget (RF)(due 12/15)
 86-62)
 * 86-58) Village of Sauget (RF)(due 12/15)
 86-63)
 86-161 Elizabeth Street Foundry (JD)
 86-181 Village of Riverside (BF)
 * 87-62 Riverside Laboratories (JM)(due 12/15)
 * 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)
 * 88-21 Rowe Foundry (JD)(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)
 AC 88-75 Steve Zimmerman (MN)
 AC 88-80 Steve Zimmerman (MN)
 AC 88-81 Steve Zimmerman (MN)
 * 88-85 The Eureka Company (JA)(due 1/5)
 * 88-110 County of Wabash (JM)(open waiver)
 * 88-113 City of Springfield (RF)(due 1/5)
 * 88-117 The BFGoodrich Company (JTM)(due 3/9)
 * 88-126 County of Macon (JA)(12/15)
 * 88-134 Village of Plainfield (MN)(due 12/15)
 * 88-156 Trojan Corporation (MN)(due 2/2)
 * 88-168 Ensign-Bickford Company (MN)(due 2/2)