

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
NOVEMBER 29, 1988 CHICAGO, ILLINOIS

Pursuant to notice given the meeting was held on this date instead of December 1, 1988.

All Board Members were present.

An Opinion and Order was adopted in #85-213, Village of Western Springs CSO, by a vote of 6-0. J. Anderson abstained. (BF)

An Opinion and Order was adopted in #87-208, Federal Paper Board, by a vote of 7-0. (JM)

An Opinion and Order was adopted in #88-113, City of Springfield, by a vote of 7-0. Messrs. J. Dumelle and M. Nardulli concurred. (RF)

In R87-18, Midwest Grain Site-Specific, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JD)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##88-88, Steve Zimmerman and Waste Limited; 88-89, Kinetic Energy Development Corporation.

By a vote of 7-0, the parties in ##84-45, -61, -68, Waste Management, were ordered to submit informational filings by December 12, 1988. (JA)

In #85-203, City of Farmington, Respondent's motion for leave to file Brief Instanter was granted and the Petitioner was ordered to submit its brief no later than December 9, 1988 or the Board will review and consider appropriate sanctions, including dismissal of the proceeding with prejudice. The vote was 7-0. (JD)

Motion to voluntarily dismiss with prejudice was granted in #86-44, Continental Grain, by a vote of 7-0. (BF)

Respondent's motion for extension of time to file its report in #86-161, Elizabeth Street Foundry, was granted until November 30, 1988 by a vote of 7-0. (JD)

Petitioner's motion for an extension of its variance was granted through June 30, 1989 in #86-174, IBP, by a vote of 6-1. B. Forcade dissented. (JM)

An agreed motion to dismiss was granted in #86-188, City of Springfield, by a vote of 7-0. (BF)

Motion to modify an April 1, 1987 Board Order was granted in

#86-207, Village of Lemont, by a vote of 6-1. B. Forcade dissented. (JTM)

By a vote of 7-0, Petitioner's motions to supplement the record and to correct its response to the Agency Recommendation were granted and Petitioner's Brief and attachment was construed by the Board as an amendment to the petition in #88-84, The NutraSweet Company. (JM)

Petitioner's motion to withdraw its appeal in #88-92, Waste Management, was granted by a vote of 7-0. (BF)

Motion to consolidate was denied in #88-136, Trojan Corporation, by a vote of 7-0. (JM)

By a vote of 7-0, Petitioner's motion to extend the deadline for filing its brief in #88-139, John Sexton Contractors, was denied and the Hearing Officer was given leave to extend the briefing schedule requested by the Petitioner and the Agency if the Petitioner files a waiver of the Board's decision due date at least to and including January 19, 1989. (JA)

In #88-156, Trojan Corporation, the Board vacated its Order of October 20, 1988 and requested additional information by a vote of 7-0. (MN)

By a vote of 7-0, a hearing was authorized and the Petitioner was ordered to address at hearing enumerated deficiencies noted by the Board in Petitioner's petition for variance in #88-168, The Ensign-Bickford Company. (MN)

An Order was adopted pursuant to an emergency motion to cancel hearing in #88-102, Morton Thiokol, by a vote of 7-0. (BF)

These cases were discussed and held to December 15, 1988 for further discussion or possible decision: ##87-62, Riverside Laboratories; 88-54, Edwin and Mary Susan Kozoyed; 88-84, The NutraSweet Company; 88-126, County of Macon; 88-130, New Jersey Zinc; 88-134, Village of Plainfield.

These regulatory matters were discussed and held to December 15, 1988 for further discussion or possible decision: R87-6, Phosphorus Effluent Standard; R87-38, Air Emissions.

In Amended petitions these actions were taken by a vote of 7-0: ##87-185, Jefferson Smurfit, 120-day decision time clock restarted; 88-151, Citizens Utilities, ordered held for an Agency Recommendation; 88-164, Village of Winnetka, ordered held to December 15, 1988 for further consideration.

In new cases these actions were taken by a vote of 7-0: ##88-163, Vincent A. Koers, alone, and in conjunction with Danville Citizens for Control of Hazardous Waste Injection v. EPA and Allied-Signal, ordered held to December 15, 1988 for further


consideration; 88-189, Century Resources, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 88-190, Waste Management of Illinois, Inc. v. Lake County Board, accepted for hearing, **Order by B. Forcade**; 88-191, Testor Corporation v. EPA, accepted for hearing, **Order by B. Forcade**.

These Administrative Citations were received by the Board: ##88-94, Industrial Salvage, Inc.; 88-95, Village of Rossville; 88-96, City of LeRoy; 88-97, Edward J. Deibel; 88-98, Edward Ware; 88-99, John R. Vander; 88-100, Okaw Buildings, Inc.; 88-101, Larry Waldrop; 88-102, Kenneth Hails; 88-103, Frank Sentel; 88-104, Linn Radloff; 88-105, Gary Radloff; 88-106, Village of Elizabeth; 88-107, Whiteside County; 88-108, Edward J. Deibel; 88-109, John Jennings; 88-110, Everett Allen.

Minutes of the November 17, 1988 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to December 15, 1988 for further consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 15th day of December, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
NOVEMBER 29, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

DECISIONS:

- * 85-140 Citizens Utilities (MN)(open waiver) _____
- 85-213 Village of Western Springs CSO (BF) _____
- * 86-57) Village of Sauget (RF)(due 12/15) _____
86-62)
- * 86-58) Village of Sauget (RF)(due 12/15) _____
86-63)
- * 87-208 Federal Paper Board (JM)(due) _____
- * 88-113 City of Springfield (RF)(due 1/5) _____
- R87-18 Midwest Grain Site-Specific, Adopted Rule, Final Order,
Opinion and Order (JD) _____

AC DECISIONS:

- 88-88 Steve Zimmerman & Waste Limited _____
- 88-89 Kinetic Energy Development Corp. _____

MOTIONS:

- 84-45) Waste Management - Board Order (JA) _____
84-61)
84-68)

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- 85-203 City of Farmington - Agency motion for leave to file Brief Instanter (9/9)(JD) _____
- 86-44 Continental Grain - motion to voluntarily dismiss with prejudice (11/17)(BF) _____
- 86-161 Elizabeth Street Foundry - motion for extension of time to file report (11/16)(JD) _____
- 86-174 IBP - motion for extension of completion schedule and variance (11/10) _____
- 86-188 City of Springfield - agreed motion to dismiss (11/22) _____
- 86-207 Village of Lemont - motion to modify April 1, 1987 Board Order (11/22), Agency response to Petitioner's motion to modify (11/28) _____
- 88-84 Nutrasweet Company - motion to supplement record and motion to correct response to recommendation (11/23)(JM) _____
- 88-92 Waste Management - motion to withdraw appeal (11/18)(BF) _____
- 88-136 Trojan Corporation - motion to consolidate with 88-68 (11/7) _____
- 88-139 John Sexton - motion to extend deadline for filing brief (11/28)(JA) _____
- 88-156 Trojan Corporation - Agency motion for dismissal (11/17)(MN) _____
- 88-173 Village of Lake Zurich - motion to dismiss by the Village of Lake Zurich (11/9), Motion to dismiss by the Lexington Development Corporation (11/15), motion to dismiss by the ESR/Enden Corporation (11/18), response to motion to dismiss (11/23) _____

DISCUSSIONS:

- * 87-62 Riverside Laboratories (JM)(due 12/15) _____
- 88-54 Edwin & Mary Susan Kozoyed (MN) _____
- * 88-84 The Nutrasweet Company (JM)(due 12/15) _____
- * 88-126 County of Macon (JA)(due 12/15) _____

DISCUSSIONS: (Cont'd)

- * 88-130 New Jersey Zinc (JD)(due 12/15) _____
- * 88-134 Village of Plainfield (MN)(due 12/15) _____

REGULATORY DISCUSSIONS:

- R87-6 Phosphorus Effluent Standard (JA) _____
- R87-38 Air Emissions, Resolution and Final Order (JD) _____

AMENDED PETITIONS:

- 87-185 Jefferson Smurfit (filed 11/18) _____
- 88-151 Citizens Utilities (filed 11/10)(See also Agency response to amended petition (11/16) and Petitioner's reply to Agency response to amended petition (11/23))(JA) _____
- 88-164 Village of Winnetka (filed 11/22)(See also motion for confirmation or alternatively amended petition (11/22)) _____
- 88-168 Ensign-Bickford (filed 11/22)(See also Agency motion for dismissal (11/17))(MN) _____

NEW CASES:

- 88-163 Vincent A. Koers, alone, and in conjunction with Danville Citizens for Control of Hazardous Waste Injection v. EPA and Allied-Signal (See also motion to dismiss by Allied-Signal (10/28), Agency Brief in response to October 20, 1988 Board Order (11/2), Allied-Signal Memorandum of Law in response to October 20, 1988 Board Order(11/28)) _____
- 88-189 Century Resources, Inc. v. EPA (BF) _____
- 88-190 Waste Management of Illinois, Inc. v. Lake County Board (BF) _____
- 88-191 Testor Corporation v. EPA (BF) _____

NEW AC CASES:

88-94 Industrial Salvage, Inc. _____
88-95 Village of Rossville _____
88-96 City of LeRoy _____
88-97 Edward J. Deibel _____
88-98 Edward Ware _____
88-99 John R. Vander _____
88-100 Okaw Buildings, Inc. _____
88-101 Larry Waldrop _____
88-102 Kenneth Hails _____
88-103 Frank Sentel _____
88-104 Linn Radloff _____
88-105 Gary Radloff _____
88-106 Village of Elizabeth _____
88-107 Whiteside County _____
88-108 Edward J. Deibel _____
88-109 John Jennings _____
88-110 Everett Allen _____

MINUTES:

November 17, 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)

* 85-166 Citizens Utilities (JTM)(open waiver)

* 85-203 City of Farmington (JD)(open waiver)
 86-2 City of LaSalle CSO (JTM)
 86-161 Elizabeth Street Foundry (JD)
 86-181 Village of Riverside (BF)

* 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)

AS 88-1 Viskase Corporation (JM)

AS 88-2 Allsteel, Inc. (JM)

AS 88-3 Stepan Company (JM)

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)

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)

* 88-117 The BFGoodrich Company (JTM)(due 3/9)

* 88-131 Ligma Corporation (JD)(open waiver)

* 88-139 John Sexton Contractors (JA)(due 1/5)

* 88-156 Trojan Corporation (MN)(due 2/2)

* 88-168 Ensign-Bickford Company (MN)(due 2/2)

* 88-180 City of Ottawa (MN)(due 2/23)

* 88-181 City of Spring Valley (BF)(due 2/23)



POLLUTION CONTROL BOARD

STATE OF ILLINOIS CENTER • 100 WEST RANDOLPH STREET • SUITE 11-500 • CHICAGO, ILLINOIS 60601 • 312-917-3620

JACOB D. DUMELLE, CHAIRMAN
OAK PARK, ILLINOIS

JOAN G. ANDERSON
WESTERN SPRINGS, ILLINOIS

RONALD C. FLEMAL
DEKALB, ILLINOIS

BILL S. FORCADE
CHICAGO, ILLINOIS

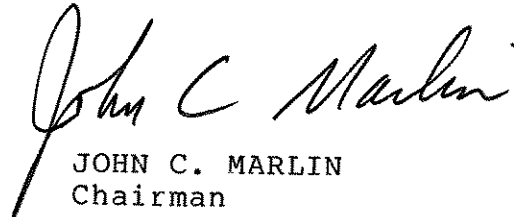
JOHN C. MARLIN
URBANA, ILLINOIS

J. THEODORE MEYER
CHICAGO, ILLINOIS

MICHAEL L. NARDULLI
CHICAGO, ILLINOIS

NOTICE OF CHANGE IN ILLINOIS POLLUTION CONTROL BOARD MEETING SCHEDULE

PUBLIC NOTICE IS HEREBY GIVEN that the Illinois Pollution Control Board meeting originally scheduled for December 1, 1988 has been changed to November 29, 1988. This meeting will be held in Conference Room 9-040 and will begin at the regular time of 10:30 a.m.


JOHN C. MARLIN
Chairman

Posted and circulated November 21, 1988