

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
MAY 19, 1988 CHICAGO, ILLINOIS

All Board Members were present save Mr. Meyer whose arrival was delayed by approximately 15 minutes.

An Opinion and Order was adopted in #88-15, Mid-City Lithographers, by a vote of 6-0. (JM)

An Adopted Rule, Final Order, Opinion and Order was adopted in R82-7, Alton Site-Specific, by a vote of 6-0. (JM)

A Proposed Rule, Second Notice, Proposed Opinion and Order was adopted in R84-45, Cretex Site-Specific, by a vote of 6-0. (JA)

A Proposed Rule, First Notice, Proposed Opinion and Order was adopted in R87-1, John Deere Site-Specific, by a vote of 7-0. (JTM) (Thereafter the Board, by unanimous consent reconsidered and recorded Mr. Meyer's vote on these previous decision matters: ##88-15, Mid-City Lithographers, from a vote of 6-0 to a vote of 6-1; J. Theodore Meyer dissented; R82-7, Alton Site-Specific, from a vote of 6-0 to a vote of 7-0; R84-45, Cretex Site-Specific, from a vote of 6-0 to a vote of 7-0.)

Board Member R. Flemal moved a draft Adopted Rule, Final Opinion and Order in R87-27, Chicago Canal System. Motion to amend by J. Anderson and seconded by J. Marlin lost by a 3-4 vote with J. Anderson, J. Marlin and J. Theodore Meyer for it and J. Dumelle, B. Forcade, R. Flemal and M. Nardulli against. An Adopted Rule, Final Opinion and Order was then adopted by a vote of 7-0. J. Dumelle and J. Anderson concurred. (RF)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##88-15, Buck Lewis; 88-26, Wayne Berger; 88-27, City of Belvidere; 88-28, Central Illinois Disposal; 88-29, Jack Grimm; 88-31, Waste Management.

An Agency motion to modify an April 7, 1988 Board Order in #86-4, City of Morris, was granted by a vote of 7-0. (JD)

An Order requesting Petitioner to submit a status report within 45 days was adopted in #86-150, American Hoechst Corporation, by a vote of 7-0. (JD)

A Supplemental Opinion and Order denying Petitioner's request for rehearing and modification of the Board's March 24, 1988 Opinion and Order in #86-185, Citizens Utilities, was adopted by a vote of 7-0. (JA)

Petitioner's motion to withdraw its permit appeal in #87-108, Clark Oil and Refining Company, was granted by a vote of 7-0.

(JD)

An Order was adopted pursuant to Petitioner's motion to clarify issues in #87-131, Amerock Corporation, by a vote of 7-0. (JM)

Agency motion for extension of time in ##87-149, -199, -88-9, USI Chemicals, was granted until May 31, 1988 by a vote of 7-0.

(JD)

Petitioner's notice of withdrawal of its permit appeal in #88-12, Stepan Company, was construed as a motion to dismiss by a vote of 7-0. (BF)

Board Member B. Forcade moved a draft briefing Order in #88-17, Marley-Ingrid. Motion to amend by J. Anderson and seconded by J. Marlin lost by a 3-4 vote with J. Dumelle, J. Anderson and J. Marlin for it and B. Forcade, R. Flemal, J. Theodore Meyer and M. Nardulli against. An Order directing Petitioner to submit its post-hearing brief by June 22, the Agency to submit its response brief by July 22 and requesting any supplemental or reply briefs to be filed by August 5, 1988 was adopted by a vote of 6-1. J. Dumelle dissented and J. Anderson and J. Marlin concurred. (BF)

Petitioner's motion to withdraw its appeal in #88-34, Waste Management, was granted by a vote of 7-0. (JD)

An Order was adopted pursuant to Petitioner's request for hearing and leave to file an amended petition in response to the Agency's Recommendation in #88-37, Village of Lake Villa, by a vote of 7-0. (JA)

An Agency motion to file Instantly its Record in #88-58, Quantum Chemical, was granted by a vote of 7-0. (JD)

Pursuant to a motion for reconsideration a Proposed Rule, First Notice, Order was adopted in R86-31, CIPS, by a vote of 7-0. J. Dumelle concurred. (JM)

An Order granting Petitioner's request for variance in #87-69, Village of Romeoville, was adopted by a vote of 6-1. B. Forcade dissented. (RF)

These cases were discussed and held for further discussion or possible decision on June 2, 1988: ##84-122, Acme Solvent; 86-197, Daubs Landfill; 87-19, Tammsco; 88-24, Daubs Landfill; 88-27, Laidlaw Waste Systems.

This regulatory matter was discussed and held for further discussion or possible decision on June 2, 1988: R88-10, Well Setback Acceptance System.

In amended petitions these actions were taken by a vote of 7-0: ##88-25, Modine Manufacturing, 120 day decision time clock restarted; 88-42, Village of Channahon, held for Agency

Recommendation; 88-67, City of Highland, held for Agency Recommendation; 88-69, Scott Air Force Base, additional information requested; 88-81, McIntosh, Petitioner and Agency instructed to file statements by May 31, 1988 which address whether it would be appropriate for the Board to consolidate this proceeding with PCB 88-88 since both proceedings deal with the same issue, **Order by J. Marlin.**

In new cases these actions were taken by a vote of 7-0: ##88-66, Illinois Department of Transportation, Winnetka Park District, **Chairman authorized to sign the permit document and to prepare an Order;** 88-84, The Nutrasweet Company and Consumers Illinois Water Company v. EPA, motion to file copies without attachments granted and petition docketed pending receipt of the Agency's Recommendation, **Order by B. Forcade;** 88-85, The Eureka Company v. EPA, hearing authorized, **Order by B. Forcade;** 88-86, The Dow Chemical Company, provisional variance granted, **Opinion and Order by J. Dumelle;** 88-87, General Tire, Inc. v. EPA, hearing authorized, **Order by B. Forcade;** 88-88, Turnberry Utilities, Inc. v. EPA, Petitioner and Agency instructed to file statements by May 31, 1988 which address whether it would be appropriate for the Board to consolidate this proceeding with PCB 88-81 since both proceedings deal with the same issue, **Order by J. Marlin;** 88-89, City of Herrin v. EPA, provisional variance granted, **Opinion and Order by J. Dumelle;** 88-90, Borden Chemicals and Plastics Limited Partnership v. EPA, additional information requested, **Order by J. Marlin.**

In new case #88-70, City of LaSalle CSO, these actions were taken by a vote of 6-1, J. Dumelle concurred and J. Theodore Meyer dissented: PCB 88-70 docket dismissed and Clerk's office directed to redocket the pleadings as a motion and response in PCB 86-2, City of LaSalle. (JA)

These Administrative Citations were received by the Board: ##88-33, Bi-State Disposal, Inc.; 88-34, J & R Landfill, Inc.; 88-35, Laidlaw Waste Systems; 88-36, DeKalb County Landfill, Inc.; 88-37, Streator Area Landfill, Inc.; 88-38, Waste Limited, Inc.; 88-39, Waste Limited, Inc.; 88-40, Central Illinois Disposal; 88-41, James Esarey; 88-42, Winnebago Reclamation Services; 88-43, Environtech, Inc.; 88-44, City of Savanna; 88-45, James L. Watts; 88-46, CDT Landfill Corporation; 88-47, City of Marion; 88-48, City of Dixon and Clyde Gelderloos; 88-49, James L. Watts; 88-50, James L. Watts; 88-51, Piolet Brother's Trading, Inc.; 88-52, Waste Management; 88-53, Waste Management.

Minutes of the May 5, 1988 Board Meeting were approved by a vote of 7-0.

All matters not disposed of as listed were ordered held to June 2, 1988 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 2nd day of June, 1988 by a vote of 7-0.

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

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MAY 19, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

DECISIONS:

- 88-15 Mid-City Lithographers (JM) _____
- R82-7 Alton Site-Specific, Adopted Rule, Final Order (JM)

- R84-45 Cretex Site-Specific, Proposed Rule, Second Notice,
Proposed Opinion and Order (JA) _____
- R87-1 John Deere, Proposed Rule, First Notice, Proposed
Opinion and Order (JTM) _____
- R87-18 Midwest Grain Site-Specific, Proposed Rule, First Notice
Proposed Opinion and Order (JD) _____
- R87-27 Chicago Canal System, Adopted Rule, Final Opinion and
Order (RF) _____

AC DECISIONS:

- 88-15 Buck Lewis _____
- 88-26 Wayne Berger _____
- 88-27 City of Belvidere _____
- 88-28 Central Illinois Disposal _____

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

AC DECISIONS: (Cont'd)

88-29 Jack Grimm
 88-31 Waste Management

MOTIONS:

86-4 City of Morris - Agency motion to modify April 7, 1988 Board Order (5/6), Petitioner's response to Agency motion to modify April 7, 1988 Board Order (JD)

86-58) Village of Sauget - motion to extend Stay (4/28), motion
 86-63) for leave to file Agency objection to Petitioner's motion to extend Stay (5/13), Petitioner's motion for leave to file a reply to Agency's objection to motion to extend Stay (5/17)

86-150 American Hoechst - Board Order (JD)

86-185 Citizens Utilities - motion for rehearing and modification of Order (4/27), Agency response to motion for rehearing and modification of Order (5/9), reply to Agency's response to Petitioner's motion for rehearing and modification of Order (5/13)(JA)

87-69 Village of Romeoville - Petitioner's motion for expedited decision (5/12), Agency motion to file Instanter (5/17)(JTM)

87-108 Clark Oil & Refining - motion to withdraw permit appeal (5/18)

87-131 Amerock Corporation - Petitioner's motion to clarify issues (5/4), Agency response to Petitioner's motion to clarify issues (5/13), Petitioner's reply to Agency's objection to Petitioner's motion to clarify issues (5/18)(JM)

87-149) USI Chemicals - motion to reconsider, stay or certify
 87-199) question (4/29), Agency motion for extension of time
 88-9) (5/17)

88-12 Stepan Company - motion to withdraw (5/17)

88-17 Marley-Ingrid - Board Order (BF)

88-34 Waste Management - Petitioner's motion to withdraw appeal (5/16)

MOTIONS: (Cont'd)

- 88-37 Village of Lake Villa - Petitioner's motion for time to prepare an amended petition (See letter dated 5/11)(JA)
-
- 88-58 Quantum Chemical - Agency motion to file Record Instanter (5/9)
-
- 88-31 CIPS - motion for reconsideration (4/21)(JM)
-
- 88-37 Public Water Supply - Agency motion to amend Proposal (5/17)(BF)
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DISCUSSIONS:

- 84-122 Acme Solvent (JD)
-
- 86-197 Daubs Landfill (Remand)(JTM)
-
- 87-19 Tammsco, Inc. (JD)
-
- * 88-24 Daubs Landfill (JTM)(due 6/2)
-
- * 88-27 Laidlaw Waste Systems (JM)(due 6/2)
-

REGULATORY DISCUSSIONS:

- 88-10 Well Setback Acceptance Procedures (JA)
-

AMENDED PETITIONS:

- 88-25 Modine Manufacturing (filed 5/10; currently awaiting a hearing date)
-
- 88-42 Village of Channahon (filed 5/5; currently awaiting Agency Recommendation)(JA)
-
- 88-67 City of Highland (filed 5/16)
-
- 88-69 Scott Air Force Base (filed 5/17)
-
- 88-81 McIntosh, Ltd. (filed 5/11)
-

NEW CASES:

88-66 IDOT, Winnetka Park District (JD) _____

88-70 City of LaSalle CSO (See Agency response filed 5/6)(JA)
86-2 _____

88-84 Nutrasweet Company and Consumers Illinois Water Company
v. EPA (See also motion to file copies without
attachments (5/5)) _____

88-85 The Eureka Company v. EPA _____

88-86 The Dow Chemical Company v. EPA (Provisional
Variance)(JD) _____

88-87 General Tire, Inc. v. EPA _____

88-88 Turnberry Utilities, Inc. v. EPA _____

88-89 City of Herrin v. EPA (Provisional Variance)(JD) _____

NEW AC CASES:

88-33 Bi-State Disposal, Inc. _____

88-34 J & R Landfill, Inc. _____

88-35 Laidlaw Waste Systems _____

88-36 DeKalb County Landfill, Inc. _____

88-37 Streator Area Landfill, Inc. _____

88-38 Waste Limited, Inc. _____

88-39 Waste Limited, Inc. _____

88-40 Central Illinois Disposal _____

88-41 James Esarey _____

88-42 Winnebago Reclamation Services _____

88-43 Environtech, Inc. _____

88-44 City of Savanna _____

88-45 James L. Watts _____

88-46 CDT Landfill, Corporation _____

NEW AC CASES: (Cont'd)

- 88-47 City of Marion _____
- 88-48 City of Dixon & Clyde Gelderloos _____
- 88-49 James L. Watts _____
- 88-50 James L. Watts _____
- 88-51 Piolet Brother's Trading, Inc. _____
- 88-52 Waste Management _____
- 88-53 Waste Management _____

MINUTES:

May 5, 1988 _____

PENDING CASES ASSIGNED:

81-151 Dean Food (BF)
 * 83-55 Alton Packaging (RF)(open waiver)
 84-83 Russell Perkinson (MN)
 84-93 S. C. Industries (BF)
 85-19 Monsanto (BF)
 * 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
 85-137 Fred Jurcak (Remand)(JD)
 * 85-140 Citizens Utilities (JTM)(open waiver)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 * 85-203 City of Farmington (JD)(open waiver)
 * 85-209 Village of Carol Stream (RF)(due 12/15)
 85-213 Village of Western Springs CSO (BF)
 85-224 Aurora Sanitary District CSO (RF)
 * 86-150 American Hoechst (JD)(open waiver)
 86-161 Elizabeth Street Foundry (JD)
 86-184 National Electroplating (RF)
 * 86-218 City of East Moline (JD)(open waiver)
 * 87-7 Pearson Industries (MN)(open waiver)
 87-10 Island Lake Water Company (MN)
 ** 87-47 Chicago Heights Refuse (MN)
 * 87-50 Pike County Sand & Gravel (JTM)(due 7/13)
 * 87-69 Village of Romeoville (JTM)(due 6/30)
 87-71 City of Dixon CSO (RF)
 ** 87-100 Village of Rantoul (JA)
 * 87-124 Modine Manufacturing (RF)(open waiver)
 * 87-125 Modine Manufacturing (RF)(open waiver)
 * 87-127 City of East Moline (BF)(due 12/1)
 * 87-131 Amerock Corporation (JM)(open waiver)
 * 87-136 Roadmaster Corporation (MN)(due 8/4)
 87-139 Browning-Ferris Industries (JD)
 * 87-181 Simkins Industries (RF)(open waiver)
 * 88-17 Marley-Ingrid (BF)(due 10/6)
 * 88-18 Village of Sauget (JM)(due 6/16)
 * 88-37 Village of Lake Villa (JA)(due 6/30)
 * 88-39 Waste Management (JA)(due 6/30)
 * 88-42 Village of Channahon (JA)(due 6/30)
 * 88-43 Alexander County Board (MN)(due 6/30)
 * 88-47 Reilly Tar & Chemical (JA)(due 8/4)
 * 88-52 City of Ottawa CSO (RF)
 * 88-83 Village of Coal City (JM)(due 8/18)