

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
OCTOBER 6, 1988 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #88-90, Borden Chemical, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in R87-21, Peoria Sanitary District, by a vote of 7-0. (RF)

A Proposed Rule, Second Notice, Opinion and Order was adopted in R87-38, Air Emissions, by a vote of 7-0. (JD)

A set for hearing Order was adopted in R88-8, Census of Permit Exempt Facilities, by a vote of 7-0. (JA)

An Order dismissing the rulemaking proceedings in R88-13, Fluoride Standard Public Water Supplies, was adopted by a vote of 7-0. (JA)

Orders were adopted in these Administrative Citations by a vote of 7-0. ##88-82, City of Belvidere; 88-84, City of Kewanee.

Agency motion to amend an August 4, 1988 Board Order in #AC 88-67, City of Salem, was granted by a vote of 7-0. (JD)

By a vote of 6-1, the Board, on its own motion, reconsidered the September 22, 1988 Order adopted in ##86-57, -58, -62, -63, Village of Sauget, and upon reconsideration, affirmed that portion of the Order which upholds the ruling of the Hearing Officer and reversed that portion that relates to the scheduling of an additional hearing and directed the Hearing Officer to cancel any hearing scheduled as a result of the Order. B. Forcade dissented. (JA)

Petitioners motion to vacate a June 2, 1988 Board Order was denied and motion for leave to file Reply Brief Instanter was granted in #86-197, Daubs Landfill, by a vote of 5-1. J. Dumelle dissented and B. Forcade abstained. (JTM)

Agency motion for leave to file Brief Instanter and Petitioner's motion to extend the briefing schedule in #87-62, Riverside Laboratories, were granted by a vote of 6-1. M. Nardulli dissented. (JM)

By a vote of 7-0, the Board, on its own motion, reset the briefing schedule in #87-124, Modine Manufacturing Company. (RF)

By a vote of 7-0, the Board, on its own motion, reset the

briefing schedule in #87-125, Modine Manufacturing Company.
(RF)

Agency motion to require amendment of Petitioner's pleadings in #87-150, Natural Gas Pipeline, was denied by a vote of 7-0.
(JD)

Petitioner's motion for extension of time to file briefs in #88-112, Jefferson Smurfit, was granted until October 7, 1988 by a vote of 7-0. (BF)

By a vote of 7-0, motion for withdrawal of application for non-disclosure and return of all copies of documents which were the subject of the application for non-disclosure in #88-114, Anchor Glass Container, was granted and the Clerk of the Board was directed to gather all copies of the exhibit together with the application and to return them in a secure manner. (BF)

Agency motion to file Administrative Record of Permit Application Instantier in #88-137, J & R Landfill, was granted by a vote of 7-0. (JD)

Agency motion for extension of time to respond to Petitioner's motion for reconsideration and stay in R86-41, Village of Winnetka, was granted until October 28, 1988 by a vote of 7-0.
(JTM)

A Proposal for Public Comment, Opinion and Order was adopted in R88-17, -16, UIC Update, USEPA Regulations (January 1, 1988 through July 31, 1988) and Correction, by a vote of 7-0. (JA)

An Order directing the Hearing Officer to schedule a prehearing conference as expeditiously as practicable to deal with the drafting of the rules and conformance with requirements of the Administrative Procedure Act and Illinois administrative law was adopted in R88-21, Water Toxics, by a vote of 7-0. (BF)

Case #84-83, Russell Perkinson, was ordered held to October 20, 1988 for further discussion or possible decision.

An agreed motion for stay of Board decision was denied in #85-19, Monsanto Company, by a vote of 7-0. J. Dumelle concurred. (BF)

These cases were discussed and held to October 20, 1988 for further discussion or possible decision: ##85-19, Monsanto Company; 87-180, Lawrence Brothers; 87-184, Jefferson Smurfit; 88-37, Village of Lake Villa.

These regulatory matters were discussed and held to October 20, 1988 for further discussion or possible decision: R85-11, Illinois-American Water Company; R85-27, Special Waste Categoriation Study.

In amended petition #88-102, Morton Thiokol, an Order was adopted

concerning a request to incorporate the record of a prior variance proceeding, by a vote of 7-0. (BF)

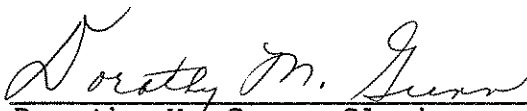
In new cases these actions were taken by a vote of 7-0: #88-157, Archer-Daniels Midland Company v. EPA, hearing authorized and Petitioner ordered to specify the errors contained in the permit and to identify those conditions which are in dispute, **Order by B. Forcade**; 88-158, Wilmer Brockman, Edith Brockman, William H. Clarke, and Pioneer Processing, Inc. v. Joan Benya Bernabei, Town of Ottawa, People of the State of Illinois, Ex Rel, Neil Hartigan; Illinois Environmental Protection Agency, LaSalle County, Marie Madden, Residents Against Polluted Environment, Rosemary Sinon, James R. Valesone, and Village of Naplate and United States Environmental Protection Agency, hearing authorized, USEPA dismissed and removed from caption as a respondent and parties ordered to file simultaneous briefs on certain issues not later than November 1 and reply briefs not later than November 15, **Order by B. Forcade**; 88-159, Meredosia Tank Cleaners v. EPA, provisional variance granted, **Order by J. Dumelle**; 88-160, Mobil Joliet Refinery v. EPA, provisional variance granted, **Order by J. Dumelle**; 88-161, MAECORP, Incorporated v. EPA, provisional variance granted, **Order by J. Dumelle**; 88-162, John Deere Foundry, East Moline v. EPA, provisional variance granted, **Order by J. Dumelle**.

This Administrative Citation was received by the Board: #88-87, Edward Deibel.

These Administrative Citations will be set for hearing: ##88-85, Steve Zimmerman; 88-86, Steve Zimmerman.

Minutes of the September 22, 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 20th day of October, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
OCTOBER 6, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

DECISIONS:

- 84-83 Russell Perkinson (MN) _____
- * 88-90 Borden Chemical (JTM)(due) _____
- R86-17 Deoxygenating Waste, Proposed Rule, First Notice,
(B) Proposed Opinion and Order (JM) _____
- R87-21 Peoria Sanitary District (RF) _____
- R87-38 Air Emissions, Proposed Rule, Second Notice, Opinion and
Order (JD) _____
- R88-8 Census of Permit Exempt Facilities, Set for Hearing
Order (JA) _____
- R88-13 Fluoride Standard Public Water Supplies, Dismissal Order
(JA) _____

AC DECISIONS:

- 87-25 County of Whiteside (RF) _____
- 88-82 City of Belvidere _____
- 88-84 City of Kewanee _____

AC MOTIONS:

- 88-67 City of Salem - Agency motion to amend August 4, 1988
Board Order (9/23) _____
- 88-23) J & R Landfill - consolidated motion to dismiss (9/27)
88-34) _____

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS:

- 85-137 Fred Jurcak - motion to supplement the record (9/23)(MN)

- 85-19 Monsanto Company - agreed motion for Stay (9/30)(BF)

- 85-213 Western Springs - motion to file Response Brief
Instanter (9/26)(BF) _____
- 86-57) Village of Sauget - Village of Sauget's motion to
86-58) reconsider (9/22), Agency motion for leave to file
response to motion to reconsider (10/3), motion for
reconsideration by the Monsanto Company (10/5)(JA)

- 86-197 Daubs - Petitioners motion to vacate June 2, 1988 Board
order and for other relief (7/7), Daubles Landfill
objection to motion to vacate (7/20), Petitioners Brief
in response to 8/4 Board Order (8/25), Daubs Memorandum
in response to 8/4 Board Order (9/14), motion for leave
to file Petitioner's Reply Brief Instanter
(10/3)(JTM) _____
- 87-62 Riverside Laboratories - Agency motion for leave to file
Brief Instanter (9/28), Petitioner's motion to extend
briefing schedule (9/29)(JM) _____
- 87-124 Modine Manufacturing - Board Order (RF) _____
- 87-125 Modine Manufacturing - Board Order (RF) _____
- 87-150 Natural Gas Pipeline - Agency motion to require
amendment to pleadings (9/12)(JD) _____
- 88-112 Jefferson Smurfit - motion for extension of time to file
briefs (9/29)(BF) _____
- 88-114 Anchor Glass Container - motion for withdrawal of
application for non-disclosure and return of all copies
of document that was the subject of the application
(9/29)(BF) _____
- 88-137 J & R Landfill - Agency motion for leave to file Record
(9/22) _____
- 886-41 Village of Winnetka - motion for reconsideration and
Stay (9/8), reponse of John Leslie (9/21), Agency motion
for extension of time (9/26)(JTM)

MOTIONS: (Cont'd)

- R87-37 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)(BF)
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- R88-16) RCRA Update - motion to conform 35 Ill. Adm. Code
 R88-17) 704.143(d) to be identical in substance with 40 C.F.R. 144.21(a)(9/21)(JA)
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- R88-21 Water Toxics - Pre-Hearing Conference Board Order (BF)
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DISCUSSIONS:

- 85-19 Monsanto Company (BF)_____
- * 87-180 Lawrence Brothers (JM)(due 10/20)_____
- * 87-184 Jefferson Smurfit (RF)(due 10/20)_____
- * 88-37 Village of Lake Villa (RF)(due 10/20)_____
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REGULATORY DISCUSSIONS:

- R85-11 Illinois-American Water Company (JTM)_____
- R85-27 Special Waste Categorization Study (JA)_____
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AMENDED PETITIONS:

- 88-102 Morton Thiokol (filed (9/28))_____
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NEW CASES:

- 88-157 Archer-Daniels-Midland Company v. EPA (BF)
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- 88-158 Wilmer Brockman, Edith Brockman, William H. Clarke, and Pioneer Processing, Inc. v. EPA_____
- 88-159 Meredosia Tank Cleaners v. EPA (Provisional Variance) (JD)_____
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NEW CASES: (Cont'd)

88-160 Mobil Joliet Refinery v. EPA (Provisional Variance) (JD)

88-161 MAECORP, Incorporated v. EPA (Provisional Variance) (JD)

88-162 John Deere Foundry, East Moline v. EPA (Provisional Variance) (JD)

NEW AC CASES:

88-87 Edward Deibel

AC APPEALS:

88-85 Steve Zimmerman

88-86 Steve Zimmerman

MINUTES:

September 22, 1988

PENDING CASES ASSIGNED:

* 83-55 Alton Packaging (RF)(open waiver)
 * 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
 85-137 Fred Jurcak (MN)
 * 85-140 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)
 * 86-57) 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)
 87-209 Commonwealth Edison Company (JA)
 88-16 Hinsdale Golf Club (BF)
 * 88-17 Marley-Ingrid (BF)(due 2/2)
 AC 88-24) Bi-State Disposal (MN)
 88-33)
 88-54 Edwin & Mary Susan Kozoyed (MN)
 * 88-84 The Nutrasweet Company (JM)(due 11/17)
 * 88-85 The Eureka Company (JA)(due 1/5)
 * 88-96 Village of Western Springs (JD)(due 11/17)
 * 88-107 City of Rockford (BF)(due 11/3)
 * 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)