

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
NOVEMBER 17, 1988 CHICAGO, ILLINOIS

All Board Members were present.

Mr. Dumelle announced the reappointment of J. Theodore Meyer and himself and the naming of Dr. John C. Marlin as Chairman. Board Member J. Anderson, on behalf of the Board, offered congratulations and well wishes to Messrs. Dumelle, Marlin and Meyer. Chairman Marlin accepted the comments from J. Anderson and called the meeting to order.

An Opinion and Order was adopted in #88-107, City of Rockford, by a vote of 5-2. J. Anderson and J. Theodore Meyer dissented.
(BF)

An Opinion and Order was adopted in #88-138, Jerry Goss, by a vote of 6-1. J. Theodore Meyer dissented and R. Flemal concurred. (JD)

A Final Order, Adopted Rule, Opinion and Order was adopted in R88-16, RCRA Update (January 1, 1988 through July 31, 1988), by a vote of 7-0. (JA)

An Order was adopted in #AC 88-87, Edward Deibel, by a vote of 7-0.

By a vote of 7-0, the Respondent was directed to clarify, on or before December 1, 1988, its motion for dismissal filed in #AC 88-19, City of Alton Landfill. (JA)

A consolidated motion to reconsider was granted and upon reconsideration the Board reaffirmed its October 20, 1988 Order dismissing the proceedings with prejudice in ##AC 88-23, -34, J & R Landfill, by a vote of 7-0. (JA)

Motion for modification was granted in #86-2, City of LaSalle, by a vote of 7-0. J. Dumelle concurred. (JTM)

Joint motion for extension of time to file an amended Stipulation was granted until February 17, 1989 in #84-92, Richard Krohn, by a vote of 7-0. (JD)

Motion for voluntary dismissal was granted in #87-84, Jefferson Smurfit, by a vote of 7-0. (BF)

Petitioner's motion for leave to file its post-hearing brief instanter was denied and Agency motion for sanctions was granted and the proceedings were dismissed with prejudice in #87-124, Modine Manufacturing, by a vote of 6-1. R. Flemal dissented.
(JTM)

Petitioner's motion to dismiss was granted and the Agency motion for sanctions was denied as moot in #87-125, Modine Manufacturing, by a vote of 7-0. (RF)

Petitioner's motion to dismiss was granted in #88-33, City of Elmhurst, by a vote of 7-0. (RF)

Petitioner's motion to dismiss was granted in #88-59, Sonoco Products, by a vote of 7-0. (BF)

Agency motion to dismiss was granted in #88-76, Allsteel, by a vote of 7-0. (JM)

Agency motion to dismiss was granted in #88-77, Stepan Company, by a vote of 7-0. (JM)

Petitioner's motion to file response instanter was granted in #88-84, The Nutrasweet Company, by a vote 7-0. (JM)

An Order was adopted pursuant to a motion to stay in #88-148, City of St. Charles, by a vote of 7-0. (JM)

Since a hearing had been authorized at a previous Board meeting no action was taken on the objections filed in #88-164, Village of Winnetka.

Since an objection was filed a hearing will be scheduled after the amended petition is received in #88-172, Allied-Signal.

Since a hearing had been authorized at a previous Board meeting no action was taken on an objection filed in #88-179, Marathon Petroleum.

An Order was entered in new case #88-183, The City of Kankakee, requesting briefs on or before December 8, 1988. The vote was 7-0. (JTM)

Agency motion for sanctions was denied and the Hearing Officer was directed to deny any request for continuances in #87-183, Container Corporation, by a vote of 6-1. J. Theodore Meyer dissented. (JA)

These cases were discussed and held to November 29, 1988 for further discussion or possible decision: #85-213, Village of Western Springs CSO; 86-57, -62, Village of Sauget; 86-58, -63, Village of Sauget; 87-208, Federal Paper Board; 88-113, City of Springfield.

This regulatory matter was discussed and held to November 29, 1988 for further discussion or possible decision: R87-6, Phosphorus Effluent Standard.

In amended petitions these actions were taken by a vote of 7-0: #86-47, Fedders-USA, 120-day decision time clock restarted with

its filing; 88-147, Village of Sugar Grove, Agency motion to dismiss denied as moot and the amended petition was ordered held for an Agency recommendation, **Order by J. Anderson**; 88-151, Citizens Utilities, held to November 29, 1988.

In new cases these actions were taken by a vote of 7-0:
##88-180, City of Ottawa v. EPA, ordered held for an Agency recommendation; 88-181, City of Spring Valley v. EPA, ordered held for an Agency recommendation; 88-182, Cabot Corporation v. EPA, accepted for hearing and the Agency directed to file with the Board any notice list it may have developed during the process of issuing the permit, **Order by B. Forcade**; 88-184, Pfauter-Maag Cutting Tools v. EPA, Provisional Variance granted, **Order by J. Dumelle**; 88-185, Alumax Extrusions, Inc. v. EPA, Provisional Variance granted, **Order by J. Dumelle**; 88-186, Chicago Reliable Plating Corporation v. EPA, Provisional Variance granted, **Order by J. Dumelle**.

These Administrative Citations were received by the Board:
##88-91, Jack I. Grimm; 88-92, Charles Westhoff; 88-93, City of Herrin.


Minutes of the November 3, 1988 Board Meeting were approved by a vote of 7-0.

The Board then decided to reschedule the regular meeting set for December 1 to November 29, 1988.

In other new cases these actions were taken by a vote of 7-0:
##88-187, Commonwealth Edison Company (Kincaid Power Station) v. EPA, Provisional Variance granted, **Order by J. Theodore Meyer**; 88-188, Shell Oil Company v. EPA, additional information requested, **Order by J. Anderson**.

All other matters not disposed of as listed were ordered held to November 29, 1988 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 29th 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 17, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A. M.

DECISIONS:

- * 88-107 City of Rockford (BF)(due) _____
88-138 Jerry Goss (JD) _____
R88-16 RCRA Update (1/1/88 thru 7/31/88), Final Order, Adopted
Rule (JA) _____

AC DECISIONS:

- 88-87 Edward Deibel _____

AC MOTIONS:

- 88-19 City of Alton - motion to dismiss (11/16) _____
88-23) J & R Landfill - consolidated motion to reconsider
88-34) October 20, 1988 Board Order (10/27), response (11/2)
(JA) _____

MOTIONS:

- 86-2 City of LaSalle - Petitioner's petition for modification
of municipal compliance schedule (4/15), Agency response
(5/6), Petitioner's response to Board Order (6/6),
Petitioner's Status Report (8/29)(JTM) _____

* INDICATES VARIANCE OR PERMIT APPEAL

MOTIONS: (Cont'd)

- 84-92 Richard Krohn - joint motion for extension of time to file an amended Stipulation (11/14)(JD)_____
- 86-174 IBP - motion for extension of completion schedule and variance (11/10)_____
- 87-84 Jefferson Smurfit - motion for voluntary dismissal (11/15)(BF)_____
- 87-124 Modine Manufacturing - Agency motion for sanctions (11/1), Petitioner's motion to file Post-Hearing Brief Instanter (11/2), Petitioner's response to Agency's motion for sanction (11/16), Agency motion for leave to file reply to Petitioner's response to motion for sanctions (11/16)(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), response (11/14)_____
- 88-33 City of Elmhurst - motion to dismiss (11/7)(RF)_____
- 88-59 Sonoco Products - motion to dismiss (11/7)(BF)_____
- 88-76 Allsteel - Agency motion to dismiss (10/26), response to motion to dismiss (10/31)_____
- 88-77 Stepan Company - Agency motion to dismiss (11/3), Petitioner's response to motion to dismiss (11/7)_____
- 88-84 Nutrasweet - motion to file Response to Recommendation Instanter (11/3)(JM)_____
- 88-136 Trojan Corporation - motion to consolidate with PCB 88-68 (11/7)_____
- 88-148 City of St. Charles - motion to Stay Special Condition #10 (10/31)_____
- 88-163 Vincent A. Koers - motion to dismiss (10/28), Agency Brief in response to October 20, 1988 Board Order (11/2)_____
- 88-164 Village of Winnetka - Objection (11/4), Objection (11/9)_____
- 88-172 Allied-Signal - Objection (11/14)_____

MOTIONS: (Cont'd)

88-173 Village of Lake Zurich - motion to dismiss (11/9),
motion to dismiss (11/15) _____

88-179 Marathon Petroleum - Objection (11/7) _____

DISCUSSIONS:

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) _____

* 87-208 Federal Paper Board (JM)(due 12/1) _____

* 88-113 City of Springfield (RF)(due 1/5) _____

REGULATORY DISCUSSIONS:

R87-6 Phosphorus Effluent Standard (JA) _____

AMENDED PETITIONS:

86-47 Fedders-USA (filed 11/9) _____

88-147 Village of Sugar Grove (filed 11/15)(See also Agency
motion to dismiss (11/7) and Petitioner's response to
motion to dismiss (11/15))(JA) _____

88-151 Citizens Utilities (filed 11/10) _____

NEW CASES:

88-180 City of Ottawa v. EPA _____

88-181 City of Spring Valley v. EPA (See also motion to correct
typographical error (11/15)) _____

88-182 Cabot Corporation v. EPA (BF) _____

88-183 Northern Illinois Angler's Association v. The City of
Kakakee _____

NEW CASES: (Cont'd)

- 88-184 Pfauter-Maag Cutting Tools v. EPA (Provisional Variance)_____
- 88-185 Almax Extrusions, Inc. v. EPA (Provisional Variance)_____
- 88-186 Chicago Reliable Plating Corporation v. EPA (Provisional Variance)_____

NEW AC CASES:

- 88-91 Jack I. Grimm_____
- 88-92 Charles Westhoff_____
- 88-93 City of Herrin_____

MINUTES:

November 3, 1988_____

CHANGE IN MEETING DATE:

From December 1 to November 29, 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)
86-2 City of LaSalle CSO (JTM)
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)
* 88-84 Nutrasweet Company (JM)(due 12/15)
* 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)
* 88-126 County of Macon (JA)(12/15)
* 88-131 Ligma Corporation (JD)(open waiver)
* 88-134 Village of Plainfield (MN)(due 12/15)
* 88-139 John Sexton Contractors (JA)(due 12/15)
* 88-156 Trojan Corporation (MN)(due 2/2)
* 88-168 Ensign-Bickford Company (MN)(due 2/2)

AMENDED

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ADDENDUM

MOTIONS:

- 86-161 Elizabeth Street Foundry - motion for extension of
time to file report (11/16)(JD)_____
- 88-148 City of St. Charles - Agency statement regarding
Petitioner's motion to Stay Special Condition #10
(11/16)_____
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AMENDED PETITIONS:

- 88-151 Citizens Utilities - Agency response to amended
petition (11/16)_____
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NEW CASES:

- 88-187 Commonwealth Edison Company Kincaid Power Station
v. EPA (Provisional Variance)_____
- 88-188 Shell Oil Company v. EPA_____

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MOTIONS:

88-148 City of St. Charles - Agency statement regarding
Petitioner's motion to Stay Special Condition #10
(11/16)

NEW CASES:

88-187 Commonwealth Edison Company Kincaid Power Station
v. EPA (Provisional Variance)

88-188 Shell Oil Company v. EPA