

AMENDED

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
DECEMBER 15, 1988 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in ##86-57, -62, Village of Sauget & Monsanto Company, by a vote of 6-1. B. Forcade dissented. (RF)

An Opinion and Order was adopted in ##86-58, -63, Village of Sauget and Monsanto Company, by a vote of 6-1. B. Forcade dissented. (RF)

An Opinion and Order was adopted in #AC 88-24 (Docket A), Bi-State Disposal, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #AC 88-33 (Docket A), Bi-State Disposal, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #88-54, Edwin and Mary Susan Kozoyed, by a vote of 7-0. (MN)

An Order was adopted pursuant to an agreed motion to consolidate in ##AC 88-75, -80, -81, -85 and -86, Steve Zimmerman and Waste Limited, by a vote of 7-0. (MN)

An Opinion and Order was adopted in ##AC 88-75, -80, -81, -85, -86 (Docket A), Steve Zimmerman and Waste Limited, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #88-84, The NutraSweet Company, by a vote of 7-0. J. Dumelle concurred. (JM)

An Opinion and Order was adopted in #88-124, Rheem Manufacturing, by a vote of 7-0. (MN)

An Opinion and Order was adopted in #88-134, Village of Plainfield, by a vote of 5-2. Messrs. J. Dumelle and B. Forcade dissented. (MN)

An Order was adopted in #88-164, Village of Winnetka, by a vote of 7-0. (JTM)

An Order dismissing the proceedings in R79-14, Air Definitions, was adopted by a vote of 7-0. (JD)

In R84-12, Trihalomethane PWS, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (JD)

In R87-6, Phosphorus Effluent Standard, a Proposed Rule, Second

Notice, Proposed Opinion and Order was adopted by a vote of 5-2. Messrs. B. Forcade and J. Theodore Meyer dissented. (JA)

A Resolution and Order in response to a JCAR objection in R87-38 was adopted in RES 88-4, Proposed Amendments to 35 Ill. Adm. Code 201, Subparts J & L (Self-Monitoring) by a vote of 7-0. (JD)

In R87-38, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JD)

In R88-17, UIC Update (January 1, 1988 through June 30, 1988), an Adopted Rule, Final Opinion and Order was adopted by a vote of 7-0. (JA)

In R88-18, Pretreatment Update (January 1, 1988 through June 30, 1988), an Adopted Rule, Final Opinion and Order was adopted by a vote of 7-0. (JM)

J. Marlin moved a draft Resolution in RES 88-3, Collection of Filing Fees Pursuant to Section 7.2 of the Act. Motion to amend by R. Flema1 failed to carry by a vote of 3-4 with R. Flema1, B. Forcade and M. Nardulli for it and J. Dumelle, J. Anderson, J. Theodore Meyer and J. Marlin against. The Resolution was then adopted by a vote of 7-0. (JM)

Orders were adopted in these Administrative Citations by a vote of 7-0: ##88-91, Jack Grimm; 88-92, Charles Westhoff.

An Order terminating further proceedings and directing the Clerk to close the record in ##84-45, -61, -68, Waste Management, was adopted by a vote of 7-0. (JA)

Complainant's motion for substitution of appearance in #84-92, Richard Krohn, was granted by a vote of 7-0. (JD)

An Interim Order was adopted in #86-104, Sours Grain company, by a vote of 7-0. (RF)

Intervenor's motion to strike and motion to file Reply Brief Instanter was granted in #86-181, Village of Riverside, by a vote of 7-0. (BF)

Respondent's motion for stay of civil penalty was denied in #86-193, City of Freeport, by a vote of 6-1. J. Dumelle dissented. (JM)

In #88-102, Morton Thiokol, motion to grant Petitioner's emergency motion to cancel hearing failed to carry by a vote of 3-4 with J. Anderson, J. Marlin and R. Flema1 for it and J. Dumelle, B. Forcade, J. Theodore Meyer and M. Nardulli against. An Order was then adopted denying Petitioner's emergency motion to cancel hearing and granting an Agency motion to file Recommendation Instanter by a vote of 6-1. R. Flema1

dissented. (JA)

Petitioner's motion for leave to file its Brief Instanter was granted in #88-139, John Sexton Contractors, by a vote of 7-0. (JA)

Petitioner's motion for confirmation was denied and the amended petition was accepted in #88-164, Village of Winnetka, by a vote of 7-0. J. Dumelle concurred. (JTM)

Petitioner's motion to consolidate in #88-197, Safety-Kleen, was denied by a vote of 7-0. (BF)

Petitioner's motion to withdraw petition was granted in R86-21, Fedders-USA, by a vote of 7-0. (RF)

Petitioner's motion to withdraw petition was granted in R88-3, Jefferson Smurfit, by a vote of 7-0. (MN)

Petitioner's motion to withdraw petition was granted in R88-4, Container Corporation, by a vote of 7-0. (MN)

These cases were discussed and held to January 5, 1989 for further discussion or possible decision: #85-137, Fred Jurcak; 87-62, Riverside Laboratories; 88-85, The Eureka Company; 88-181, City of Spring Valley.

These regulatory matters were discussed and held to January 5, 1989 for further discussion or possible decision: R88-1, Omnibus Rulemaking; R88-21, Water Toxics; R88-22, Ammonia Water Standards.

In new cases these actions were taken by a vote of 7-0: #88-163, Vincent A. Koers et al. v. EPA and Allied-Signal, held to January 5, 1989 for further consideration; 88-183, Northern Illinois Anglers' Association v. The City of Kankakee, held to January 5, 1989 for further consideration; 88-193, General Motors Corporation v. EPA, accepted for hearing, **Order by B. Forcade**; 88-194(A), Monsanto Company v. EPA, Board determined that the claimed items of information were subject to protection as confidential information and ordered the Clerk of the Board to protect these articles pursuant to Subpart C of 35 Ill. Adm. Code 120, and to mark these items with the word "Determined" pursuant to 35 Ill. Adm. Code 120.130, **Order by B. Forcade**; 88-194(B), Monsanto Company v. EPA, accepted for hearing, **Order by B. Forcade**; 88-195, McLean County Disposal Service, Inc. v. EPA, accepted for hearing, **Order by B. Forcade**; 88-196, Koppers Company, Inc. Chicago Tar Plant v. EPA, additional information requested, **Order by B. Forcade**; 88-197, Safety-Kleen Corporation (Supplemental Generic Permit) v. EPA, accepted for hearing, **Order by B. Forcade**; 88-198, Safety-Kleen Corporation (Supplemental Permit) v. EPA, accepted for hearing, **Order by B. Forcade**; 88-199, People of the State of Illinois v. Seegers Grain, Inc., hearing mandatory; 88-200, EPA v. AWMCO, Inc., hearing mandatory;

88-201, EPA v. City of Marion and Marion Pepsi-Cola, hearing mandatory.

This Administrative Citation will be set for hearing: #88-101, Larry Waldrop.

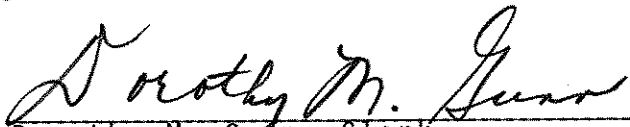
These Administrative Citations were received by the Board: #88-111, Centralia Environmental Services, Inc.; 88-112, ESG Watts, Inc.; 88-113, Multi-County Landfill; 88-114, Willis Little; 88-115, John Barr.

Minutes of the November 29 and December 2, 1988 Board Meetings were approved by a vote of 7-0.

An Opinion and Order was adopted in #88-126, County of Macon, by a vote of 4-3. Messrs. J. Dumelle, B. Forcade and M. Nardulli dissented. (JA)

Joint motion to stay was granted until September 29, 1989 in #88-179, Marathon Petroleum, by a vote of 7-0. (JD)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 5th day of January, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
DECEMBER 15, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

DECISIONS:

- * 85-140 Citizens Utilities (MN)(open waiver) _____
- * 86-57) Village of Sauget (RF)(due) _____
86-62)
- * 86-58) Village of Sauget (RF)(due) _____
86-63)
- AC 88-24) Bi-State Disposal (MN) _____
88-33)
- 88-54 Edwin & Mary Susan Kozoyed (MN) _____
- AC 88-75 Steve Zimmerman & Waste Limited (MN) _____
- AC 88-80 Steve Zimmerman & Waste Limited (MN) _____
- AC 88-81 Steve Zimmerman & Waste Limited (MN) _____
- AC 88-85 Steve Zimmerman & Waste Limited (MN) _____
- AC 88-86 Steve Zimmerman & Waste Limited (MN) _____
- * 88-84 The Nutrasweet Company (JM)(due 3/23) _____
- 88-124 Rheem Manufacturing (MN) _____
- * 88-126 County of Macon (JA)(due) _____
- * 88-134 Village of Plainfield (MN)(due) _____

* INDICATES VARIANCE OR PERMIT APPEAL

DECISIONS: (Cont'd)

- * 88-164 Village of Winnetka, Order (due 2/2)(JTM)

- R79-14 Air Definitions, Dismissal Order (JD)

- R84-12 Trihalomethane PWS, Proposed Rule, First Notice, Opinion
and Order (JD) _____
- R87-6 Phosphorus Effluent Standard (JA) _____
- RES 87-38 Resolution and Order of the Board (JD) _____
- R87-38 Air Emissions, Resolution and Order (JD) _____
- R88-17 UIC Update (January 1, 1988 through June 30, 1988),
Final Opinion and Order (JA) _____
- R88-18 Pretreatment Update (January 1, 1988 through June 30,
1988), Final Opinion and Order (JM) _____

AC DECISIONS:

- 88-91 Jack Grimm _____
- 88-92 Charles Westhoff _____

AC MOTIONS:

- 88-19 City of Alton - Complainant's motion to dismiss (12/1)

- 88-88 Steve Zimmerman - Respondent's and Complainant's motion
to consolidate for purposes of settlement (12/2),
Respondent's and Complainant's motion and stipulation
for dismissal (12/2)(MN) _____

MOTIONS:

- 84-45) Waste Management - Petitioner and Respondent's joint
84-61) response to November 29, 1988 Board Order and request
84-68 to terminate further proceedings in this matter (12/12)
(JA) _____
- 84-92 Richard Krohn - Complainant's motion for substitution of
appearance (11/29)(JD) _____

MOTIONS: (Cont'd)

- 86-104 Sours Grain - Interim Order (RF)
- 86-174 IBP - Objection (12/9), Objection (12/12), 2 Objections (12/13)(JM)
- 86-181 Village of Riverside - Intervenors' Edwin & Sue Kozoyed's motion to strike (12/6), Village of Riverside response to Intervenors' motion to strike (12/8), Intervenor's motion to file Reply Brief Instanter (12/13)(BF)
- 86-193 City of Freeport - Respondent's motion for stay of civil penalty or fine provision of September 8, 1988 Supplemental Opinion and Order (12/9)(JM)
- 88-102 Morton Thiokol - Petitioner's emergency motion to cancel hearing (11/28), Agency motion to file Recommendation Instanter (11/29), Agency reply to Petitioner's emergency motion to cancel hearing (12/7), motion to cancel hearing by Patricia Malo (see letter from Wayne Wiemerslage dated 12/12)(JA)
- 88-133 Illinois Cereal Mills - Complainant's motion to dismiss without prejudice (12/12)
- 88-139 John Sexton Contractors - Petitioner's motion for leave to file Brief Instanter (12/9)(JA)
- 88-164 Village of Winnetka - Petitioner's motion for confirmation or alternatively amended petition (11/22), Agency response (11/28)(JTM)
- 88-173 Village of Lake Zurich - motion to dismiss by Respondent Village of Lake Zurich (11/9), Motion to dismiss by Respondent Lexington Development Corporation (11/15), motion to dismiss by Respondent ESR/Enden Corporation (11/18), Complainant's response to Respondent Village of Lake Zurich motion to dismiss (11/23)(JTM)
- 88-179 Marathon Petroleum - joint motion to stay (12/1)
- 88-197 Safetu-Kleen - Petitioner's motion to consolidate with PCB 88-198 (12/7)
- R86-21 Fedders-USA - Petitioner's motion to withdraw petition (12/5)(RF)
- R88-3 Jefferson Smurfit - Petitioner's motion to withdraw petition (12/5)(MN)

MOTIONS: (Cont'd)

R88-4 Container Corporation - Petitioner's motion to withdraw petition (12/5)(MN)

DISCUSSIONS:

85-137 Fred Jurcak (MN)

* 87-62 Riverside Laboratories (JD)(due 1/5)

* 88-85 The Eureka Company (JA)(due 1/5)

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

REGULATORY DISCUSSIONS:

R88-1 Omnibus Rulemaking, Proposed Rule, Second Notice (RF)

R88-21 Water Toxics (RF)

R88-22 Ammonia Water Standards, Proposed Rule, Second Notice (RF)

NEW CASES:

88-163 Vincent A. Koers et al. 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))

88-183 Northern Illinois Anglers' Association v. The City of Kankakee (See Complainant's Memorandum of Law dated 12/8 and Respondent's Brief in response to November 17, 1988 Board Order)

88-193 General Motors Corporation v. EPA

88-194 Monsanto Company v. EPA (Trade Secret Determination)(BF)
(A)

88-194 Monsanto Company v. EPA (Variance Petition)(BF)
(B)

NEW CASES: (Cont'd)

- 88-195 McLean County Disposal Service, Inc. v. EPA (BF) _____
- 88-196 Koppers Company, Inc., Chicago Tar Plant v. EPA _____
- 88-197 Safety-Kleen Corporation (Supplemental Generic Permit) v. EPA _____
- 88-198 Safety-Kleen Corporation (Supplemental Permit 1983-113-SP) v. EPA _____
- 88-199 People of the State of Illinois v. Seegers Grain, Inc. _____
- 88-200 EPA v. AWMCO, Inc. _____
- 88-201 EPA v. City of Marion and Marion Pepsi-Cola _____

AC APPEALS:

- 88-101 Larry Waldrop _____

NEW AC CASES:

- 88-111 Centralia Environmental Services, Inc. _____
- 88-112 ESG Watts, Inc. _____
- 88-113 Multi-County Landfill _____
- 88-114 Willis Little _____
- 88-115 John Barr _____

MINUTES:

November 29, 1988 _____

December 2, 1988 (Special Board Meeting) _____

PENDING CASES ASSIGNED:

* 83-55 Alton Packaging (RF)(open waiver)
 84-92 Richard Krohn (JD)
 * 85-95 Citizens Utilities (Remand)(JTM)(open waiver)
 * 85-166 Citizens Utilities (JTM)(open waiver)
 * 85-203 City of Farmington (JD)(open waiver)
 86-27 Modine Manufacturing (Remand)(RF)
 86-104 Sours Grain (RF)
 86-161 Elizabeth Street Foundry (JD)
 86-181 Village of Riverside (BF)
 87-89 Cargill (Remand)(JM)
 * 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)
 * 88-14 Minnesota Mining & Manufacturing (BF)(due 2/23)
 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 88-51 Piolet Brothers (RF)
 * 88-58 Quantum Chemical (BF)(due 1/19)
 * 88-102 Morton Thiokol (JA)(due 2/23)
 * 88-110 County of Wabash (JM)(open waiver)
 * 88-117 The BFGoodrich Company (JTM)(due 3/9)
 * 88-130 The New Jersey Zinc Company (JD)(due 1/19)
 * 88-131 Ligma Corporation (JD)(open waiver)
 * 88-139 John Sexton Contractors (JA)(due 1/19)
 * 88-151 Citizens Utilities (RF)(due 3/9)
 * 88-156 Trojan Corporation (MN)(due 2/2)
 * 88-164 Village of Winnetka (JTM)(due 2/2)
 * 88-168 Ensign-Bickford Company (MN)(due 2/2)
 88-173 Village of Lake Zurich (JTM)
 * 88-180 City of Ottawa (MN)(due 2/23)
 * 88-190 Waste Management (RF)(due 4/6)
 * 88-194 Monsanto Company (BF)(due 3/23)

ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
DECEMBER 15, 1988 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ADDENDUM

DECISIONS:

RES 88-3 In the Matter of: Collection of Filing Fees
Pursuant to Section 7.2 of the Act, Resolution of
the Board
