

ILLINOIS POLLUTION CONTROL BOARD  
October 5, 1995

IN THE MATTER OF: )  
 )  
PETITION OF HEPWORTH U.S. ) AS 94-19  
HOLDINGS, INC., MANLEY ) (Adjusted Standard - Land)  
BROTHERS OF INDIANA, INC., )  
AND THE SILICA SAND TRUST )  
FOR AN ADJUSTED STANDARD )  
FROM 35 ILL. ADM. CODE )  
620.410 )

ORDER OF THE BOARD (by M. McFawn):

This matter is before the Board on a petition for adjusted standard filed by Hepworth U.S. Holdings, Inc. (Hepworth) on December 27, 1994. Hepworth is seeking an adjusted standard from the Class I groundwater quality standards for lead, nickel, and arsenic set forth at 35 Ill. Adm. Code 620.410, for a 50-acre portion of a 550-acre sand mining facility located southeast of Troy Grove in both Township 34N, Range 1E, Section 2 and Township 35N, Range 1E, Section 35 of LaSalle County, Illinois. Hepworth is the former operator at the site, which is currently operated by Manley Brothers of Indiana, Inc. (Manley Brothers). Manley took over operations at the site from Hepworth in August, 1991. The site is owned by the Silica Sand Trust. While Hepworth is neither the owner nor operator of the site, it retained responsibility for any further investigation and cleanup costs for property conditions that existed prior to the sale.

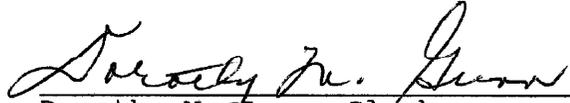
At hearing, Mr. Ray Salt, President of Manley Brothers of Indiana, Inc., testified in support of the requested adjusted standard. Mr. Joseph Lanuti, Trustee of the Silica Sand Trust, submitted a public comment supporting the requested adjusted standard.

The Board finds that both Manley Brothers, the current operator at the site, and the Silica Sand Trust, the owner of the site, are necessary parties to this action. Therefore, pursuant to Section 103.121(c) of our procedural rules (35 Ill. Adm. Code 101.121(c)), the Board will on its own motion add these parties as co-petitioners in this adjudicatory proceeding. Accordingly, the Board hereby directs the Clerk of the Board to amend the caption to reflect the addition of these parties as co-petitioners, and to serve each of these new parties with a copy of this order and a copy of the docket sheet in this proceeding. The Clerk's Office shall provide these new parties with a copies of any pleadings which they may request, free of charge.

Should co-petitioners desire, they may submit any additional filings necessitated by this order within fourteen days of the date of this order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5<sup>th</sup> day of October, 1995, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board