

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING DECEMBER 20, 1995 Chicago, Illinois

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Thereafter, the Clerk was asked for a roll call and all Board Members answered present.

By a vote of 6-0, the Minutes of the December 7, 1995 Board Meeting were approved and amended to show Board Member J. Theodore Meyer dissenting on a December 7, 1995 Order adopted in #91-202, Sherex Chemical Company, Inc. v. IEPA. Chairman Manning abstained.

In R94-29, Indian Refining Limited Partnership Site-Specific Rule, a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (McF)

In R95-11, Special Waste Hauling Vehicle Numbers, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (CAM)

In R95-22, Wastewater Pretreatment Update, USEPA Regulations (January 1, 1995 through June 30, 1995), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (ED)

Dockets were reserved in these regulatory matters: R96-6, Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1995 through December 31, 1995); R96-7, SDWA Update, USEPA Regulations (July 1, 1995 through December 31, 1995) Phase V Rules; R96-8, UIC Update, USEPA Regulations (July 1, 1995 through December 31, 1995); R96-9, RCRA Subtitle D Update, USEPA Regulations (July 1, 1995 through December 31, 1995); R96-10, RCRA Subtitle C Update, USEPA Regulations (July 1, 1995 through December 31, 1995); R96-11, UST Update, USEPA Regulations (July 1, 1995 through December 31, 1995); R96-12, Wastewater Pretreatment Update, USEPA Regulations (July 1, 1995 through December 31, 1995).

In R96-13, 15% ROP Plan: Clean-Up Part II: Amendments to 35 Ill. Adm. Code Parts 218 and 219, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (JTM)

Petitioner's motion for an extension of time to file supplemental material in #AS 95-1, Petition of Tommy House Tire Company Inc. for an Adjusted Standard from 35 Ill. Adm. Code 848.202, will be taken with the case-in-chief.

An Order denying the petitioner's motion to reconsider, accepting

the amended petition as a new petition for an adjusted standard, waiving the filing fee, docketing the amended petition as a new adjusted standard request in #AS 96-5, and advising the petitioner that the Board will hold the petition until the Agency files a recommendation, which is due no later than January 10, 1996, was adopted in #AS 95-8, Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard from 35 Ill. Adm. Code 304.124, by a vote of 7-0. (GTG)

An Order granting the petitioner's motion to withdraw its petition for an adjusted standard, was adopted in #AS 96-4, Petition of Laidlaw Waste Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811.319(d)(3)(A) and 811.317(b), by a vote of 7-0. (CAM)

An Opinion and Order was adopted in #86-2, City of LaSalle CSO Exception, by a vote of 7-0. (GTG)

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$5,000.00, was adopted in #94-174, People of the State of Illinois v. Feeney Oil Company, Inc., by a vote of 7-0. J. Theodore Meyer concurred. (CAM)

An Opinion and Order was adopted in #96-46, The Galesburg Sanitary District v. IEPA, by a vote of 7-0. (JY)

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$12,000.00, was adopted in #96-103, People of the State of Illinois v. Central Decal Company, by a vote of 7-0. J. Theodore Meyer concurred.

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$29,000.00, was adopted in #96-106, People of the State of Illinois v. Beloit Corporation, by a vote of 7-0. J. Theodore Meyer concurred.

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##96-20, IEPA v. James O. Weir; 96-21, IEPA v. Envirofil of Illinois, Inc.; 96-22, IEPA v. James Ethridge.

These Administrative Citations were accepted by the Board: ##96-29, County of Will v. James Mallette; 96-30, IEPA v. Richard Vaughn, d/b/a Richard's Tire Hauling.

Because a petition for review was filed by the respondent, this administrative citation will be set for hearing: #96-31, IEPA v. Fred Honaker.

An Order finding that the Board is not the appropriate authority to rule on respondent Laidlaw Waste Systems' motion to withdraw the siting application and remanding the proceeding to Perry County to allow Laidlaw Waste System to withdraw the siting

application from Perry County, noting that if Laidlaw withdraws the siting application the remaining issues in the matter need not be addressed because they will be mooted by the withdrawal, and directing the parties to notify the Board, no later than March 15, 1996, of the status of the siting application, was adopted in #92-131, C.O.A.L. (Citizens Opposed to Additional Landfills) v. Laidlaw Waste Systems, Inc. and Perry County Board of Commissioners, by a vote of 7-0. (GTG)

An Order granting, with prejudice, the complainants' joint motion to withdraw all claims against respondent Septran, Inc., was adopted in #94-256, DoAll Company, DoAll Credit Corporation, and The Rams-Head Company v. Skokie Valley Asphalt Company, Inc., and Septran, Inc., by a vote of 7-0. (McF)

An Interim Opinion and Order granting summary judgment in favor of the complainant and against the respondent, directing the complainant to file a statement of hearing costs and attorney fees, supported by affidavit, with the Board and with service upon the respondent, on or before January 4, 1996, and giving leave to the respondent to file a response to the above directives, on or before January 18, 1996, was adopted in #95-47, People of the State of Illinois v. W.O.W. Truck Lines, Inc., by a vote of 7-0. (McF)

An Order granting the complainant's motion for leave to file an amended complaint by adding as a respondent Electronic Interconnect Corporation, was adopted in #95-143, Gordon Krautsack v. Bhogilal Patel, Subhash Patel, Electronic Interconnect, Inc., and Electronic Interconnect Corporation, by a vote of 7-0. (RCF)

An Order granting the complainant's motion to reconsider, and upon reconsideration, finding that the complainant had presented sufficient cause for the Board to modify its order of September 7, 1995, was adopted in #95-163, People of the State of Illinois v. Clark Refining & Marketing, Inc., by a vote of 6-1. M. McFawn dissented and J. Yi concurred. (ED)

An Order granting the parties' agreed motion for an extension of time until January 30, 1996 to set a hearing date, and directing the assigned hearing officer to order a status report for January 15, 1996 in which the parties shall indicate an anticipated date of resolution of the matter, was adopted in #95-175, People of the State of Illinois v. Polymer Color, Inc., by a vote of 7-0. (JTM)

An Order granting the petitioners' motion for an extension of time and stay of the proceedings until February 7, 1996, with briefs due on February 8, 1996, was adopted in #95-182, Carl and Edna Ball, d/b/a C & E Recycling and Resource Recovery v. IEPA, by a vote of 7-0. (GTG)

An Order denying respondent Metro-East, LLC's motion to dismiss, was adopted in #96-91, SPILL, Madison County Conservation Alliance, Sierra Club, Nameoki Township Clerk Helen Hawkins, Kathy Andria, Shirley Crain, Glenda Fulkerson, John Gall, Thelma Orr, Ron Shaw and Pearl Stogsdill v. City of Madison and Metro-East, LLC, by a vote of 7-0. (McF)

An Order denying the Agency's motion to dismiss but granting the Agency's motion for leave to file its reply to the petitioner's response to its motion to dismiss, was adopted in #96-95, AlliedSignal, Inc. v. IEPA, by a vote of 7-0. (McF)

An Order granting the petitioner's motion for voluntary dismissal of petitioner's motion for stay of modification of operating permit and appeal of modification of Land Division operating permit and closing the docket, was adopted in #96-101, Horsehead Resource Development Company, Inc. v. IEPA, by a vote of 7-0. (RCF)

ADDENDUM

An Order granting the petitioner's voluntary motion to dismiss, was adopted in #94-136, Elmhurst-Chicago Stone Company v. IEPA, by a vote of 7-0. (JY)

A motion to quash Subpoena Duces Tecum filed in #95-122, Olive Streit and Lisa Streit v. Oberweis Dairy, Inc., Richard J. Fetzer and Johnnie W. Ward, d/b/a Serve-N-Save, and Richard J. Fetzer, individually, Amoco Oil Company and Mobil Oil Corporation, was referred to the hearing officer for disposition.

An Order granting the petitioner's motion to dismiss, was adopted in #96-29, Larry Slates, Lonnie Seymour, James Klaber, Faye Mott and Hoopeston Community Memorial Hospital v. Illinois Landfills, Inc. and Hoopeston City Council on behalf of the City of Hoopeston, by a vote of 7-0. (GTG)

AGENDA

An Order accepting the joint status report in response to an October 5, 1995 Board order, and directing the parties to file an additional status report, either jointly or separately, no later than March 19, 1996, which shall indicate an anticipated date of resolution of the matter, was adopted in #91-206, Clayton Chemical Company v. IEPA, by a vote of 7-0. (JTM)

An Order dismissing the docket as unnecessary, was adopted in #96-42, Aviation Services Group v. IEPA, by a vote of 7-0. (CAM)

An Order dismissing the docket as unnecessary, was adopted in #96-52, Kean Brothers, Inc. (Merrionette Park Facility) v. IEPA,

by a vote of 7-0. (CAM)

An Order dismissing the docket as unnecessary, was adopted in #96-54, National Supermarkets v. IEPA, by a vote of 7-0. (CAM)

An Order accepting the matter for hearing, was adopted in #96-58, Effingham Tire Center v. IEPA, by a vote of 7-0. (CAM)

An Order accepting the matter for hearing, was adopted in #96-64, City of Auburn v. IEPA, by a vote of 7-0.

An Order accepting the matter for hearing, was adopted in #96-71, A.E. Staley Manufacturing Company v. IEPA, by a vote of 7-0.
(ED)

An Order dismissing the docket as unnecessary, was adopted in #96-74, Cosmos Realty, Inc. v. IEPA, by a vote of 7-0. (CAM)

An Order dismissing the docket as unnecessary, was adopted in #96-77, Land and Lakes Company (Land & Lakes #3) v. IEPA, by a vote of 7-0. (CAM)

An Order dismissing the docket as unnecessary, was adopted in #96-78, Cosmos Realty, Inc. v. IEPA, by a vote of 7-0. (CAM)

An Order granting the respondents Southwind and Bluff City Materials' motion to withdraw the motion to quash service, and its motion to extend time to answer, accepting its answer as timely filed, granting respondent Mineral and Land Resources' motion to withdraw its motion to dismiss, and granting its request for leave to file its answer until December 27, 1995, advising the parties that the Board will not further address any of the filings concerning these motions, and determining that the complaint is neither duplicitous or frivolous and accepting the matter for hearing, was adopted in #96-84, Forest Preserve District of DuPage County v. Mineral and Land Resources Corporation, Southwind Financial, Ltd., formerly known as Abbott Contractors, Inc., and Bluff City Materials, by a vote of 7-0.
(McF)

An Order dismissing the docket as unnecessary, was adopted in #96-88, Kean Oil Company (Chicago Ridge Facility) v. IEPA, by a vote of 7-0. (CAM)

An Order determining that the complaint is neither duplicitous or frivolous and accepting the matter for hearing, was adopted in #96-110, Sara Scarpino and Margaret Scarpino v. Henry Pratt Company, by a vote of 7-0.

An Order dismissing the petition as untimely filed, since the Board received neither an appeal nor a request for a 90-day extension in which to file an appeal, was adopted in

#96-124, Raleigh Realty Corporation v. IEPA, by a vote of 7-0.
(JTM)

An Order accepting the matter for hearing was adopted in #96-125, Color Communications, Inc. v. IEPA, by a vote of 7-0.

A mandatory hearing will be held in #96-126, People of the State of Illinois v. Bennett Industries, Inc..

A mandatory hearing will be held in #96-127, People of the State of Illinois v. Dynaweld, Inc..

ADDENDUM

An Order accepting the petitioner's status report in response to the Board's November 16, 1995 order, and directing the petitioner to file an updated status report or any other appropriate motions with the Board no later than February 6, 1996, was adopted in #92-102, Moline/Dutchway Dry Cleaners v. IEPA, by a vote of 7-0.
(JTM)

Mandatory hearings will be held in these cases: ##96-128, People of the State of Illinois v. Ronald Workman, d/b/a Ron's Service Center; 96-129, People of the State of Illinois v. Siciliano, Inc.; 96-130, People of the State of Illinois v. Parco Asbestos Removal Company, Inc.; 96-131, People of the State of Illinois v. Fenton Press, Inc.; 96-132, People of the State of Illinois v. Burlington Northern Railroad Company, Beazer East, Inc., and Koppers Industries, Inc.; 96-133, People of the State of Illinois v. Village of Tilton.

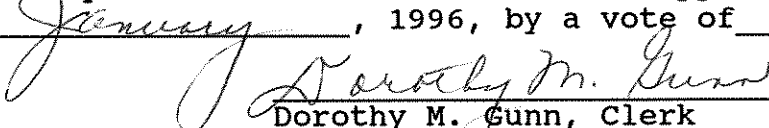
AGENDA

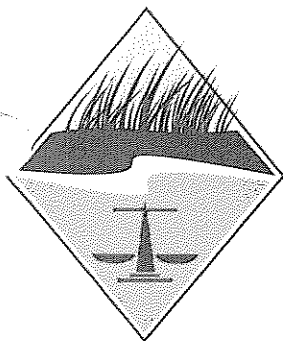
These cases were discussed and held for further discussion or possible decision: ##AS 95-1, Petition of Tommy House Tire Company, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 848.202(b)(1)(2) and (b)(5); 93-179, IBP, Inc. v. IEPA.

Motion by R.C. Flemal, seconded by Tanner Girard carried, and the meeting will reconvene to an Executive Session in the Chairman's office at 3:00 p.m.

All other matters not disposed of as listed were held.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 4th day of January, 1996, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD

James R. Thompson Center ♦ Suite 11-500 ♦ 100 West Randolph Street ♦ Chicago, Illinois 60601
312-814-3620 ♦ Fax 312-814-3669

GOVERNOR
Honorable Jim Edgar

NOTICE OF CHANGE IN ILLINOIS POLLUTION CONTROL BOARD MEETING SCHEDULE

CHAIRMAN
Claire A. Manning
Springfield

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Flegal
DeKalb

G. Tanner Girard
Grafton

Marilyn McFawn
Palatine

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge

**PUBLIC NOTICE IS HEREBY GIVEN that the Illinois
Pollution Control Board meeting originally scheduled
for December 21, 1995 has been rescheduled to December
20, 1995. This meeting will be held in Conference
Room 9-031, and will begin at 2:00 p.m.**

CLAIRE A. MANNING
Chairman

*Marilyn McFawn
for CAM.*

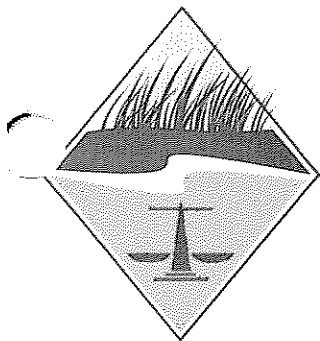
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REGULAR MEETING AGENDA DECEMBER 20, 1995 CHICAGO, ILLINOIS CONFERENCE ROOM 9-031 2:00 P.M.

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

ADDENDUM

MOTIONS

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Marli McFawn
Palatine

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



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92-131 C.O.A.L. (Citizens Opposed to Additional Landfills) v. Laidlaw Waste Systems, Inc. and Perry County Board of Commissioners - Rebuttal Brief in Support of Laidlaw's Motion to Withdraw (12/18)(GTG)

93-191 People of the State of Illinois v. Lloyd Wiemann, d/b/a Wiemann Ice and Fuel - Respondent's Response to Complainant's Motion for Summary Judgment and Respondent's Cross-Motion for Summary Judgment and Memorandum in Support of Response to Complainant's Motion for Summary Judgment and Respondent's Cross-Motion for Summary Judgment (12/18)(CAM)

94-136 Elmhurst-Chicago Stone Company v. IEPA - Petitioner's Voluntary Motion to Dismiss (12/18)(JY)

95-122 Olive Streit and Lisa Streit v. Oberweis Dairy, Inc., Richard J. Fetzer and Johnnie W. Ward, d/b/a Serve-N-Save, and Richard J. Fetzer, individually, Amoco Oil Company and Mobil Oil Corporation - Agency and Christopher Kohrmann's Motion to Quash Subpoena Duces Tecum (12/18)(CAM)



MOTIONS (Cont'd)

96-29 Larry Slates, Lonnie Seymour, James Klaber, Faye Mott and Hoopeston Community Memorial Hospital v. Illinois Landfills, Inc. and Hoopeston City Council on behalf of the City of Hoopeston -
Petitioners' Motion to Dismiss (12/18)(GTG)

CASES TO BE SET FOR HEARING AND OTHER CASE PROCESSING ORDERS OR MATTERS

92-102 Moline/Dutchway Dry Cleaners v. IEPA - Petitioner's Status Report in Response to November 16, 1995 Board Order and Request for Extension of Time (12/19)(JTM)

96-64 City of Auburn, Illinois v. IEPA - Accept for Hearing Order

96-128 People of the State of Illinois v. Ronald Workman, d/b/a Ron's Service Center - Hearing Mandatory - No Order

96-129 People of the State of Illinois v. Siciliano, Inc. - Hearing Mandatory - No Order

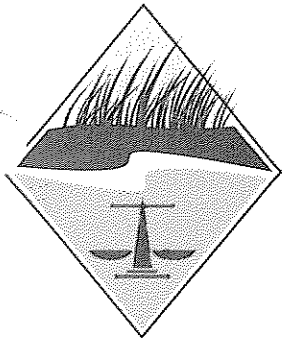
96-130 People of the State of Illinois v. Parco Asbestos Removal Company, Inc. - Hearing Mandatory - No Order

96-131 People of the State of Illinois v. Fenton Press, Inc. - Hearing Mandatory - No Order

96-132 People of the State of Illinois v. Burlington Northern Railroad Company, Beazer East, Inc., and Koppers Industries, Inc. - Hearing Mandatory - No Order

**CASES TO BE SET FOR HEARING AND OTHER CASE PROCESSING
ORDERS OR MATTERS (Cont'd)**

96-133 People of the State of Illinois v. Village of Tilton - Hearing Mandatory
 - No Order



ILLINOIS POLLUTION CONTROL BOARD

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GOVERNOR
Honorable Jim Edgar



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AGENDA DECEMBER 20, 1995 CHICAGO, ILLINOIS CONFERENCE ROOM 9-031 2:00 P.M.

Announcements

The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.

Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Dates of future meetings of the Board appear on the last page of this agenda. Thank you for your interest.

Roll Call

Minutes

December 7, 1995

REGULATIONS AND ADJUSTED STANDARDS

R94-29

Indian Refining Limited Partnership Site-Specific Rule -
Proposed Rule, Dismissal Order (McF)

REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

- R95-11 Special Waste Hauling Vehicle Numbers - Proposed Rule, Second Notice, Opinion and order (CAM)
-
- R95-22 Wastewater Pretreatment Update, USEPA Regulations (January 1, 1995 through June 30, 1995) - Proposal for Public Comment, Proposed Opinion and Order (ED)
-
- R96-6 Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1995 through December 31, 1995) - **Docket Reserved**
-
- R96-7 SDWA Update, USEPA Regulations (July 1, 1995 through December 31, 1995) Phase V Rules - **Docket Reserved**
-
- R96-8 UIC Update, USEPA Regulations (July 1, 1995 through December 31, 1995) - **Docket Reserved**
-
- R96-9 RCRA Subtitle D Update, USEPA Regulations (July 1, 1995 through December 31, 1995) - **Docket Reserved**
-
- R96-10 RCRA Subtitle C Update, USEPA Regulations (July 1, 1995 through December 31, 1995) - **Docket Reserved**
-
- R96-11 UST Update, USEPA Regulations (July 1, 1995 through December 31, 1995) - **Docket Reserved**
-
- R96-12 Wastewater Pretreatment Update, USEPA Regulations (July 1, 1995 through December 31, 1995) - **Docket Reserved**
-
- R96-13 15% ROP Plan: Clean-Up Part II: Amendments to 35 Ill. Adm. Code Parts 218 and 219 - Proposed Rule, First Notice, Opinion and Order
-

REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

AS 95-1 Petition of Tommy House Tire Company, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 848.202 - Petitioner's Motion for Extension of Time to File Supplemental Material (11/27), Petitioner's Supplementary Information (12/4)(McF)

AS 95-8 Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard from 35 Ill. Adm. Code 304.124 - Petitioner's Motion to Reconsider and Amended Petition for Adjusted Standard (11/15), Petitioner's Certificate of Publication (11/29)(GTG)

AS 96-3 Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B - Petitioner's Motion for Expedited Consideration and Withdrawal of Motion for Stay (12/5)(RCF)

AS 96-4 Petition of Laidlaw Waste Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811.319(d)(3)(A) and 811.317(b) - Petitioner's Motion to Withdraw Petition for Adjusted Standard (12/11)(CAM)

DECISIONS

86-2 City of LaSalle CSO Exception (GTG)

94-174 People of the State of Illinois v. Feeney Oil Company, Inc. - Stipulation (CAM)

96-46 The Galesburg Sanitary District v. IEPA (JY)(due)

96-103 People of the State of Illinois v. Central Decal Company - Stipulation

96-106 People of the State of Illinois v. Beloit Corporation - Stipulation

ADMINISTRATIVE CITATIONS

AC 96-20	<u>IEPA v. James O. Weir</u> - Default Order
AC 96-21	<u>IEPA v. Envirofil of Illinois, Inc.</u> - Default Order
AC 96-22	<u>IEPA v. James Ethridge</u> - Default Order
AC 96-29	<u>County of Will v. James Mallette</u> - Accept Case - No Order
AC 96-30	<u>IEPA v. Richard Vaughn, d/b/a Richard's Tire Hauling</u> - Accept Case - No Order
AC 96-31	<u>IEPA v. Fred Honaker</u> - Accept for Hearing - No Order (See Respondent's Petition for Review filed 12/15)

MOTIONS

92-131	<u>C.O.A.L. (Citizens Opposed to Additional Landfills) v. Laidlaw Waste Systems, Inc. and Perry County Board of Commissioners</u> - Petitioner's Motion for Entry of Judgment (11/27), Respondent Laidlaw Waste Systems' Motion for Leave to File Response Instantly, Motion to Voluntarily Withdraw Application for Local Siting Approval and Brief in Support of Motion to Withdraw (12/1), Petitioner's Response to Respondent Laidlaw Waste Systems' Motion to Withdraw and to Brief in Support of Motion to Withdraw (12/11)(GTG)
93-191	<u>People of the State of Illinois v. Lloyd Weimann, d/b/a Weimann Ice and Fuel</u> - Complainant's Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment (10/6), Respondent's Motion for Leave to Join Additional Parties (10/30) (CAM)

MOTIONS (Cont'd)

- 94-256 DoAll Company, DoAll Credit Corporation, The Rams-Head Company v. Mobil Oil Company, Inc., Skokie Valley Asphalt Company, Inc. and Septran, Inc. - Joint Motion for Withdrawal (12/7)(McF)
-
- 95-47 People of the State of Illinois v. W.O.W. Truck Lines, Inc. - Complainant's Motion for Summary Judgment (11/3)(McF)
-
- 95-143 Gordon Krautsack v. Bhogilal Patel, Subhash Patel, Electronic Interconnect, Inc., and Electronic Interconnect Corporation - Complainant's Motion for Leave to File Amended Complaint (11/21)(RCF)
-
- 95-163 People of the State of Illinois v. Clark Refining & Marketing, Inc. - Complainant's Motion to Reconsider and Vacate September 7, 1995 Board Order (9/13), Respondent's Response to Complainant's Motion to Reconsider and Vacate September 7, 1995 Board Order (9/19), Complainant's Response to Respondent's Motion to Dismiss (10/13)(ED)
-
- 95-170 People of the State of Illinois v. Environmental Control and Abatement, Inc. - Respondent's Motion to Enter Appearance and Respondent's Motion to Dismiss (10/17), Complainant's Motion for Leave to File Instant Motion for Leave to File Amended Complaint, Complainant's Response to Respondent's Motion to Dismiss and Memorandum in Support of Motion to Dismiss (11/8), Respondent's Motion to File Limited Reply to Complainant's Response to Respondent's Motion to Dismiss and Memorandum (11/28)(JY)
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- 95-175 People of the State of Illinois v. Polymer Color, Inc. - Agreed Motion to Request Extension of Time to Set Hearing Date (12/13)(JTM)
-
- 95-182 Carl and Edna Ball, d/b/a C & E Recycling and Resource Recovery v. IEPA - Petitioners' Second Motion for Extension of Time and Stay of Proceedings (12/11)(GTG)
-

MOTIONS (Cont'd)

96-76 People of the State of Illinois v. Chemetco, Inc. - Respondent's Motion to Dismiss (10/20), Complainant's Response to Respondent's Motion to Dismiss (10/27), Respondent's Request for an Extension of Time to File an Answer if the Motion to Dismiss is Denied (11/7), Respondent's Request for Oral Argument (11/7), Respondent's Reply Memorandum in Support of Respondent's Motion to Dismiss (11/15), Complainant's Motion to Strike Respondent's Reply Memorandum (11/21)(CAM)

96-85 The County of Kane, Illinois and Waste Management of Illinois, Inc v. IEPA - Agency Record and Agency Motion to File Record Instantanter (11/20), Petitioners' Motion for Summary Judgment and Memorandum of Law in Support of Petitioners' Motion for Summary Judgment (12/1), Agency Motion for Summary Judgment (12/4), Agency Response to Petitioners' Motion for Summary Judgment (12/8), The City of Geneva's Motion for Review of Hearing Officer's Ruling and Response to Motions for Summary Judgment (12/8), Petitioners' Response to Agency's Motion for Summary Judgment and Memorandum of Law in Support of Petitioners' Response to Agency's Motion for Summary Judgment (12/11)(CAM)

96-91 SPILL, Madison County Conservation Alliance, Sierra Club, Nameoki Township Clerk Helen Hawkins, Kathy Andria, Shirley Crain, Glenda Fulkerson, John Gall, Thelma Orr, Ron Shaw and Pearl Stogsdill v. City of Madison and Metro-East, LLC - Respondent Metro-East, LLC's Motion to Dismiss (11/27), Petitioners' Response to Respondents' Motion to Dismiss and Petitioners' Motion to Strike (12/8)(McF)

96-95 AlliedSignal, Inc. v. IEPA - Agency Motion to Dismiss (11/16), Petitioner's Objection and Reply to Agency Motion to Dismiss (11/21), Agency Motion for Leave to File Reply and Reply to AlliedSignal, Inc.'s Objection and Reply to the Agency's Motion to Dismiss (12/6), Petitioner's Motion for Leave to File Reply and Reply (12/12)(McF)

MOTIONS (Cont'd)

- 96-101 Horsehead Resource Development Company, Inc. v. IEPA -
Petitioner's Motion for Stay of Modification of Operating Permit
(11/13), Agency Motion to Dismiss Petition for Review and Objection
to Petitioner's Motion to Stay (12/4), Petitioner's Motion for Voluntary
Dismissal of Motion for Stay of Modification of Operating Permit and
Appeal of Modification of Land Division Operating Permit (12/8)(RCF)
-
- 96-107 People of the State of Illinois v. ESG Watts, Inc. - Respondent's
Motion to Dismiss (12/1), Complainant's Response to Respondent's
Motion to Dismiss (12/11)(ED)
-
- 96-108 Allied Tube & Conduit Corporation v. IEPA - Petitioner's Motion for
Stay (See end of paragraph 1, page 1 of the Petition filed
11/16)(McF)
-

CASES TO BE SET FOR HEARING AND OTHER CASE PROCESSING ORDERS OR MATTERS

- 91-206 Clayton Chemical Company v. IEPA - Joint Status Report in Response
to October 5, 1995 Board Order (12/5)(JTM)
-
- 96-42 Aviation Services Group v. IEPA - Dismissal Order (CAM)
-
- 96-52 Kean Brothers, Inc. (Merrionette Park Facility) v. IEPA - Dismissal
Order (CAM)
-
- 96-54 National Supermarkets v. IEPA - Dismissal Order (CAM)
-
- 96-58 Effingham Tire Center v. IEPA - Accept for Hearing Order (CAM)
-

**CASES TO BE SET FOR HEARING AND OTHER CASE PROCESSING
ORDERS OR MATTERS (Cont'd)**

- 96-64 City of Auburn v. IEPA - Dismissal Order (CAM)
-
- 96-71 A.E. Staley Manufacturing Company v. IEPA - Petitioner's Amended
Petition in Response to October 19, 1995 Board Order (12/4)(ED)
-
- 96-74 Cosmos Realty, Inc. v. IEPA - Dismissal Order (CAM)
-
- 96-77 Land and Lakes Company (Land & Lakes #3) v. IEPA - Dismissal
Order (CAM)
-
- 96-78 Cosmos Realty, Inc. v. IEPA - Dismissal Order (CAM)
-
- 96-84 Forest Preserve District of DuPage County, Illinois v. Mineral and
Land Resources Corporation, Southwind Financial, Ltd. (formerly
known as Abbott Contractors, Inc.), Bluff City Materials, Inc. as
Assignee of Abbott Contractors, Inc. - Duplicitous/Frivolous
Determination (See Respondents Southwind Financial, Ltd. and
Bluff City Materials, Inc.'s Motion to Quash Service filed 11/6;
Respondent Mineral Land and Resources' Motion to Dismiss filed
11/6; Complainant's Response to Respondents Southwind Financial
Limited and Bluff City Materials' Motion to Quash Service filed
11/19; Complainant's Response to Mineral Land and Resources'
Motion to Dismiss filed 11/17; Respondents Southwind Financial,
Ltd. and Bluff City Materials, Inc.'s Motion to Withdraw Motion
to Quash Service and to Extend Time to Answer filed 11/28;
Respondent Mineral and Land Resources Corporation's Motion to
Withdraw its Motion to Dismiss the Complaint and for Leave to
File its Answer or Other Responsive Pleading on or before
December 14, 1995 filed 12/6; Complainant's Motion to Strike and
Dismiss Defenses alleged in Answer of Respondents' Southwind
Financial, Ltd. and Bluff City Materials, Inc. filed 12/11)(McF)
-

**MATTERS TO BE SET FOR HEARING AND OTHER CASE PROCESSING
ORDERS OR MATTERS (Cont'd)**

- 96-88 Kean Oil Company (Chicago Ridge Facility) v. IEPA - Dismissal Order (CAM)
-
- 96-110 Sara Scarpino and Margaret Scarpino v. Henry Pratt Company - Duplicitous/Frivolous Determination (ED)
-
- 96-117 LaSalle National Trust, N.A., as Trustee under Trust No. 34565 v. Standard Bank and Trust Company, as Trustee under Trust No. 14929, and Capitol Bank and Trust, as Trustee under Trust No. 2421 - Duplicitous/Frivolous Determination - No Order (GTG)
-
- 96-124 Raleigh Realty Corporation v. IEPA - (JTM)
-
- 96-125 Color Communications, Inc. v. IEPA - Accept for Hearing Order (McF)
-
- 96-126 People of the State of Illinois v. Bennett Industries, Inc. - Hearing Mandatory - No Order
-
- 96-127 People of the State of Illinois v. Dynaweld, Inc. - Hearing Mandatory - No Order
-

CASES PENDING DECISION

- AS 95-1 Petition of Tommy House Tire Company Inc. for an Adjusted Standard from 35 Ill. Adm. Code 848.202(b)(1)(2) and (b)(5) (McF)
-
- 93-179 IBP, Inc. v. IEPA (GTG)(open waiver)
-

ADJOURNMENT

LIST OF NEW CASES FILED SINCE DECEMBER 7, 1995 BOARD MEETING

- R96-6 Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1995 through December 31, 1995) **(Docket Reserved)**
- R96-7 SDWA Update, USEPA Regulations (July 1, 1995 through December 31, 1995) **(Docket Reserved)**
- R96-8 UIC Update, USEPA Regulations (July 1, 1995 through December 31, 1995) **(Docket Reserved)**
- R96-9 RCRA Subtitle D Update, USEPA Regulations (July 1, 1995 through December 31, 1995) **(Docket Reserved)**
- R96-10 RCRA Subtitle C Update, USEPA Regulations (July 1, 1995 through December 31, 1995) **(Docket Reserved)**
- R96-11 UST Update, USEPA Regulations (July 11, 1995 through December 31, 1995) **(Docket Reserved)**
- R96-12 Wastewater Pretreatment Update, USEPA Regulations (July 1, 1995 through December 31, 1995) **(Docket Reserved)**
- R96-13 15% ROP Plan: Clean-Up Part II: Amendments to 35 Ill. Adm. Code Parts 218 and 219
- AC 96-29 County of Will v. James Mallette
- AC 96-30 IEPA v. Richard Vaughn, d/b/a Richard's Tire Hauling
- AC 96-31 IEPA v. Fred Honaker
- 96-125 Color Communications, Inc. v. IEPA
- 96-126 People of the State of Illinois v. Bennett Industries, Inc.
- 96-127 People of the State of Illinois v. Dynaweld, Inc.

REGULAR BOARD MEETING SCHEDULE FOR THE REMAINDER OF FY 96

**January 4
January 18**

**April 4
April 18**

**February 1
February 15**

**May 2
May 16**

**March 7
March 21**

**June 6
June 20**

**NOTE: All Board Meetings for the remainder of FY 96 will be held in Conference
Room 9-040**