

## ILLINOIS POLLUTION CONTROL BOARD

### MINUTES OF REGULAR BOARD MEETING JUNE 6, 1996 CHICAGO, ILLINOIS - 10:30 A.M.

After calling the meeting to order, Chairman Manning welcomed members of the public and staff, former Board Member, Bill Forcade, and Bruce Carlson from the Environmental Protection Agency, to the meeting. Thereafter, the Clerk was asked for a roll call and all Board Members answered present.

Moved and seconded, with a vote of 7-0, the Minutes of the May 16, 1996 Board Meeting were approved.

In R95-20, RCRA Update, USEPA Regulations (January 1, 1995 through June 30, 1995, July 7, 1995, September 29, 1995, November 13, 1995), a motion for leave to present oral argument filed by Horsehead Resource Development Company, was denied by a vote of 7-0. **(ED)**

An Order granting the petitioner's motion to dismiss, was adopted in #AS 93-1, Petition of Quantum Chemical Corporation, USI Division, for an Adjusted Standard from 35 Ill. Adm. Code 304.120(c), by a vote of 7-0. **(CAM)**

An Order granting the petitioner's motion for reconsideration, and upon reconsideration, the Board replaced and vacated its March 21, 1996 final order issued in #AS 95-1, Petition of the Tommy House Tire Company for an Adjusted Standard from 35 Ill. Adm. Code 848.202, by a vote of 7-0. **(McF)**

An Opinion and Order was adopted in #AS 95-3, Joint Petition of the IEPA and the City of Metropolis for an Adjusted Standard from 35 Ill. Adm. Code Part 304 for Suspended Solids, 5-Day Biological Oxygen Demand (BOD5) and Ammonia Nitrogen, by a vote of 7-0. **(JY)**

An Order requesting an amended petition, was adopted in #AS 96-7, Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305(b), by a vote of 7-0. **(ED)**

An Order granting the petitioner's waiver of filing requirements, directing the petitioner to file at least the original plus four copies of the exhibits to the petition instead of the original plus three copies as requested by the petitioner, and directing the petitioner to file an amended petition on or before July 26, 1996 or the matter may be subject to dismissal, was adopted in #AS 96-10, Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211 (d) and (e), by a vote of 7-0. **(ED)**

An Opinion and Order granting the Agency's motion to voluntarily dismiss the Larson Foundation as a respondent, and unless already paid, assessing respondent Gordon McCann a \$500.00 penalty for violating Section 21(p)(1) of the Illinois Environmental Protection Act, was adopted in #AC 95-11, IEPA v. Gordon McCann, by a vote of 7-0. **(RCF)**

A Default Order finding that the respondent violated Sections 21(p)(1), 21(p)(2), and 21(p)(3) of the Illinois Environmental Protection Act, and assessing a \$1,500.00 penalty, was adopted in #AC 96-45, IEPA v. James E. Deisher, by a vote of 7-0.

These Administrative Citations were accepted by the Board: ##96-48, County of Jackson v. Southern Illinois Regional Landfill; 96-49, County of Jackson v. Southern Illinois Regional Landfill; 96-50, County of LaSalle v. Lone Star Industries, Inc.; 96-51, Montgomery County, Illinois v. Envotech-Illinois, Inc.; 96-52, IEPA v. Rich Guske, d/b/a A-1 Auto Salvage.

An Order granting the petitioner's motion to withdraw and closing the consolidated dockets, was adopted in ##93-99, - 94-333, LTV Steel Company v. IEPA, by a vote of 7-0. **(ED)**

An Order granting the petitioner's motion to dismiss and closing the docket, was adopted in #93-173, Quantum Chemical Corporation, USI Division v. IEPA, by a vote of 7-0. **(CAM)**

An Order granting the petitioner's motion for leave to withdraw its petition for review and closing the docket, was adopted in #94-216, Amoco Oil Company v. IEPA, by a vote of 7-0. **(McF)**

An Order dismissing the complaint with leave to refile and closing the docket, was adopted in #95-51, Don Carson Steinheimer and Ray Darrow Steinheimer as Co-Executors of the Estate of Irene D. Steinheimer, deceased, by a vote of 7-0. **(RCF)**

An Order accepting the petitioner's amended petition and noting that the filing of the amended petition restarted the statutory decision deadline, was adopted in #95-162, Illinois Landfill, Inc. v. IEPA, by a vote of 7-0. **(GTG)**

No action was taken by the Board on a joint status report and motion to file instant in #95-180, People of the State of Illinois v. Archer Daniels Midland Company.

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of an agreed motion to request relief from hearing requirement, was adopted in #96-2, People of the State of Illinois v. Phoenix Oil Company, by a vote of 7-0. **(CAM)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion for relief from hearing requirement, was adopted in #96-38, People of the State of Illinois v. City of Metropolis, by a vote of 7-0. **(JY)**

An Order granting the parties' joint motion to withdraw various motions and responses, striking as moot the Agency's response to the petitioner's motion to strike the Agency's response brief and cross-motion for summary judgment, granting the petitioner's motion to file a reply in excess of fifteen pages, and accepting the petitioner's reply brief, denying the Agency's request to file a response to the petitioner's reply, denying the Agency's motion to file a response in excess of fifteen pages and declining to accept the Agency's response, was adopted in #96-52, Raleigh Realty Corporation v. IEPA, by a vote of 7-0. **(JTM)**

An Order granting the parties' joint motion to withdraw various filings, granting the petitioner's motion to file its cross-motion for summary judgment and its response to the Agency's motion for summary judgment in excess of the 15 page limitation, denying the Agency's motion to reply to the petitioner's response to the Agency's motion for summary judgment, granting the Agency's motion to file its response to the petitioner's cross-motion for summary judgment in excess of the page limitation, and denying the petitioner's motion to file a reply brief in support of its cross-motion for summary judgment, was adopted in #96-102, Kathe's Auto Service Center v. IEPA, by a vote of 7-0. **(JY)**

An Agency motion for extension of time to file the administrative record in #96-146, Heritage Environmental Services, Inc. v. IEPA, was referred to the assigned hearing officer for disposition.

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of an agreed motion for relief from hearing requirement, was adopted in #96-169, People of the State of Illinois v. Kerr-McGee Refining Corporation, by a vote of 7-0. **(GTG)**

An Agency motion for extension of time in which to file recommendation in #96-184, J.M. Sweeney Company v. IEPA, was referred to the assigned hearing officer for disposition.

An Order denying the respondent's motion to reconsider a March 21, 1996 Board order, and directing the assigned hearing officer to proceed to hearing, was adopted in #96-185, Douglas and Barbara Oltman v. Terry and Kelly Cowan, by a vote of 7-0. **(GTG)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion for relief from hearing requirement, was adopted in #96-202, People of the State of Illinois v. Donald and Robert Haste, d/b/a Hastie Trucking and Mining Company, by a vote of 7-0. **(GTG)**

An Agency motion to file recommendation instanter and petitioner's motion for an expedited decision in #96-213, Edelstein Water Coop v. IEPA, will be taken with the case-in-chief.

An Agency motion to postpone filing the answer and record in #96-222, Koppers Industries, Inc. v. IEPA, was referred to the assigned hearing officer for disposition.

An Order dismissing the proceedings and closing the docket since the Board does not have jurisdiction to hear the complaint as filed alleging violations of the noise standards, was adopted in #96-179, Gilbert & Lenda Marshall v. Danny Ligenfelter, individually and as President of Central Illinois Dirt Riders Association, by a vote of 7-0. **(ED)**

An Order accepting the petitioner's amended petition as required pursuant to the Board's April 4, 1996 order, and noting that the filing of the amended petition restarts the statutory deadline, was adopted in #96-195, City of Prospect Heights (Rob Roy Water Systems) v. IEPA, by a vote of 7-0. **(RCF)**

An Order dismissing the docket as unnecessary due to the petitioner's failure to file an appeal on or before May 13, 1996, was adopted in #96-199, Aurora Electronics, Inc. v. IEPA, by a vote of 7-0. (CAM)

An Order dismissing the docket as unnecessary due to the petitioner's failure to file an appeal on or before May 27, 1996, was adopted in #96-204, Downtown Oil v. IEPA, by a vote of 7-0. (CAM)

An Order dismissing the docket as unnecessary due to the petitioner's failure to file an appeal on or before May 23, 1996, was adopted in #96-205, Daily Southtown, Inc. v. IEPA, by a vote of 7-0. (CAM)

An Order accepting the petitioner's waiver of the decision deadline as an open waiver of the Board's decision deadline, noting that the petitioner's motion for an extension of time for the Agency to file its response to its appeal was moot since the Agency filed its response May 30, 1996, staying the proceeding until June 27, 1996 at which time the petitioner shall report to the Board the status of the matter, and advising the petitioner that while the matter is pending the Board will hold the information at issue as confidential, was adopted in #96-230, The Clorox Company v. IEPA, by a vote 7-0. (GTG)

A mandatory hearing will be held in #96-235, People of the State of Illinois v. Medalist, Inc..

An Order directing the petitioner to file an amended petition or the matter may be subjected to dismissal, was adopted in #96-236, Shell Oil Products Company v. IEPA, by a vote of 7-0. (JTM)

A mandatory hearing will be held in #96-237, People of the State of Illinois v. ESG Watts, Inc..

An Order accepting the matter for hearing, was adopted in #96-238, Citizens United for a Responsible Environment v. Browning-Ferris Industries of Illinois, Inc. and Village Board of the Village of Davis Junction, Illinois, by a vote of 7-0. (CAM)

An Order accepting the matter for hearing, was adopted in #96-239, The Solar Corporation v. IEPA, by a vote of 7-0. (CAM)

A mandatory hearing will be held in #96-240, People of the State of Illinois v. Rogers O'Hare Motor Terminal Limited, and Carolina Freight Carriers Corporation.

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event that the petitioner fails to file an appeal on or before July 18, 1996, the Board will dismiss the docket as unnecessary, and advising the petitioner that a \$75.00 filing fee will be required at such time as the petitioner files a petition, was adopted in #96-241, Shell Oil Products Company v. IEPA, by a vote of 7-0. (CAM)

An Order accepting the matter for hearing, was adopted in #96-242, American Roofing & Repair v. IEPA, by a vote of 7-0. (CAM)

An Order accepting the matter for hearing, was adopted in #96-243, Residents Against A Polluted Environment and The Edmund B. Thornton Foundation, by a vote of 7-0. (CAM)

A mandatory hearing will be held in #96-244, People of the State of Illinois v. Langos Corporation.

A mandatory hearing will be held in #96-245, People of the State of Illinois v. Pamarco, Inc..

This case was held for an Agency recommendation: #96-246, City of DeKalb v. IEPA.

A provisional variance was granted in #96-248, Shell Wood River Refining Company v. IEPA, by a vote of 7-0. (CAM)

These cases were discussed and held for further discussion or possible decision: ##AS 96-8, Petition of Central Illinois Light Company (Duck Creek Station) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 35 Ill. Adm. Code 304.105; 94-244, Rodney B. Nelson, M.D. v. Kane County Forest Preserve, Jack E. Cook, Chairman, Kane County Board, Warren Kammerer, Chairman; 95-73, Dennis Manarchy, Mary Beth Manarchy, Chris Mandoline, Beverly Kagy-Mandoline, Surrounding Neighbors v. The Gotham Nightclub, JJJ & Associates, Inc.; 96-174, The Knapheide Manufacturing Company v. IEPA; 96-213, Edelstein Water Coop v. IEPA.

#### ADDENDUM

An Order accepting the Stipulation and Proposal for Settlement Agreement in the amount of \$5,000.00, was adopted in #96-128, People of the State of Illinois v. Ronald Workman, d/b/a Ron's Service Center, by a vote of 7-0. (JY)

An Order accepting the Stipulation and Proposal for Settlement Agreement in the amount of \$15,000.00, was adopted in #96-137, People of the State of Illinois v. Kimball Hill, Inc., by a vote of 7-0. (JY)

An Opinion and Order accepting the Stipulation and Proposal for Settlement Agreement in the amount of \$10,000.00, was adopted in #96-160, People of the State of Illinois v. Bobak Sausage Company, by a vote of 7-0. (JTM)

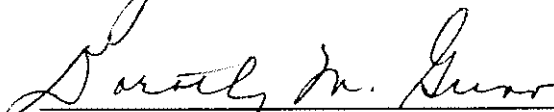
An Opinion and Order accepting the Stipulation and Proposal for Settlement Agreement in the amount of \$10,000.00, was adopted in #96-223, People of the State of Illinois v. Tucker Properties, Inc., d/b/a Rollins Crossing Shopping Center, by a vote of 7-0. (CAM)

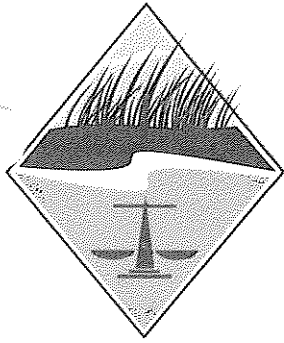
A provisional variance was granted in #96-249, City of Savanna v. IEPA, by a vote of 7-0. (CAM)

All other matters not disposed of as listed were held.

Moved and seconded, with a vote of 7-0, the meeting adjourned to an Executive Session in the Chairman's office at 1:00 p.m..

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 20<sup>th</sup> day of June, 1996, by a vote of 6-0.

  
\_\_\_\_\_  
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

## REGULAR MEETING AGENDA JUNE 6, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

◆  
CHAIRMAN  
Claire A. Manning  
Springfield

### ADDENDUM

#### DECISIONS

MEMBERS  
Emmett E. Dunham II  
Elmhurst

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

Marii McFawn  
Inverness

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge

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96-128      People of the State of Illinois v. Ronald      (JY)  
W&UST-E    Workman, d/b/a Ron's Service Center -  
                      Stipulation

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96-137      People of the State of Illinois v. Kimball Hill,      (JY)  
W-E          Inc. - Stipulation

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96-160      People of the State of Illinois v. Bobak Sausage      (JTM)  
A-E          - Stipulation

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96-223      People of the State of Illinois v. Tucker      (CAM)  
W-E          Properties, Inc., d/b/a Rollins Crossing Shopping  
                      Center - Stipulation

◆  
SPRINGFIELD OFFICE  
600 South Second Street  
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Springfield, Illinois 62704  
217-524-8500  
Fax 217-524-8508

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

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96-249      City of Savanna v. IEPA - Provisional Variance      (CAM)

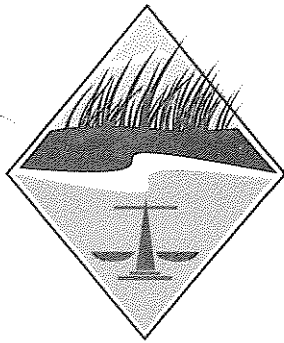
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# ILLINOIS POLLUTION CONTROL BOARD

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



## CHAIRMAN

Claire A. Manning  
Springfield

## MEMBERS

Emmett E. Dunham II  
Elmhurst

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

Marilyn McFawn  
Inverness

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



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## AGENDA JUNE 6, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 a.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

May 16, 1996

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**REGULATIONS AND ADJUSTED STANDARDS**

R92-8 Water	<u>Proposed Amendments to 35 Ill. Adm. Code Subtitle C (Water Toxics &amp; Bioaccumulation)</u> - Illinois Chapter of the Sierra Club, Citizens For A Better Environment, Lake Michigan Federation, and McHenry County Defenders Motion for Reconsideration of the Board's Decision Regarding the Joint Proponents' Water Quality Standard Proposal (5/8), Agency Response in Opposition to Motion for Reconsideration (5/24)	(RCF)
R95-20 Land	<u>RCRA Update, USEPA Regulations (January 1, 1995 through June 30, 1995, July 7, 1995, September 29, 1995, November 13, 1995)</u> - Motion for Leave to Present Oral Argument filed by Horsehead Resource Development Company, Inc. (5/28)	(ED)
AS 93-1 Water- NPDES	<u>Petition of Quantum Chemical Corporation, USI Division, for an Adjusted Standard from 35 Ill. Adm. Code 304.120(c)</u> - Petitioner's Motion to Dismiss (5/17)	(CAM)
AS 95-1 Land	<u>Petition of Tommy House Tire Company, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 848.202(b)(1), (b)(2) and (b)(5)</u> - Petitioner's Motion for Reconsideration Of March 21, 1996 Board Order (4/25), Agency's Response to Petitioner's Motion for Reconsideration (5/7)	(McF)
AS 95-3 Water- NPDES	<u>Joint Petition of the IEPA and the City of Metropolis for an Adjusted Standard from 35 Ill. Adm. Code Part 304 for Suspended Solids, 5-Day Biological Oxygen Demand (BOD5) and Ammonia Nitrogen</u>	(JY)
AS 96-7 Water	<u>Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305(b)</u> - Agency Motion to Dismiss (5/15)	(ED)

**REGULATIONS AND ADJUSTED STANDARDS (Cont'd)**

AS 96-10      Petition of Commonwealth Edison Company for Alternate Thermal Standards Pursuant to 35 Ill. Adm. Code 304.141(c) - (ED)  
Petitioner's Request for Waiver of Requirement of Filing Nine Copies of Exhibits Instanter (5/16)

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**ADMINISTRATIVE CITATIONS**

AC 95-11      IEPA v. Gordon McCann and Larson Foundation - Agency Motion to Voluntarily Dismiss Respondent Larson Foundation from the Administrative Citation Action and Assess Penalty Against Respondent Gordon McCann (5/24) (RCF)

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AC 96-45      IEPA v. James E. Deisher - Default Order

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AC 96-48      County of Jackson v. Southern Illinois Regional Landfill - Accept Case - No Order

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AC 96-49      County of Jackson v. Southern Illinois Regional Landfill - Accept Case - No Order

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AC 96-50      County of LaSalle v. Lone Star Industries, Inc. - Accept Case - No Order

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AC 96-51      Montgomery County, Illinois v. Envotech-Illinois, Inc. - Accept Case - No Order

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AC 96-52      IEPA v. Rich Guske, d/b/a A-1 Auto Salvage - Accept Case - No Order

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## MOTIONS

93-99) LTV Steel Company v. IEPA - Petitioner's Motion to Withdraw Appeal (5/24) (ED)  
94-333)

P-A, RCRA

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93-173 Quantum Chemical Corporation v. IEPA - Petitioner's Motion to Dismiss (5/17) (CAM)

P-A,  
NPDES

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93-191 People of the State of Illinois v. Lloyd Wiemann, d/b/a Wiemann Ice and Fuel - Respondent's Motion for Leave to Join Additional Parties (10/30), Texaco Refining and Marketing, Inc.'s Response in Opposition to Respondent's Motion for Leave to Join Additional Parties (4/15), Respondent's Motion for Leave to File Instanter, Respondent's Motion for Leave to File Reply, and Respondent's Reply to Texaco Refining and Marketing, Inc.'s Response in Opposition to Respondent's Motion for Leave to Join Additional Parties (5/8) (CAM)

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94-216 Amoco Oil Company v. IEPA - Petitioner's Motion for Leave to Withdraw Petition for Review (5/23) (McF)  
UST-FRD

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94-243) ESG Watts, Inc. v. IEPA - Petitioner's Motion to Stay (6/3) (CAM)

94-306)

94-307)

94-308)

94-309)

95-133)

95-134)

P-A,  
NPDES

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## MOTIONS (Cont'd)

95-51 UST-E Citizens	<u>Don Carson Steinheimer and Ray Darrow Steinheimer as Co-Executors of the Estate of Irene D. Steinheimer, deceased v. GTE North, Inc.</u> - Complainants' Motion for Voluntary Dismissal with Leave to Reinstate (5/13)	(RCF)
95-100 P-A, Land	<u>C &amp; S Recycling, Inc. v. IEPA</u> - Status Report in Response to April 4, 1996 Board Order and Motion to Stay Proceedings (6/3)	(ED)
95-162 L-V	<u>Illinois Landfill, Inc. v. IEPA</u> - Petitioner's Motion for Leave to File Amended Petition for Variance and Waiver of Right to Public Hearing (5/22)	(GTG)
95-180 A-E	<u>People of the State of Illinois v. Archer Daniels Midland Company</u> - Joint Status Report and Motion to File Instanter (5/29)	(McF)
96-2 A-E	<u>People of the State of Illinois v. Phoenix Oil Company</u> - Agreed Motion to Request Relief from Hearing Requirement (5/24)	(CAM)
96-38 L&W-E	<u>People of the State of Illinois v. City of Metropolis</u> - Motion for Relief from Hearing Requirement (5/21)	(JY)

**MOTIONS (Cont'd)**

96-52

UST-FRD

Raleigh Realty Corporation v. IEPA - Petitioner's Motion for Summary Judgment, and Motion to File a Reply Brief in the Event the Agency Files a Response to Petitioner's Motion for Summary Judgment (3/11), Agency's Response to Petitioner's Motion for Summary Judgment and Agency's Motion for Summary Judgment, Agency's Motion to File Agency's Response to Petitioner's Motion for Summary Judgment and Agency's Cross-Motion for Summary Judgment in Excess of Fifteen Pages (3/27), Petitioner's Motion to Strike the Agency's Response Brief and Cross-Motion for Summary Judgment, Motion to File a Reply Brief in Excess of 15 Pages in Length, and Petitioner's Reply Brief in Support of its Motion for Summary Judgment (4/3), Agency's Response to Petitioner's Motion to Strike the Agency's Response Brief and Cross-Motion for Summary Judgment, Agency's Objection to Petitioner's Motion to File its Reply Brief in Excess of Fifteen Pages and Agency's Motion to Strike the Petitioner's Reply Brief in Support of its Motion for Summary Judgment, Agency's Motion to Strike the Petitioner's Motion to Strike the Agency's Response and Cross-Motion for Summary Judgment and any Response filed by the Petitioner in Response to the Agency's Cross-Motion for Summary Judgment, Agency's Request to File Response to Petitioner's Reply Brief, Agency's Motion to File Agency's Response to Petitioner's Reply Brief in Support of its Motion for Summary Judgment in Excess of Fifteen Pages, and Agency's Response to the Petitioner's Reply Brief in Support of its Motion for Summary Judgment (4/12), Petitioner's Responses to Various Motions Sent by the Agency on April 12, 1996 (4/23), Joint Motion to Withdraw Various Motions and Responses (5/28)

(JTM)

**MOTIONS (Cont'd)**

96-102      Kathe's Auto Service Center v. IEPA - Agency's Motion for      (JY)  
UST-FRD      Summary Judgment (4/5), Petitioner's Cross-Motion for  
Summary Judgment, Petitioner's Response Brief to the Agency's  
Motion for Summary Judgment, and Petitioner's Combined  
Motion to File its Cross-Motion for Summary Judgment and  
Response Brief in Excess of Fifteen Pages, Motion to Stay the  
Agency's Motion for Summary Judgment (4/15), Agency's  
Request for Additional Time to Respond to the Petitioner's  
Cross-Motion for Summary Judgment (4/24), Agency's  
Response to the Petitioner's Motion to Stay the Agency's  
Motion for Summary Judgment, Agency's Request for Leave to  
File a Reply to the Petitioner's Response Brief to the Agency's  
Motion for Summary Judgment, Agency's Objection to  
Petitioner's Motion to File its Cross-Motion for Summary  
Judgment and Response in Excess of Fifteen Pages (4/29),  
Petitioner's Response to Various Agency Motions (5/2),  
Agency's Motion, Agency's Motion to File Agency's Response  
to Petitioner's Cross-Motion for Summary Judgment in Excess of  
Fifteen Pages and Agency's Response to Petitioner's Cross-  
Motion for Summary Judgment (5/2), Petitioner's Motion to File  
its Reply Brief in Support of its Cross-Motion for Summary  
Judgment Instantly and Petitioner's Reply Brief in Support of its  
Cross-Motion for Summary Judgment (5/8), Joint Motion to  
Withdraw Various Motions and Responses (5/28)

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96-143      People of the State of Illinois v. Michel Grain Company, Inc.,      (CAM)  
W-E      d/b/a Michel Fertilizer, and Caryle Michel - Respondents' Motion  
for Leave to File Instantly Motion to Dismiss Complainant's  
Complaint and Memorandum in Support of Motion to Dismiss  
(2/6), Complainant's Objection to Respondents' Motion for  
Leave to File Instantly Motion to Dismiss Complaint and  
Memorandum in Support of Motion to Dismiss (2/15),  
Respondents' Reply to Complainant's Objection to Respondents'  
Motion for Leave to File Instantly Motion to Dismiss Complaint  
and Respondents' Motion for Leave to File Reply to  
Complainant's Objection to Respondents' Motion for Leave to  
File Instantly Motion to Dismiss Complaint (2/27),  
Complainant's Motion to Strike Respondents' Motion for Leave  
to File Reply (3/7), Respondents' Motion to Strike  
Complainant's Amended Complaint (5/8)

## MOTIONS (Cont'd)

96-146 P-A, RCRA	<u>Heritage Environmental Services, Inc. v. IEPA</u> - Agency Motion for Extension of Time to File the Administrative Record (6/3)	(GTG)
96-169 W-E	<u>People of the State of Illinois v. Kerr-McGee Refining Corporation</u> - Agreed Motion for Relief from Hearing Requirement (6/3)	(GTG)
96-184 A-V	<u>J.M. Sweeney Company v. IEPA</u> - Agency Motion for Extension of Time in Which to File Recommendation (6/3)	(JTM)
96-185 N-E	<u>Douglas and Barbara Oltman v. Terry and Kelly Cowan</u> - Respondents' Motion to Reconsider March 21, 1996 Board Order (5/6)	(GTG)
96-202 A-E	<u>People of the State of Illinois v. Donald and Robert Hastie, d/b/a Hastie Trucking and Mining Company</u> - Motion for Relief from Hearing Requirement (5/31)	(GTG)
96-213 PWS-V	<u>Edelstein Water Corporation v. IEPA</u> - Agency Motion to File Recommendation Instantly (5/16), Petitioner's Motion for an Expedited Decision (5/20)	(JTM)
96-222 P-A, NPDES	<u>Koppers Industries, Inc. v. IEPA</u> - Agency Motion to Postpone Filing the Answer and Record (5/31)	(JTM)

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

96-179 A & N-E	<u>Gilbert &amp; Lenda Marshall v. Danny Ligenfelter, individually and as President of Central Illinois Dirt Riders Association</u> - (See <b>Complainants' Brief in Response to March 7, 1996 Board Order filed 5/3; Respondent's Motion to Dismiss and Respondent's Brief in Response to March 7, 1996 Board Order filed 5/3</b> ) - Order	(ED)
96-195 PWS-V	<u>City of Prospects Heights v. IEPA</u> - Petitioner's Amended Petition for Extension of Variance (5/17)	(RCF)
96-199 UST-Appeal	<u>Aurora Electronics, Inc. v. IEPA</u> - Dismissal Order	(CAM)
96-204 UST-FRD	<u>Downtown Oil v. IEPA</u> - Dismissal Order	(CAM)
96-205 P-A	<u>Daily Southtown, Inc. v. IEPA</u> - Dismissal Order	(CAM)
96-206 N-E	<u>Anne Shepard, James Verhein and Jerold Leckman v. Northbrook Sports Club</u> - (See <b>Respondent's Motion to Dismiss as Frivolous filed 4/9</b> ) - Hold for Duplicitous/Frivolous Determination	(CAM)
96-230 T-S	<u>The Clorox Company v. IEPA</u> - (Note: <b>Trade Secret Determination from Board due; See also Petitioner's Motion for Waiver of Board Decision Deadline and Motion for Extension of Time within Which IEPA Must File its Response, and Stay of Board Review filed 5/22; Agency's Response to Petitioner's Petition for Review filed 5/30</b> )	(GTG)
96-235 A&L-E	<u>People of the State of Illinois v. Medalist, Inc.</u> - Hearing Mandatory - No Order	(McF)



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

96-236      Shell Oil Products Company v. IEPA - Additional Information      (JTM)  
L-V, RCRA      Order

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96-237      People of the State of Illinois v. ESG Watts, Inc. - Hearing      (JY)  
L-E      Mandatory - No Order

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96-238      Citizens United For a Responsible Environment v. Browning-  
L-S-R,      Ferris Industries, Inc. and Village Board of the Village of Davis  
Third Party      Junction, Illinois - Accept for Hearing Order

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96-239      The Solar Corporation v. IEPA - Accept for Hearing Order (See  
A-V      also Agency Motion for Extension of Time in Which to File  
Recommendation filed 6/3)

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96-240      People of the State of Illinois v. Rogers O'Hare Motor Terminal  
W & UST-E      Limited, and Carolina Freight Carriers Corporation - Hearing  
Mandatory - No Order

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96-241      Shell Oil Products Company v. IEPA - Joint Request for 90-Day      (CAM)  
UST-Appeal      Extension of Appeal Period - Order

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96-242      American Roofing & Repair Company v. IEPA - Accept for  
UST-FRD      Hearing Order

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96-243      Residents Against A Polluted Environment and The Edmund B.  
L-S-R,      Thornton Foundation v. County of LaSalle & Landcomp  
Third Party      Corporation - Accept for Hearing Order

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96-244      People of the State of Illinois v. Langos Corporation - Hearing  
A-E      Mandatory - No Order

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

96-245 RCRA-E	<u>People of the State of Illinois v. Pamarco, Inc.</u> - Hearing Mandatory - No Order	
96-246 PWS- Variance	<u>City of DeKalb v. IEPA</u> - Hold for Agency Recommendation - No Order	
96-247 P-A, 90-Day Extension	<u>Macon County Landfill #2 and #3 v. IEPA</u> - Hold for Agency Filing - No Order	
96-248	<u>Shell Wood River Refining Company v. IEPA</u> - Provisional Variance	(CAM)

**CASES PENDING DECISION**

AS 96-8 Water, NPDES	<u>Petition of Central Illinois Light Company (Duck Creek Station) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 35 Ill. Adm. Code 304.105</u>	(RCF)
94-244 W-E, Citizens	<u>Rodney B. Nelson, M.D. v. Kane County Forest Preserve, Jack E. Cook, Chairman, Kane County Board, Warren Kammerer, Chairman</u>	(ED)
95-73 N-E, Citizens	<u>Dennis Manarchy, Mary Beth Manarchy, Chris Mandoline, Beverly Kagy-Mandoline, Surrounding Neighbors v. The Gotham Nightclub, JJJ &amp; Associates, Inc.</u>	(CAM)
96-174 A-V	<u>The Knapheide Manufacturing Company v. IEPA</u> (due 6/20)	(JTM)
96-213 PWS-V	<u>Edelstein Water Coop v. IEPA</u> (due 8/1)	(JTM)

**ADJOURNMENT**

**LIST OF NEW CASES FILED SINCE MAY 16, 1996 BOARD MEETING**

AC 96-48	County of Jackson v. Southern Illinois Regional Landfill
AC 96-49	County of Jackson v. Southern Illinois Regional Landfill
AC 96-50	County of LaSalle v. Lone Star Industries, Inc.
AC 96-51	Montgomery County, Illinois v. Envotech-Illinois, Inc.
AC 96-52	IEPA v. Rich Guske, d/b/a A-1 Auto Salvage
96-235	People of the State of Illinois v. Medalist, Inc.
96-236	Shell Oil Products Company v. IEPA
96-237	People of the State of Illinois v. ESG Watts, Inc.
96-238	Citizens United For A Responsible Environment v. Browning-Ferris Industries of Illinois, Inc. and Village Board of the Village of Davis Junction, Illinois
96-239	The Solar Corporation v. IEPA
96-240	People of the State of Illinois v. Rogers O'Hare Motor Terminal Limited and Carolina Freight Carriers Corporation
96-241	Shell Oil Products Company v. IEPA
96-242	American Roofing & Repair Company v. IEPA
96-243	Residents Against A Polluted Environment and The Edmund B. Thornton Foundation v. County of LaSalle & Landcomp Corporation
96-244	People of the State of Illinois v. Langos Corproation
96-245	People of the State of Illinois v. Pamarco, Inc.
96-246	City of DeKalb v. IEPA
96-247	Macon County Landfill #2 and #3 v. IEPA
96-248	Shell Wood River Refining Company v. IEPA

**REGULAR BOARD MEETING SCHEDULE FOR THE REMAINDER OF FY 96**

June 20

**NOTE: All Board Meetings will be held in Conference Room 9-040 unless otherwise noted**

**REGULAR BOARD MEETING SCHEDULE FOR THE FIRST HALF OF FY97**

July 18

August 1

August 15

September 5

September 19

October 3

October 17

November 7

November 21

December 5

December 19

**NOTE: All Board Meetings will be held in Conference Room 9-040 unless otherwise noted**

**CASE TYPE CODES:**

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist RCRA	Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S0 <sub>2</sub>	S0 <sub>2</sub> Alternative Standards (35 ILL ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Correctiv Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fun Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		