

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING JULY 18, 1996 CHICAGO, ILLINOIS - 10:30 A.M.

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.

Minutes of the June 20, 1996 Board Meeting were approved by a vote of 6-0. Board Member J. Yi abstained.

In R94-1(B), Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.202, 302.212, 302.313, 304.122, 304.301 (Ammonia Nitrogen, a Proposed Rule, First Notice, Opinion and Order) was adopted by a vote of 7-0. **(ED)(CAM)(RCF)**

In R96-12, Wastewater Pretreatment Update, USEPA Regulations (July 1, 1995 through December 31, 1995), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. **(ED)**

These Regulatory Dockets were reserved: R97-1, Exemptions from Definitions of VOM, USEPA Amendments (January 1, 1996 through June 30, 1996); R97-2, SDWA Update, USEPA Regulations (January 1, 1996 through June 30, 1996); R97-3, UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996); R97-4, RCRA Subtitle D Update, USEPA Regulations (January 1, 1996 through June 30, 1996); R97-5, RCRA Subtitle C Update, USEPA Regulations (January 1, 1996 through June 30, 1996); R97-6, UST Update, USEPA Regulations (January 1, 1996 through June 30, 1996); R97-7, Wastewater Pretreatment Update, USEPA Regulations (January 1, 1996 through June 30, 1996).

An Order granting the motion for stay until October 17, 1996, and directing the parties to file status reports, either jointly or separately, no later than October 10, 1996, was adopted in #AS 94-5, Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart RR, by a vote of 7-0. **(JTM)**

An Order granting the motion for stay until October 17, 1996, and directing the parties to file status reports, either jointly or separately, no later than October 10, 1996, was adopted in #AS 94-6, Petition of Hydrosol, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart DD, by a vote of 7-0. **(JTM)**

An Opinion and Order was adopted in #86-2, City of LaSalle CSO. by a vote of 5-2. Board Members M. McFawn and J. Theodore Meyer dissented. **(GTG)**

An Opinion and Order was adopted in #94-244, Rodney B. Nelson, M.D. v. Kane County Forest Preserve, Jack E. Cook, Chairman, Kane County Board, Warren Kammerer, Chairman, by a vote of 7-0. **(ED)**

An Opinion and Order was adopted in #95-73, Dennis Manarchy, Mary Beth Manarchy, Chris Mandoline, Bevely Kagy-Mandoline, Surrounding Neighbors v. The Gotham Nightclub, JJJ & Associates, by a vote of 7-0. **(CAM)**

An Opinion and Order was adopted in #95-155, General Business Forms, Inc. v. IEPA, by a vote of 7-0. **(GTG)**

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$6,000.00, was adopted in #96-2, People of the State of Illinois v. Phoenix Oil Company, by a vote of 7-0. **(CAM)**

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$10,000.00, was adopted in #96-38, People of the State of Illinois v. City of Metropolis, by a vote of 7-0. **(JY)**

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$3,000.00, was adopted in #96-202, People of the State of Illinois v. Donald and Robert Hastie, d/b/a Hastie Trucking and Mining Company, by a vote of 6-1. Board Member J. Theodore Meyer dissented. **(GTG)**

An Opinion and Order accepting the Stipulation and Proposal for Settlement in the amount of \$5,000.00, was adopted in #96-253, People of the State of Illinois v. Material Service Corporation, by a vote of 6-1. Board Member J. Theodore Meyer dissented. **(CAM)**

An Order granting the respondent's motion to withdraw its petition for review, and unless already paid, directing the respondent to pay a penalty of \$1,000.00 within 30 days from the date of the entry of the Order, for violating Sections 21(p)(1) and 21(p)(3) of the Illinois Environmental Protection Act, was adopted in #AC 96-31, IEPA v. Fred Honaker, by a vote of 7-0. **(JTM)**

An Order granting the respondent's motion to dismiss its petition for review, and unless already paid, directing the respondent to pay a penalty in the amount of \$500.00 within 30 days from the date of the entry of the Order, for violating Section 21(p)(1) of the Illinois Environmental Protection Act, was adopted in #AC 96-37, IEPA v. Midwest Excavating, by a vote of 7-0. **(ED)**

A Default Order finding that the respondent violated Sections 21(o)(5) and 21(o)(12) of the Illinois Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 96-48, Jackson County v. Southern Illinois Regional Landfill, by a vote of 7-0. **(CAM)**

A Default Order finding that the respondent violated Sections 21(o)(5) and 21(o)(12) of the Illinois Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 96-49, Jackson County v. Southern Illinois Regional Landfill, by a vote of 7-0. **(CAM)**

A Default Order finding that the respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(4) of the Illinois Environmental Protection Act, and assessing a \$1,500.00 penalty, was adopted in #AC 96-50, County of LaSalle v. Lone Star Industries, Inc., by a vote of 7-0. **(CAM)**

An Order granting the Agency's motion to withdraw the administrative citation and closing the docket, was adopted in #AC 96-55, IEPA v. Ray Stokes and Ted Bidleman, d/b/a Rays and Bidleman's Tree Card, and Michael Rengel, by a vote of 7-0. **(CAM)**

These Administrative Citations were accepted by the Board: ##96-56, County of Jackson v. James Qualls; 96-57, County of Jackson v. Southern Illinois Regional Landfill; 96-58, County of Jackson v. Gary Easton; 96-59, County of Jackson v. Greg Burris, individually, and d/b/a Burris Disposal Service; 96-60, County of Will v. Arthur Hammel; 96-61, County of Will v. First United Bank, Trust #1279; 97-1, IEPA v. Banner Disposal, Inc.; 97-2, IEPA v. Joseph C. Smith and Laverne A. Smith; 97-3, County of Will v. Charlotte Raymond, Dominick Raymond, Joseph Raymond, Margaret Flamini, Frank Raymond, Jr., Andrea Domzalski, and Annette Stilts.

An Order granting the respondents' motion for leave to join Texaco Refining and Marketing, Inc. and Eugene and Cheryl Halbrooks, as additional parties, denying Texaco Refining and Marketing's response in opposition to respondent Wiemann's motion to join additional parties, and directing the hearing officer to promptly set the matter for hearing consistent with the Order, was adopted in #93-191, People of the State of Illinois v. Lloyd Wiemann, d/b/a Wiemann Ice and Fuel, Texaco Refining and Marketing, Inc., and Eugene and Cheryl Halbrooks, by a vote of 7-0. **(CAM)**

An Order denying the petitioner's motion for stay and granting the Agency's motion for summary judgment, was adopted in #95-100, C & S Recycling, Inc. v. IEPA, by a vote of 6-1. Board Member J. Theodore Meyer dissented. **(ED)**

An Order granting the parties' agreed motion for modification of the stipulation and proposal for settlement agreement accepted by the Board at its December 20, 1995 meeting, was adopted in #96-106, People of the State of Illinois v. Beloit Corporation, by a vote of 7-0. **(CAM)**

An Order granting the petitioner's motion for leave to withdraw and dismiss its petition and closing the docket, was adopted in #96-138, Stepan Company v. IEPA, by a vote of 7-0. **(GTG)**

A Order granting the petitioner's voluntary motion to dismiss and closing the docket, was adopted in #96-171, Exel Sales, Inc. v. IEPA, by a vote of 7-0. **(ED)**

An Order granting the complainants' motion for reconsideration, and upon reconsideration, denying the relief requested because the Board found no compelling reason to modify its June 6, 1996 Order dismissing the matter, was adopted in #96-179, Gilbert & Lenda Marshall v. Danny Lingenfelter, individually and as President of Central Illinois Dirt Riders Association, by a vote of 7-0. **(ED)**

An Order granting respondent LandComp's application for non-disclosure for Volume II of its siting application to the LaSalle County Board, granting respondent LaSalle County's motion to strike paragraph 8(w), granting respondent LandComp's motion in Limine regarding paragraph 8(w), and referring respondent LandComp's motion to quash subpoenas to the hearing officer for immediate disposition consistent with the Order, was adopted in #96-243, Residents Against A Polluted Environment and The Edmund B. Thornton Foundation, by a vote of 7-0. **(RCF)**

An Order denying the Agency's motion to dismiss and setting the matter for hearing, was adopted in #96-254, Marathon Oil Company v. IEPA, by a vote of 7-0. **(JY)**

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 #96-267, People of the State of Illinois v. Cary Corners Partnership, by a vote of 7-0. **(CAM)**

An Order advising the parties that absent an additional waiver, the Board must decide the matter based on the record at its December 5, 1996 meeting, and directing the parties to file status reports or a joint status report with the Board on or before October 28, 1996, was adopted in #91-202, Sherex Chemical Company, Inc. v. IEPA, by a vote of 7-0. **(ED)**

An Order dismissing the docket as unnecessary, was adopted in #96-224, D'Arcy Oldsmobile v. IEPA, by a vote of 7-0. **(JY)**

An Order accepting the petitioner's status report in response to a June 6, 1996 Board Order, and granting the petitioner's motion for stay for an additional 30 days from the date of the entry of the Order, was adopted in #96-230, The Clorox Company v. IEPA, by a vote of 7-0. **(GTG)**

A mandatory hearing will be held in #96-256, People of the State of Illinois v. Crier Development Company and Bradley S. Cowell.

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 August 15, 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 #96-258, Crawford Automotive Company v. IEPA, by a vote of 7-0. **(CAM)**

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 August 15, 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 #96-259, North Shore School District #112 v. IEPA, by a vote of 7-0. **(CAM)**

Mandatory hearings will be held in these cases: ##96-260, People of the State of Illinois v. Pipe and Piling Supplies; 96-261, People of the State of Illinois v. G.M. Demolition Corporation;

96-262, People of the State of Illinois v. R. Frietsch and Company, Inc.; 96-263, People of the State of Illinois v. Field Container Company, Ltd. and Field Container Management Corporation; 96-264, People of the State of Illinois v. American Waste Processing, Ltd..

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 August 27, 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 #97-1, Lawrence Cadillac v. IEPA, by a vote of 7-0. **(CAM)**

A mandatory hearing will be held in #97-2, People of the State of Illinois v. Jersey Sanitation 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 September 4, 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 #97-3, T & H Machine, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

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 September 3, 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 #97-4, Reckitt & Coleman, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

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 September 2, 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 #97-5, Herb Treder (Site Classification and Completion Report) v. IEPA, by a vote of 7-0. **(CAM)**

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 September 2, 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 #97-6, Herb Treder (High Priority Corrective Action Plan and 45-Day Report) v. IEPA, by a vote of 7-0. **(CAM)**

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 September 2, 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 #97-7, Herb Treder (High Priority Corrective Action Completion Report) v. IEPA, by a vote of 7-0. **(CAM)**

Mandatory Hearings will be held in these cases: ##97-8, People of the State of Illinois v. Canton Industrial Corporation; 97-9, People of the State of Illinois v. C & S Recycling, Inc., Flood Brothers disposal Company, Inc., William Flood, individually, and as President of C & S Recycling, and Brian Flood, individually and as Treasurer of C & S Recycling; 97-10, People of the State of Illinois v. Allsteel, Inc.; 97-11, people of the State of Illinois v. White & Brewer Trucking.

An Order accepting the matter for hearing was adopted in #97-12, Amoco Oil Company v. Office of the State Fire Marshal, by a vote of 7-0. **(CAM)**

This case was held for an Agency Recommendation: #97-13, Village of Rockdale v. IEPA.

A provisional variance was granted in #97-14, Rexam Medical Packaging, Inc. (formerly DRG Medical Packaging, Inc.) v. IEPA, by a vote of 7-0. **(CAM)**

A provisional variance was granted in #97-15, City of Paris v. IEPA, by a vote of 7-0. **(CAM)**

ADDENDUM

This Administrative Citation was accepted by the Board: #97-4, IEPA v. Joseph C. Smith and Laverne A. Smith.

An Agency motion to clarify its recommendation in #96-191, White Cap, Inc. v. IEPA, will be taken with case-in-chief.

A provisional variance was granted in #97-16, Olin Ordnance, Marion Operations v. IEPA, by a vote of 7-0. **(CAM)**

AGENDA

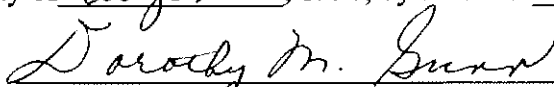
These matters were discussed and held for further discussion or possible decision: R96-4, Listing of Federal Hazardous Air Pollutants, great Lakes Commissions Toxic Compounds and Great Waters Program Toxic Compounds, and Source Reporting for Illinois Toxic Air Contaminants: Amendments to 35 Ill. Adm. Code 232, Proposed Rule, First Notice, Opinion and Order; R97-8, Revision of the Board's Procedural Rules; 94-240, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and UAW Local 974 and Citizens For A Better Environment v. Caterpillar, Inc., IEPA, Party-in-Interest.

An Opinion an Order was adopted in #96-125, Color Communications, Inc. v. IEPA, by a vote of 5-2. Board Members E. Dunham and J. Theodore Meyer dissented, and Board Member J. Yi concurred. **(McF)**

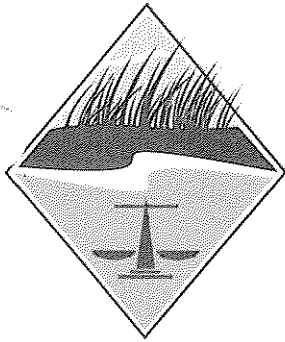
All other matters not disposed of as listed were held.

Moved and seconded, by a vote of 7-0, the meeting was adjourned at 11:58 a.m..

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 1st day of August, 1996, by a vote of 5-0.



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
JULY 18, 1996 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.**

CHAIRMAN
Claire A. Manning
Springfield

ADDENDUM

ADMINISTRATIVE CITATIONS

MEMBERS
Emmett E. Dunham II
Elmhurst

AC 97-4 IEPA v. Joseph C. Smith and Laverne A. Smith
- Accept Case - No Order

Ronald C. Fiemal
DeKalb

G. Tanner Girard
Grafton

Marili McFawn
Inverness

J. Theodore Meyer
Chicago

MOTIONS

96-191 White Cap, Inc. v. IEPA - Agency Motion to (JTM)
A-V Clarify Recommendation (6/18)

Joseph C. Yi
Park Ridge

96-243 Residents Against A Polluted Environment and (RCF)
L-S-R, 3rd The Edmund B. Thornton Foundation v. County
Party of LaSalle and Landcomp Corporation -
Respondent County of LaSalle's Motion to
Strike Certain Portions of the Petition for
Hearing and to Bar Discovery Related to Said
Portions (7/1), Respondent Landcomp's Motion
in Limine (7/1), Respondent Landcomp's
Motion for Leave to File a Combined Reply in
Support of its Motion in Limine and Motion to
Quash (7/16)

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600 South Second Street
Suite 402
Springfield, Illinois 62704
217-524-8500
Fax 217-524-8508

SATELLITE OFFICES
110 South State
Jerseyville, Illinois 62052
618-498-9802
Fax 618-498-5934

148 North Third Street
P.O. Box 505
DeKalb, Illinois 60115
815-753-1904
Fax 815-753-1970

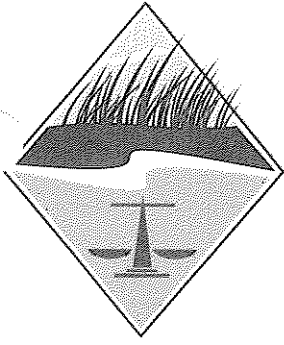


MOTIONS (Cont'd)

96-264 People of the State of Illinois v. American (CAM)
RCRA-E Waste Processing, Ltd. - Respondent's Motion
to Dismiss in Lieu of Answer (7/12)(**Note:**
Notice of Pleading Captioned as
"Respondent's Answer to Complainant's
Complaint")

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

97-16 Olin Ordnance, Marion Operations v. IEPA - (CAM)
Air Provisional Variance (**See Agency's Amended**
Provisional Variance Recommendation filed
7/17)



ILLINOIS POLLUTION CONTROL BOARD

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GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Fiemal
DeKalb

G. Tanner Girard
Grafton

Marilyn McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



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AGENDA JULY 18, 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

June 20, 1996

REGULATIONS AND ADJUSTED STANDARDS

| | | |
|-------------------|--|------------------------|
| R94-1(B) Water | <u>Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.202, 302.212, 302.213, 304.122, 304.301 (Ammonia Nitrogen) - Proposed Rule, First Notice, Opinion and Order</u> | (ED) (CAM) (RCF) |
| R96-12 Water | <u>Wastewater Pretreatment Update, USEPA Regulations (July 1, 1995 through December 31, 1995) - Adopted Rule, Final Order, Opinion and Order</u> | (ED) |
| R97-1 Air | <u>Exemptions from Definitions of VOM, USEPA Amendments (January 1, 1996 through June 30, 1996) - RESERVED</u> | |
| R97-2 PWS | <u>SDWA Update, USEPA Regulations (January 1, 1996 through June 30, 1996) - RESERVED</u> | |
| R97-3 Land | <u>UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996) - RESERVED</u> | |
| R97-4 Land | <u>RCRA Subtitle D Update, USEPA Regulations (January 1, 1996 through June 30, 1996) - RESERVED</u> | |
| R97-5 Land | <u>RCRA Subtitle C Update, USEPA Regulations (January 1, 1996 through June 30, 1996) - RESERVED</u> | |
| R97-6 Land | <u>UST Update, USEPA Regulations (January 1, 1996 through June 30, 1996) - RESERVED</u> | |
| R97-7 Water | <u>Wastewater Pretreatment Update, USEPA Regulations (January 1, 1996 through June 30, 1996) - RESERVED</u> | |
| AS 94-5 Air | <u>Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart RR - Joint Status Report in Response to April 18, 1996 Board Order and Request for Extension of Stay (7/10)</u> | (JTM) |

REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

| | | |
|----------------------------|--|-------|
| AS 94-6 Air | <u>Petition of Hydrosol, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart DD - Joint Status Report in Response to March 21, 1996 Board Order (6/19)</u> | (JTM) |
| AS 96-10 T-Water | <u>Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e) - Petitioner's Supplement and Corrections to Amended Petition for Alternate Thermal Standards and Proof of Publication of Petition Notice (7/11)</u> | (ED) |
| AS 96-11 Land, RCRA | <u>Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a), (c) - Hold for Certificate of Publication - No Order</u> | (CAM) |
| AS 96-12 Water | <u>Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard from 35 Ill. Adm. Code 302.208, 304.124 and 302.203 (if required) - Hold for Certificate of Publication - No Order</u> | |
| DECISIONS | | |
| 86-2 CSO | <u>City of LaSalle CSO</u> | (GTG) |
| 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 & Associates, Inc.</u> | (CAM) |
| 95-155 A-V | <u>General Business Forms, Inc. v. IEPA (due)</u> | (GTG) |

DECISIONS (Cont'd)

| | | |
|--------------------|--|-------|
| 96-2 A-E | <u>People of the State of Illinois v. Phoenix Oil Company - Stipulation</u> | (CAM) |
| 96-38 L&W-E | <u>People of the State of Illinois v. City of Metropolis - Stipulation</u> | (JY) |
| 96-125 P-A, Air | <u>Color Communications, Inc. v. IEPA (due)</u> | (McF) |
| 96-202 A-E | <u>People of the State of Illinois v. Donald and Robert Hastie, d/b/a Hastie Trucking and Mining Company - Stipulation</u> | (GTG) |
| 96-253 M-E | <u>People of the State of Illinois v. Material Service Corporation - Stipulation</u> | (CAM) |

ADMINISTRATIVE CITATIONS

| | | |
|----------|--|-------|
| AC 96-31 | <u>IEPA v. Fred Honaker - Respondent's Motion to Withdraw Petition for Review (6/28)</u> | (JTM) |
| AC 96-37 | <u>IEPA v. Midwest Excavating - Respondent's Motion to Dismiss Petition for Review (7/5)</u> | (ED) |
| AC 96-48 | <u>County of Jackson v. Southern Illinois Regional Landfill - Default Order</u> | |
| AC 96-49 | <u>County of Jackson v. Southern Illinois Regional Landfill - Default Order</u> | |
| AC 96-50 | <u>County of LaSalle v. Lone Star Industries - Default Order</u> | |

ADMINISTRATIVE CITATIONS (Cont'd)

AC 96-55 IEPA v. Ray Stokes and Ted Bidleman, d/b/a Rays and Bidleman's Tree Card, and Michael Rengel - Agency Motion to Withdraw Administrative Citation (7/11) (CAM)

AC 96-56 County of Jackson v. James Qualls - Accept Case - No Order

AC 96-57 County of Jackson v. Southern Illinois Regional Landfill - Accept Case - No Order

AC 96-58 County of Jackson v. Gary Easton - Accept Case - No Order

AC 96-59 County of Jackson v. Greg Burris, individually, and d/b/a Burris Disposal Service - Accept Case - No Order

AC 96-60 County of Will v. Arthur Hammel - Accept Case - No Order

AC 96-61 County of Will v. First United Bank, Trust #1279 - Accept Case - No Order

AC 97-1 IEPA v. Banner Disposal, Inc. - Accept Case - No Order

AC 97-2 IEPA v. Joseph C. Smith and Laverne A. Smith - Accept Case - No Order

AC 97-3 County of Will v. Charlotte Raymond, Dominick Raymond, Joseph Raymond, Margaret Flamini, Frank Raymond, Jr., Andrea Domzalski, and Annette Stilts - Accept Case - No Order

MOTIONS

| | | |
|----------------------|---|-------|
| 93-191 UST-E | <u>People of the State of Illinois v. Lloyd Wiemann, d/b/a Wiemann Ice and Fuel</u> - 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 Instantly, 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), Agency Motion to Clarify Recommendation (6/18) | (CAM) |
| 95-100 P-A, Land | <u>C & S Recycling, Inc. v. IEPA</u> - Status Report in Response to April 4, 1996 Board Order and Motion to Stay Proceedings (6/3), Agency Status Report and Objection to Petitioner's Motion to Stay Proceedings (6/10) | (ED) |
| 96-52 UST-FRD | <u>Raleigh Realty Corporation v. IEPA</u> - Petitioner's Motion for Summary Judgment (3/11), Agency Response to Petitioner's Motion for Summary Judgment and Agency Cross-Motion for Summary Judgment in Excess of Fifteen Pages (3/27) | (JTM) |
| 96-102 UST-FRD | <u>Kathe's Auto Service Center v. IEPA</u> - Agency's Motion for Summary Judgment (4/5), Petitioner's Cross-Motion for Summary Judgment, Petitioner's Response Brief to the Agency's Motion for Summary Judgment (4/15), Agency's Response to Petitioner's Cross-Motion for Summary Judgment (5/2) | (JY) |
| 96-106 A-E | <u>People of the State of Illinois v. Beloit Corporation</u> - Complainant's Request for Modification of the Stipulation and Proposal for Settlement which was Adopted and Accepted by the Board at its December 20, 1995 Board Meeting (7/8) | (CAM) |
| 96-138 UST-Appeal | <u>Stepan Company v. IEPA</u> - Petitioner's Motion for Leave to Withdraw Petition and Motion to Dismiss and Withdrawal of Petition (6/28) | (GTG) |

MOTIONS (Cont'd)

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 Instanter 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 Instanter 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 Instanter Motion to
Dismiss Complaint and Respondents' Motion for Leave to File
Reply to Complainant's Objection to Respondents' Motion for
Leave to File Instanter 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)

96-158 Frederick Cooper Lamps, Inc. v. IEPA - Petitioner's Motion for (McF)
P-A, Air Summary Judgment on the Application of the Appropriate
Coating Limitation, Memorandum in Support of Motion for
Summary Judgment on the Application of the Appropriate
Coating Limitation and Joint Motion for Expedited
Consideration (6/14), Agency Response in Opposition to
Petitioner's Motion for Summary Judgment on the Application
of the Appropriate Coating Limitation (6/27), Petitioner's Reply
to Respondent's Response in Opposition to Petitioner's Motion
for Summary Judgment (7/1)

96-171 Exel Sales, Inc. v. IEPA - Petitioner's Voluntary Motion to (ED)
UST-FRD Dismiss (6/25)

96-179 Gilbert & Lenda Marshall v. Danny Lingenfelter individually (ED)
A & N-E and as President of Central Illinois Dirt Riders Association -
Complainants' Motion for Reconsideration of June 3, 1996
Board Order (6/28)

MOTIONS (Cont'd)

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| 96-243 L-S-R, Third Party | <u>Residents Against A Polluted Environment and The Edmund B. Thornton Foundation v. County of LaSalle and Landcomp Corporation</u> - Application for Non-Disclosure (6/26), Petitioners' Response to Respondent's Application for Non-Disclosure (7/8), Petitioner's Response to Respondent Landcomp's Motion in Limine and LaSalle County's Motion to Strike Certain Portions of the Petition and to Bar Discovery Related to said Portions (7/11) | (RCF) |
| 96-254 A-V | <u>Marathon Oil Company v. IEPA</u> - Agency Motion to Dismiss (6/21), Petitioner's Response to Agency Motion to Dismiss (6/24) | (JY) |
| 96-267 A-E | <u>People of the State of Illinois v. Atlas Dismantling Corporation, and Cary Corners Partnership</u> - Agreed Motion to Request Relief from Hearing Requirement (6/28) | (CAM) |
| CASES TO BE SET FOR HEARING AND OTHER CASE PROCESSING ORDERS OR MATTERS | | |
| 91-202 P-A | <u>Sherex Chemical Company, Inc. v. IEPA</u> - Petitioner's Status Report in Response to April 4, 1996 Board Order (7/12) | (ED) |
| 96-206 N-E | <u>Anne Shepard, James Verhein and Jerold Leckman v. Northbrook Sports Club</u> - (See Respondent's Motion to Dismiss as Frivolous filed 4/9; Complainants' Response to Respondent's Motion to Dismiss as Frivolous filed 6/6) | (CAM) |
| 96-224 UST-FRD | <u>D'Arcy Oldsmobile v. IEPA</u> - Dismissal Order | (JY) |
| 96-230 T-S | <u>The Clorox Company v. IEPA</u> - Petitioner's Status Report in Response to June 6, 1996 Board Order (6/26) | (GTG) |

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

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|----------------------|--|-------|
| 96-254 A-V | <u>Marathon Oil Company v. IEPA</u> - Amended Petition in Response to June 20, 1996 Board Order (7/10) | (JY) |
| 96-256 W-E | <u>People of the State of Illinois v. Crier Development Company and Bradley S. Cowell</u> - Hearing Mandatory - No Order | (ED) |
| 96-258 UST-Appeal | <u>Crawford Automotive Company v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (6/20) | (CAM) |
| 96-259 UST-Appeal | <u>North Shore School District #112 v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (6/20) | (CAM) |
| 96-260 A-E | <u>People of the State of Illinois v. Pipe and Piling Supplies (U.S.A.), Ltd.</u> - Hearing Mandatory - No Order | |
| 96-261 A-E | <u>People of the State of Illinois v. G.M. Demolition Corporation</u> - Hearing Mandatory - No Order | |
| 96-262 A-E | <u>People of the State of Illinois v. R. Frietsch and Company, Inc.</u> - Hearing Mandatory - No Order | |
| 96-263 A-E | <u>People of the State of Illinois v. Field Container Company, Ltd., and Field Container Management Corporation</u> - Hearing Mandatory - No Order | |
| 96-264 RCRA-E | <u>People of the State of Illinois v. American Waste Processing, Ltd.</u> - Hearing Mandatory - No Order | |

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

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| 96-265 RCRA-E | <u>Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, Controls Corporation of America Employee Profit Sharing and Retirement Trust, and Eaton Corporation</u> - Hold for Duplicitous/Frivolous Determination - No Order | |
| 96-266 RCRA-E | <u>J. Clarke Baker & Company and Real Estate Fund, Inc. v. Brunswick Corporation, L & J Engineering, Inc., GPE Controls, Inc. and Vapor Corporation</u> - Hold for Duplicitous/Frivolous Determination - No Order | |
| 97-1 UST-Appeal | <u>Lawrence Cadillac v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/2) | (CAM) |
| 97-2 A,W & L-E | <u>People of the State of Illinois v. Jersey Sanitation Corporation</u> - Hearing Mandatory - No Order | |
| 97-3 UST-Appeal | <u>T & H Machine, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/9) | (CAM) |
| 97-4 UST-Appeal | <u>Reckitt & Colman, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/9) | (CAM) |
| 97-5 UST-Appeal | <u>Herb Treder (Site Classification and Completion Report) v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/9) | (CAM) |
| 97-6 UST-Appeal | <u>Herb Treder (High Priority Corrective Action Plan and 45-Day Report) v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/9) | (CAM) |
| 97-7 UST-Appeal | <u>Herb Treder (High Priority Corrective Action Completion Report) v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/9) | (CAM) |

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

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|--------------------------|--|-------|
| 97-8 L-E, Tires | <u>People of the State of Illinois v. Canton Industrial Corporation</u> - Hearing Mandatory - No Order | |
| 97-9 L-E | <u>People of the State of Illinois v. C & S Recycling, Inc., Flood Brothers Disposal Company, Inc., William Flood, individually, and as President of C & S Recycling, and Brian Flood, individually and as Treasurer of C & S Recycling</u> - Hearing Mandatory - No Order | |
| 97-10 RCRA-E | <u>People of the State of Illinois v. Allsteel, Inc.</u> - Hearing Mandatory - No Order | |
| 97-11 L, W, & GW-E | <u>People of the State of Illinois v. White & Brewer Trucking</u> - Hearing Mandatory - No Order | |
| 97-12 UST-Appeal | <u>Amoco Oil Company v. Office of the State Fire Marshal</u> - Accept for Hearing Order | (CAM) |
| 97-13 PW S-V | <u>Village of Rockdale v. IEPA</u> - Hold for Agency Recommendation - No Order | |
| 97-14 Air | <u>Rexam Medical Packaging, Inc. (Formerly DRG Medical Packaging, Inc.) v. IEPA</u> - Provisional Variance | (CAM) |
| 97-15 Water | <u>City of Paris v. IEPA</u> - Provisional Variance | (CAM) |

CASES PENDING DECISION

R96-4 Listing of Federal Hazardous Air Pollutants, Great Lakes (JY)
Air Commissions Toxic Compounds and Great Waters Program
Toxic Compounds, and Source Reporting for Illinois Toxic Air
Contaminants: Amendments to 35 Ill. Adm. Code 232 -
Proposed Rule, First Notice, Opinion and Order

R97-8 Revision of the Board's Procedural Rules Part 101 - (CAM)
RESERVED

94-240 International Union, United Automobile, Aerospace and (CAM)
RCRA-E, Agricultural Implement Workers of America and UAW Local
Citizens 974 and Citizens For a Better Environment v. Caterpillar, Inc.,
IEPA, Party-in-Interest

ADJOURNMENT

LIST OF NEW CASES FILED SINCE JUNE 20, 1996 BOARD MEETING

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|------------|---|
| AC 96-56 | County of Jackson v. James Qualls |
| AC 96-57 | County of Jackson v. Southern Illinois Regional Landfill |
| AC 96-58 | County of Jackson v. Gary Easton |
| AC 96-59 | County of Jackson v. Greg Burris, individually, and d/b/a Burris Disposal Service |
| AC 96-60 | County of Will v. Arthur Hammel |
| AC 96-61 | County of Will v. First United Bank, Trust #1279 |
| AC 97-1 | IEPA v. Banner Disposal, Inc. |
| AC 97-2 | Joseph C. Smith and Laverne A. Smith |
| AC 97-3 | County of Will v. Charlotte Raymond, Dominick Raymond, Joseph Raymond, Margaret Flamini, Frank Raymond, Jr., Andrea Domzalski, and Annette Stilts |
| 96-256 | People of the State of Illinois v. Crier Development Company and Bradley S. Cowell |
| 96-257**** | |
| 96-258 | Crawford Automotive Company v. IEPA |
| 96-259 | North Shore School District #112 v. IEPA |
| 96-260 | People of the State of Illinois v. Pipe and Piling Supplies (U.S.A.), Ltd. |
| 96-261 | People of the State of Illinois v. G.M. Demolition Corporation |
| 96-262 | People of the State of Illinois v. R. Frietsch and Company, Inc. |
| 96-263 | People of the State of Illinois v. Field Container Company, Ltd., and Field Container Management Corporation |
| 96-264 | People of the State of Illinois v. American Waste Processing, Ltd. |
| 96-265 | Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, Controls Corporation of America Employee Profit Sharing and Retirement Trust, and Eaton Corporation |
| 96-266 | J. Clarke Baker & Company and Real Estate Fund, Inc. v. Brunswick Corporation, L & J Engineering, Inc., GPE Controls, Inc., and Vapor Corporation |
| 96-267 | People of the State of Illinois v. Atlas Dismantling Corporation, and Cary Corners Partnership |
| 97-1 | Lawrence Cadillac v. IEPA |
| 97-2 | People of the State of Illinois v. Jersey Sanitation Corporation |
| 97-3 | T & H Machine, Inc. v. IEPA |
| 97-4 | Reckitt & Coleman, Inc. v. IEPA |
| 97-5 | Herb Treder (Site Classification and Completion Report) v. IEPA |
| 97-6 | Herb Treder (High Priority Corrective Action Plan and 45-Day Report) v. IEPA |
| 97-7 | Herb Treder (High Priority Corrective Action Completion Report) v. IEPA |
| 97-8 | People of the State of Illinois v. Canton Industrial Corporation |

LIST OF NEW CASES FILED SINCE JUNE 20, 1996 BOARD MEETING (Cont'd)

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|-------|---|
| 97-9 | People of the State of Illinois v. C & S Recycling, Inc., Flood Brothers Disposal Company, Inc., William Flood, individually, and as President of C & S Recycling, and Brian Flood, individually, and as Treasurer of C & S Recycling |
| 97-10 | People of the State of Illinois v. Allsteel, Inc. |
| 97-11 | People of the State of Illinois v. White & Brewer Trucking |
| 97-12 | Amoco Oil Company v. Office of the State Fire Marshal |
| 97-13 | Village of Rockdale v. IEPA |
| 97-14 | Rexam Medical Packaging, Inc. (Formerly DRG Medical Packaging, Inc.) v. IEPA |
| 97-15 | City of Paris v. IEPA |

****** PCB 96-257, People of the State of Illinois v. Rockford Blacktop Construction Company was handled at June 20, 1996 Board Meeting**

REGULAR BOARD MEETING SCHEDULE FOR THE FIRST HALF OF FY97

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 ₂ | S0 ₂ Alternative Standards (35 ILI 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 Corrective Action Appeal |
| UST-E | Underground Storage Tank Enforcement | UST-FRD | Underground Storage Tank Fund Reimbursement Determination |
| W-E | Water Enforcement | W-V | Water Variance |
| WWS | Water-Well Setback Exception | | |