

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING SEPTEMBER 19, 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 September 5, 1996 Board Meeting were approved by a vote of 6-0. Chairman Manning abstained.

In R96-18, Amendments to 35 Ill. Adm. Code Subtitle F (Parts 601 through 620), an Order granting the Agency's motion to amend the petition and accepting the petition, and directing the hearing officer to conduct at least two hearings in affected areas of the State, as required by Sections 27 and 28 of the Illinois Environmental Protection Act, was adopted by a vote of 7-0. **(RCF)**

In R97-10, Regulation of Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732, an Order accepting the matter for hearing, was adopted by a vote of 7-0. **(CAM)**

In R97-11, Site Remediation Program ("Brownfields"), 35 Ill. Adm. Code 740, an Order accepting the matter for hearing, was adopted by a vote of 7-0. **(CAM)**

In R97-12, Tiered Approach to Corrective Action Objectives ("TACO"), 35 Ill. Adm. Code 742, an Order accepting the matter for hearing, was adopted by a vote of 7-0. **(CAM)**

An Order denying the Petitioner's motion to incorporate the record from #AS 96-11, granting the petitioner's motion for leave to file additional support for its motion to incorporate and accepting the additional information, granting the Agency's motion for leave to reply and accepting the Agency's reply, advising the petitioner that in accordance with Section 106.415, the Board is required to hold a hearing on the petition prior to ruling on the adjusted standard, and accepting the petition for hearing, was adopted in #AS 97-2, Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131 (a) and (c), by a vote of 7-0. **(ED)**

An Order granting the petitioner's motion for leave to file its reply to the Agency's response to its petition for an adjusted standard and correcting the caption of the proceeding, was adopted in #AS 97-1, Petition of American River Transportation Company for an Adjusted Standard from 35 Ill. Adm. Codes 809.201, 809.301, 809.302, and 809.501, by a vote of 7-0. **(GTG)**

An Opinion and Order was adopted in #95-162, Illinois Landfill, Inc. v. IEPA, by a vote of 7-0. **(GTG)**

An Opinion and Order 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. Board Member J. Theodore Meyer concurred. **(GTG)**

An Opinion and Order was adopted in #96-243, Residents Against a Polluted Environment and The Edmund B. Thornton Foundation v. County of LaSalle and Landcomp Corporation, by a vote of 6-1. Board Member J. Theodore Meyer dissented. **(McF)**

An Opinion and Order was adopted in #96-246, City of DeKalb v. IEPA, by a vote of 6-0. Board Member R.C. Flemal abstained. **(JTM)**

An Order denying the Agency's motion to dismiss respondents' petition for administrative review, consolidating this proceeding with AC 97-4 since both administrative citations involve the same respondents and the sites are located on the same property, and directing that the matters proceed to hearing, was adopted in ##AC 97-2, - 4, IEPA v. Joseph C. Smith and LaVerne A. Smith, by a vote of 7-0. **(JTM)**

This administrative citation was accepted for hearing upon a petition to contest the administrative citation filed by respondents Andrea Domzalski, Frank Raymond, Jr., and Dominick Raymond, in response to the Board's September 5, 1996 Order: #AC 97-3, County of Will v. Dominick Raymond, Joseph Raymond, Margaret Flamini, Frank Raymond, Jr., Andrea Domzalski, and Annette Stilts.

An Order granting the complainant's motion to voluntarily dismiss, was adopted in #AC 97-10, County of Will v. Land and Lakes, by a vote of 7-0. **(CAM)**

These administrative citations were accepted by the Board: ##97-18, IEPA v. Alice M. Hoffer and Margaret A. Gunthner; 97-19, IEPA v. Kit Owens, d/b/a Metropolis Tire Store.

Respondent's motion to strike attachment to complainant's brief will be taken with the case-in-chief in #93-15, Dorothy Furlan and Michael Furlan v. University of Illinois School of Medicine.

An Order granting the petitioner's motion to withdraw and closing the docket, was adopted in #93-16, Beloit Corporation v. IEPA, by a vote of 7-0. **(GTG)**

An Order granting the petitioner's motion to withdraw its petition for review and closing the docket, was adopted in #95-72, Burwell Oil Services, Inc., d/b/a Total G.B. Oil v. IEPA, by a vote of 7-0. **(RCF)**

An Order denying respondents Waste Hauling Landfill, Inc. and Waste Hauling, Inc.'s motion to strike stipulation, granting the respondents a waiver of filing requirements and leave to utilize their remaining stores of 20% post-consumer waste recycled paper, rather than the required 30%, until such stores are depleted, and directing the hearing officer to schedule a hearing on the stipulation filed between the Agency and Bell Sports, was adopted in #95-91, People of the State

of Illinois v. Bell Sports, Inc., Waste Hauling Landfill, Inc., and Waste Hauling, Inc., by a vote of 7-0. **(CAM)**

An Order acknowledging the parties' settlement in the matter and granting the joint motion to dismiss and closing the docket, was adopted in #95-113, White Glove of Morton Grove v. Amoco Oil Company, by a vote of 7-0. **(CAM)**

An Order denying the complainants' motion for summary judgment and motion to supplement the record, was adopted in #95-122, Olive 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, by a vote of 7-0. **(CAM)**

An Order granting the petitioner's motion to voluntarily dismiss and closing the docket, was adopted in #95-168, Brunetto Brothers Mobil v. IEPA, by a vote of 7-0. **(JY)**

An Order granting the petitioner's motion to voluntarily dismiss and closing the docket, was adopted in #96-5, Ebrey Standard Service v. IEPA, by a vote of 7-0. **(JTM)**

An Order granting the petitioner's motion to voluntarily dismiss and closing the docket, was adopted in #96-9, Owen Oil Company v. IEPA, by a vote of 7-0. **(ED)**

An Order granting the petitioner's motion to voluntarily dismiss and closing the docket, was adopted in #96-37, Denny's Phillips 66 v. IEPA, by a vote of 7-0. **(McF)**

An Order granting the petitioner's motion to voluntarily dismiss and closing the docket, was adopted in #96-176, Steve's Mobil Service v. IEPA, by a vote of 7-0. **(RCF)**

An Order granting the petitioner's motion to voluntarily dismiss and closing the docket, was adopted in #96-177, Royer Oil Company v. IEPA, by a vote of 7-0. **(JY)**

An Order granting the petitioner's motion to voluntarily dismiss and closing the docket, was adopted in #96-178, Alexander/Franklin Community Unit School District #1 v. IEPA, 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 request for relief from hearing requirement, was adopted in #96-214, People of the State of Illinois v. Brass Foundry Company, Inc., by a vote of 7-0. **(ED)**

An Order granting the petitioner's motion for voluntary dismissal and closing the docket, was adopted in #96-225, Dalee Oil Company, Inc. v. IEPA, by a vote of 7-0. **(GTG)**

A Supplemental Order granting the parties' motion to modify the Board's August 15, 1996 Opinion and Order, was adopted in #96-267, People of the State of Illinois v. Atlas Dismantling Corporation, and Cary Corners Partnership, by a vote of 7-0. **(CAM)**

An Order granting the petitioner's motion for expedited decision as Board resources will allow and consistent with the Board's need to fully consider the record and prepare a written opinion, was adopted in #97-13, Village of Rockdale v. IEPA, by a vote of 7-0. (JTM)

An Order granting respondent Cook County Board of Commissioners' motion to dismiss and closing the docket, was adopted in #97-28, Village of Lynwood v. Cook County Board of Commissioners and J.T. Einoder Company, by a vote of 7-0. (GTG)

An Order granting the petitioner's motion for expedited review as Board resources allow, consistent with timely receipt of the Agency's recommendation, the hearing transcript and all post-hearing briefs, as well as the Board's need to fully consider the record and prepare a written opinion, was adopted in #96-193, W.R. Grace and Company-Connecticut v. IEPA, by a vote of 7-0. (JTM)

Mandatory hearings will be held in these cases: ##97-48, People of the State of Illinois v. Sentry Asbestos Abatement Company, Inc.; 97-49, People of the State of Illinois v. K & B Wrecking, Ltd..

This case was held for an Agency recommendation: #97-51, City of West Chicago v. IEPA.

Mandatory hearings will be held in these cases: ##97-52, People of the State of Illinois v. Mutual Asbestos Control Contractors, Inc.; 97-53, People of the State of Illinois v. General Business Forms, Inc.; 97-54, People of the State of Illinois v. Capital Engineering & Manufacturing Company; 97-55, People of the State of Illinois v. Precision Chrome, Inc..

These regulatory matters were discussed and held for further discussion or possible decision: R97-8, Revision of the Board's Procedural Rules Parts 101 - 130, Proposal for Public Comment, Proposed Opinion and Order; AS 96-10, Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e); AS 96-12, Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard from 35 Ill. Adm. Code 302.208, 304.124 and 302.203.

These cases were discussed and held for further discussion or possible decision: ##93-15, Dorothy Furlan and Michael Furlan v. University of Illinois School of Medicine; 94-146, Dorothy Hoffman v. City of Columbia, Illinois; 95-119, - 125, West Suburban Recycling & Energy Center v. IEPA.

The Chairman's motion for a Closed Deliberative Session on Thursday, September 26, 1996, carried by a vote of 7-0.

ADDENDUM

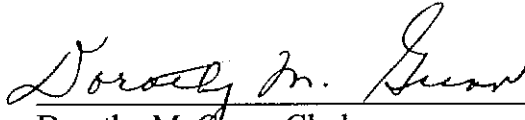
These Administrative Citations were accepted by the Board: ##97-20, IEPA v. William Decker; 97-21, IEPA v. John Sexton Sand & Gravel; 97-22, County of Will v. Citiwaste, Inc., and Allied Waste Industries.

An Order granting the Agency an extension of time until September 30, 1996 to respond to complainants' petition for reconsideration and amendment of order and complainants' motion to amend the petition for reconsideration and amendment of order, was adopted in #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., and IEPA, Party-in-Interest, by a vote of 7-0. (CAM)

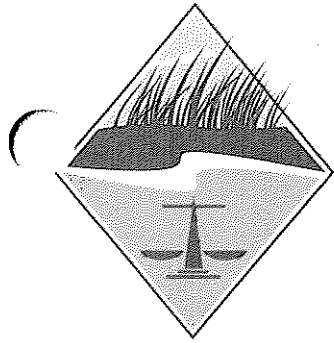
An Order dismissing the docket as unnecessary since the filings refer to the same filings as those in PCB 97-47, and directing the parties to file all future filings accordingly under PCB 97-47, was adopted in #97-44, Wayne County Regional Landfill (Daubs Landfill, Inc.) v. IEPA, by a vote of 7-0. (CAM)

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 3rd day of October, 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

**REGULAR MEETING AGENDA
SEPTEMBER 19, 1996 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.**

GOVERNOR
Honorable Jim Edgar



ADDENDUM

CHAIRMAN
Claire A. Manning
Springfield

ADMINISTRATIVE CITATIONS

MEMBERS
Emmett E. Dunham II
Elmhurst

AC 97-20 IEPA v. William Decker - Accept Case - No Order

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

AC 97-21 IEPA v. John Sexton Sand & Gravel Corporation - Accept Case - No Order

Marilyn McFawn
Inverness

J. Theodore Meyer
Chicago

AC 97-22 County of Will v. Citiwaste, Inc., and Allied Waste Industries - Accept Case - No Order

Joseph C. Yi
Park Ridge



SPRINGFIELD OFFICE

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

94-240 International Union, United Automobile, (CAM)
RCRA-E, Aerospace and Agrigultural Implement Workers
Citizens of America and UAW Local 974, and Citizens
 For A Better Environment v. Caterillar, Inc.,
 IEPA, Party-in-Interest - Respondent
 Caterpillar, Inc.'s Memorandum in Opposition
 to Complainants' Petition for Reconsideration
 and Amendment (9/18), Agency Motion for
 Extension of Time to Respond to Complainants'
 Petition for Reconsideration and Amendment of
 Order and Complainants' Motion to Amend
 Petition for Reconsideration and Amendment of
 Order Instanter (9/18)

95-104 Glen Ellyn Storage Corporation v. IEPA - (McF)
UST-FRD Petitioner's Motion to Withdraw Petition for
 Review (9/17)

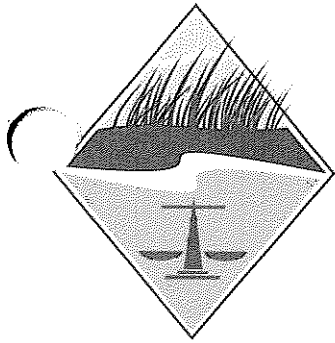
96-250 White & Brewer Trucking, Inc. v. IEPA - (ED)
P-A Agency Objection to Petitioner's Motion to
 Supplement the Record (9/17)

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

97-44 Wayne County Landfill v. IEPA - Dismissal (CAM)
P-A, 90- Order
Day
Extension

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

97-50 Lionel P. Trepanier, Daniel Miller, Wes Wager,
A-E, Maureen Cole, Lorenz Joseph, Maxworks
Citizens Garden Cooperative, Avi Pandya v. The Board
 of Trustees of the University of Illinois at
 Chicago, Other Unknown Owners, and
 Speedway Wrecking Company - Respondent
 Speedway Wrecking Company's
 Answer/Motion to Dismiss as Frivolous (9/18)



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

AGENDA SEPTEMBER 19, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 a.m.

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Fiemal
DeKalb

G. Tanner Girard
Grafton

Marili McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



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

SPRINGFIELD OFFICE
600 South Second Street
Suite 402
Springfield, Illinois 62704
217-524-8500
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September 5, 1996

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Fax 618-498-5934

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DeKalb, Illinois 60115
815-753-1904
Fax 815-753-1970



PRINTED ON RECYCLED PAPER

REGULATIONS AND ADJUSTED STANDARDS

R96-18 PWS	<u>Amendments to 35 Ill. Adm. Code Subtitle F (Parts 601 through 620)</u> - Agency Motion to Amend the Petition (9/4)	(RCF)
R97-10 Water	<u>Regulation of Petroleum Leaking Underground Storage Tanks, 35 Ill. Adm. Code 732</u> - Accept for Hearing Order	
R97-11 Water	<u>Site Remediation Program ("Brownfields"), 35 Ill. Adm. Code 740</u> - Accept for Hearing Order	
R97-12 Water	<u>Tiered Approach to Corrective Action Objectives ("TACO"), 35 Ill. Adm. Code 742</u> - Accept for Hearing Order	
AS 97-2 Land, RCRA	<u>Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a), (c)</u> - (See Motion to Incorporate the Record from AS 96-11 filed 8/9; Agency's Objection to Petitioner's Motion to Incorporate the Record and Waiver of Hearing filed 8/15; Petitioner's Response to the Agency's Objection to Petitioner's Motion to Incorporate the Record and Waiver of Hearing filed 8/19; Petitioner's Request for Leave to File Additional Support for its Motion to Incorporate the Record and Waiver of Hearing filed 8/23; Agency's Motion for Leave to File a Reply to Petitioner's Response to its Objection to Petitioner's Motion to Waive Hearing filed 8/23; Petitioner's Certificate of Publication filed 9/5; Agency's Response to the Petition for Determining whether a Material is a Solid Waste filed 9/9)	(ED)
AS 97-1 Special Waste	<u>American River Transportation Company v. IEPA</u> - Petitioner's Motion for Leave to File and Reply to Agency's Response (9/10)	(GTG)
AS 97-3 Land, RCRA	<u>Petition of Shell Wood River Refining for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321</u> - Hold for Certificate of Publication	(JY)

REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

AS 97-4 Petition of the Ensign-Bickford Company for an Adjusted (GTG)
Land, Standard from 35 Ill. Adm. Code 703.183 - Hold for Certificate
RCRA of Publication

DECISIONS

95-162 Illinois Landfill, Inc. v. IEPA (due) (GTG)
L-V

96-238 Citizens United for a Responsible Environment v. Browning- (GTG)
L-S-R, 3rd Ferris Industries of Illinois, Inc. and Village Board of the Village
Party of Davis Junction, Illinois (due)

96-243 Residents Against a Polluted Environment and The Edmund B. (McF)
L-S-R, 3rd Thornton Foundation v. County of LaSalle and Landcomp
Party Corporation (due)

96-246 City of DeKalb v. IEPA (due) (JTM)
PWS-V

ADMINISTRATIVE CITATIONS

AC 97-2 IEPA v. Joseph E. Smith and LaVerne A. Smith - Agency (JTM)
Motion to Dismiss Respondents' Petition for Administrative
Review (9/10), Respondents' Response to Agency Motion to
Dismiss Respondents' Petition for Administrative Review (9/16)

AC 97-3 County of Will v. Dominick Raymond, Joseph Raymond, (JTM)
Margaret Flamini, Frank Raymond, Jr., Andrea Domzalski, and
Annette Stilts - Petition to Contest the Administrative Citation
filed by Respondents Andrea Domzalski, Frank Raymond, Jr.,
and Dominick Raymond (9/9) - Accept for Hearing - No Order

ADMINISTRATIVE CITATIONS (Cont'd)

AC 97-4 IEPA v. Joseph E. Smith and LaVerne A. Smith - Agency Motion to Dismiss Respondents' Petition for Administrative Review (9/10) (JTM)

AC 97-10 County of Will v. Land and Lakes - Complainant's Motion to Voluntarily Dismiss (9/6) (CAM)

AC 97-18 IEPA v. Alice M. Hoffer and Margaret A. Gunthner - Accept Case - No Order

AC 97-19 IEPA v. Kit Owens, d/b/a Metropolis Tire Store - Accept Case - No Order

MOTIONS

93-15 Dorothy Furlan and Michael Furlan - Respondent's Motion to Strike Attachment to Complainants' Brief (9/12) (ED)
N-E,
Citizens

93-16 Beloit Corporation v. IEPA - Petitioner's Withdrawal of Appeal (9/13) (GTG)
P-A, Air

94-184 R.P. Lumber Company, Inc. v. Office of the State Fire Marshal - Respondent's Memorandum in Support of Motion for Summary Judgment and Respondent's Motion for Summary Judgment (9/3), Petitioner's Request for Entry of Final Order, Motion to Supplement the Record and Supplemental Motion for Summary Judgment (9/3), Complainant's Response to Petitioner's Supplemental Motion for Summary Judgment (9/12), Petitioner's Response to Respondent's Motion for Summary Judgment (9/12) (RCF)
UST-FRD

MOTIONS (Cont'd)

94-240 RCRA-E Citizens	<u>International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and UAW Local 974, and Citizens For A Better Environment v. Caterpillar, Inc., and IEPA, Party-in-Interest - Complainants' Petition for Reconsideration and Amendment of Order (9/4), Complainants' Motion to Amend Complainants' Petition for Reconsideration and Amendment of Order Instanter (9/16)</u>	(CAM)
95-72 UST-FRD	<u>Burwell Oil Services, Inc., d/b/a Total G.B. Oil v. IEPA - Petitioner's Dismissal of Petition to Appeal and Hearing (9/5)</u>	(RCF)
95-91 RCRA-E	<u>People of the State of Illinois v. Bell Sports, Inc., Waste Hauling Landfill, Inc. and Waste Hauling, Inc. - Motion to Strike Stipulation and Proposal for Settlement filed by Respondents Waste Hauling Landfill and Waste Hauling, Inc. (9/4), Complainant's Response to Motion to Strike (9/5), Waste Hauling Landfill, Inc. and Waste Hauling, Inc.'s Demand for Hearing (9/4)</u>	(CAM)
95-113 UST-E	<u>White Glove of Morton Grove v. Amoco Oil Company - Joint Motion to Dismiss and Notification of Settlement (8/29)</u>	(CAM)
95-122 UST-E, Citizens	<u>Olive 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 - Complainants' Motion for Summary Judgment and Memorandum of Law in Support of Complainants' Motion for Summary Judgment Against Oberweis Dairy, Inc. (4/3), Response of Respondent Oberweis Dairy, Inc. to Complainants' Motion for Summary Judgment (5/1), Complainants Reply to Respondent Oberweis Reply to its Motion for Summary Judgment (5/15), Complainants' Motion to Supplement Record (5/22), Respondent Oberweis Dairy, Inc.'s Reply to Complainants' Motion to Supplement Record (5/30)</u>	(CAM)

MOTIONS (Cont'd)

95-168 UST-Appeal	<u>Brunetto Brothers Mobil v. IEPA</u> - Petitioner's Motion to Voluntarily Dismiss Permit Appeal (9/16)	(JY)
96-5 UST-FRD	<u>Ebrey Standard Service v. IEPA</u> - Petitioner's Motion to Voluntarily Dismiss Permit Appeal (9/16)	(JTM)
96-9 UST-FRD	<u>Owens Oil Company v. IEPA</u> - Petitioner's Motion to Voluntarily Dismiss Permit Appeal (9/16)	(ED)
96-37 UST-FRD	<u>Denny's Phillips 66 v. IEPA</u> - Petitioner's Motion to Voluntarily Dismiss Permit Appeal (9/16)	(McF)
96-102 UST-FRD	<u>Kathe's Auto Service Center v. IEPA</u> - Petitioner's Motion to Reconsider August 1, 1996 Final Order (9/3)	(JY)
96-136 A-E	<u>People of the State of Illinois v Steve Kulovsek, d/b/a/ WSH Management Group, and d/b/a Kulovsek Excavating</u> - Complainant's Motion for Summary Judgment (9/12)	(JY)
96-143 W-E	<u>People of the State of Illinois v. Michel Grain Company, Inc., d/b/a Michel Fertilizer, and Caryle Michel</u> - Respondents' Motion for Reconsideration and Clarification of August 1, 1996 Order (9/3)	(CAM)
96-176 UST-FRD	<u>Steve's Mobil Service v. IEPA</u> - Petitioner's Motion to Voluntarily Dismiss Permit Appeal (9/16)	(RCF)
96-177 UST-FRD	<u>Royer Oil Company v. IEPA</u> - Petitioner's Motion to Voluntarily Dismiss Permit Appeal (9/16)	(JY)

MOTIONS (Cont'd)

96-178 UST-FRD	<u>Alexander/Franklin Community Unit School District #1 v. IEPA</u> - Petitioner's Motion to Voluntarily Dismiss Permit Appeal (9/16)	(GTG)
96-214 RCRA-E	<u>People of the State of Illinois v. Brass Foundry Company, Inc.</u> - Motion to Request Relief from Hearing Requirement (9/6)	(ED)
96-225 UST-FRD	<u>Dalee Oil Company, Inc. v. IEPA</u> - Petitioner's Voluntary Motion to Dismiss Without Prejudice and Order for Voluntary Dismissal Without Prejudice (9/12)	(GTG)
96-250 P-A	<u>White & Brewer Trucking, Inc. v. IEPA</u> - Agency Motion for Summary Judgment (9/3), Petitioner's Motion for Extension of Time and Motion to Supplement Record (9/5), Petitioner's Motion for Leave to File Reply to Response to Motion for Extension of Time and Response to Motion for Extension of Time (9/16)	(ED)
96-264 RCRA-E	<u>People of the State of Illinois v. American Waste Processing, Ltd.</u> - Respondent's Motion for Reconsideration or Rehearing (9/4)	(ED)
96-267 A-E	<u>People of the State of Illinois v. Atlas Dismantling Corporation, and Cary Corners Partnership</u> - Agreed Motion for Reconsideration and Modification of August 15, 1996 Order (9/11)	(CAM)
97-13 PWS-V	<u>Village of Rockdale v. IEPA</u> - Petitioner's Motion for Expedited Review (9/9)	(JTM)

MOTIONS (Cont'd)

97-20 W-E	<u>People of the State of Illinois v. Bentronics Corporation</u> - Respondent's Motion for Leave to File Motion to Dismiss Instantly and Motion to Dismiss (8/8), Complainant's Response to Respondent's Motion to Dismiss (8/16), Respondent's Response to Complainant's Motion to Strike its Motion to Dismiss (8/27)	(RCF)
97-27 W-V	<u>Glenbard Wastewater Authority v. IEPA</u> - Petitioner's Motion for Final Action (9/12)	(ED)
97-28 PCF Siting, Third Party	<u>Village of Lynwood v. Cook County Board of Commissioners and J.T. Einoder Company</u> - Respondent Cook County Board of Commissioners' Motion to Dismiss for Lack of Jurisdiction (8/27), Petitioner's Response to Motion to Dismiss (9/13)	(GTG)
97-38 RCRA-E	<u>People of the State of Illinois v. Amsted Industries, d/b/a Griffin Wheel Company, L.E. Swiderski, d/b/a Griffin Wheel Company, Hellman Trucking Company, Inc., and Horsehead Resource Development Company, Inc.</u> - Motion to Dismiss the Complaint by Respondents Amsted Industries Inc., d/b/a Griffin Wheel Company, L.E. Swiderski, d/b/a Griffin Wheel Company, and Hellman Trucking Company, Inc. (9/9), Motion to Dismiss by Respondent Horsehead Resource Development Company, Inc. (9/9), Complainant's Response to and Motion to Defer Ruling on Respondents' Motions to Dismiss (9/16)	(JY)

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

96-193 A-V	<u>W.R. Grace & Company - Connecticut v. IEPA</u> - Petitioner's Amended Petition for Extension of Variance and Supplemental Request for Variance (9/10)(See also Petitioner's Motion for Expedited Review filed 9/13; and Joint Motion to Modify Hearing Officer Order dated July 11, 1996 filed 9/16)	(JTM)
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**CASES TO BE SET FOR HEARING AND OTHER
CASE PROCESSING ORDERS OR MATTERS (Cont'd)**

96-265 L, SW, RCRA-E Citizens	<u>Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, Controls Corporation of America Employee Profit Sharing and Retirement Trust, and Eaton Corporation</u>	(JY)
96-266 L, SW, RCRA-E Citizens	<u>J. Clarke Baker & Company and Real Estate Fund, Inc. v. Brunswick Corporation, L & J Engineering, Inc., GPE Controls, Inc. and Vapor Corporation</u>	(McF)
97-17 RCRA-E Citizens	<u>Irma L. Lopez, Jose Martinez, Joel R. Garay and Jose Gonzalez v. Celotex Corporation, AlliedSignal, Inc., and the IEPA - (See Letter from Jeffrey P. Greenberg regarding Respondent Celotex's Bankruptcy issues filed 7/29; Agency's Motion to Dismiss filed 8/5; Complainants' Response to Agency's Motion to Dismiss filed 8/13; Motion to Adopt the Agency's Previously Filed Motion to Dismiss filed 8/26; AlliedSignal Inc.'s Motion to Dismiss and Memorandum in Support of its Motion to Dismiss filed 9/16)</u>	(CAM)
97-21 W-V, NPDES	<u>DeKalb Sanitary District v. IEPA - Amended Petition in Response to August 15, 1996 Board Order</u>	(GTG)
97-48 A-E	<u>People of the State of Illinois v. Sentry Asbestos Abatement Company, Inc. - Hearing Mandatory - No Order</u>	(ED)
97-49 A-E	<u>People of the State of Illinois v. K & B Wrecking, Ltd. - Hearing Mandatory - No Order</u>	(ED)

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

97-50 A-E, Citizens	<u>Lionel P. Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative, Avi Pandya v. The Board of trustees of the University of Illinois at Chicago, Other Unknown Owners, and Speedway Wrecking Company - Hold for Duplicitous/Frivolous Determination - No Order</u>	
97-51 PWS-V	<u>City of West Chicago v. IEPA - Hold for Agency Recommendation - No Order</u>	(RCF)
97-52 A-E	<u>People of the State of Illinois v. Mutural Asbestos Control Contractors, Inc. - Hearing Mandatory - No Order</u>	
97-53 A-E	<u>People of the State of Illinois v. General Business Forms, Inc. - Hearing Mandatory - No Order</u>	
97-54 A-E	<u>People of the State of Illinois v. Capital Engineering & Manufacturing Company - Hearing Mandatory - No Order</u>	
97-55 RCRA-E	<u>People of the State of Illinois v. Precision Chrome, Inc. - Hearing Mandatory - No Order</u>	
CASES PENDING DECISION		
R97-8	<u>Revision of the Board's Procedural Rules Parts 101 - 130- Proposal for Public Comment, Proposed Opinion and Order</u>	(CAM)
AS 96-10 Water	<u>Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e)</u>	(ED)

CASES PENDING DECISION (Cont'd)

AS 96-12 Petition of Illinois Department of Transportation, District 8 for (ED)
Water an Adjusted Standard from 35 Ill. Adm. Code 302.208, 304.124
 and 302.203

93-15 Dorothy Furlan and Michael Furlan v. University of Illinois (ED)
N-E, School of Medicine
Citizens

94-146 Dorothy Hoffman v. City of Columbia, Illinois (JY)
N-E,
Citizens

95-119) West Suburban Recycling & Energy Center v. IEPA (due 10/3) (RCF)
95-125)
P-A, Air

Chairman's Motion for a Closed Deliberative Session, pursuant
to P.A. 88-621, to take place on Thursday, September 26, 1996

ADJOURNMENT

LIST OF NEW CASES FILED SINCE SEPTEMBER 5, 1996 BOARD MEETING

AC 97-18	IEPA v. Alice M. Hoffer and Margaret A. Gunthner
AC 97-19	IEPA v. Kit Owens, d/b/a Metropolis Tire Store
97-48	People of the State of Illinois v. Sentry Asbestos Abatement Company, Inc.
97-49	People of the State of Illinois v. K & B Wrecking, Ltd.
97-50	Lionel P. Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative, Avi Pandya v. The Board of Trustees of the University of Illinois at Chicago, Other Unknown Owners, Speedway Wrecking Company
97-51	City of West Chicago v. IEPA
97-52	People of the State of Illinois v. Mutual Asbestos Control Contractors, Inc.
97-53	People of the State of Illinois v. General Business Forms, Inc.
97-54	People of the State of Illinois v. Capital Engineering & Manufacturing Company
97-55	People of the State of Illinois v. Precision Chrome, Inc.

REGULAR BOARD MEETING SCHEDULE FOR THE FIRST HALF OF FY97

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 IL) 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		