

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING

OCTOBER 17, 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 and introduced newly appointed Board Member Kathleen Hennessey. Thereafter, the Clerk was asked for a roll call and all Board Members answered present. Ms. Hennessey abstained from participating in either the decision or discussion of any matter on the Agenda.

Minutes of the October 3, 1996 Board Meeting were approved by a vote of 6-0.

An Opinion and Order was adopted in ##95-119, - 125, West Suburban Recycling & Energy Center v. IEPA, by a vote of 6-0. Board Members M. McFawn and J. Yi concurred.

A Proposed Rules, Dismissal Order was adopted in these regulatory matters by a vote of 6-0: R92-18, Contingency Plan Update, USEPA Regulations (through June 30, 1992); R93-7, Contingency Plan Update, USEPA Regulations (July 1 through December 31, 1992); R93-23, Contingency Plan Update, USEPA Regulations (January 1 through June 30, 1993); R94-9, Contingency Plan Update, USEPA Regulations (July 1 through December 31, 1993); R94-27, Contingency Plan Update, USEPA Regulations (January 1 through June 30, 1994). (CAM)

In R95-17, Safe Drinking Water Act Update, USEPA Amendments (January 1, 1995 through June 30, 1995), an Adopted Rule, Final order, Supplemental Opinion and Order was adopted by a vote of 6-0. (RCF)

A reason for delay and consolidation order was adopted in these regulatory matters by a vote of 6-0: R96-10, RCRA Update, USEPA Regulations (July 1 through December 31, 1995); R97-3, UIC Update, USEPA Regulations (January 1 through June 30, 1996); R97-5, RCRA Update, USEPA Regulations (January 1 through June 30, 1996). (GTG)

In R96-13, 15% ROP Plan Clean-Up Part II: Amendments to 35 Ill. Adm. Code Parts 218 and 219, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. (JTM)

In R96-16, Exemptions from the Definitions of VOM, USEPA Amendments (Perchloroethylene), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 5-1. Board Member J. Theodore Meyer dissented. (GTG)

A Dismissal Order was adopted in R97-1, Exemption from the Definitions of VOM, USEPA Amendments (January 1, 1996 through June 30, 1996), by a vote of 6-0. (GTG)

A Dismissal Order was adopted in R97-2, SDWA Update, USEPA Amendments (January 1, 1996 through June 30, 1996), by a vote of 6-0. (RCF)

A Dismissal Order was adopted in R97-4, RCRA Subtitle D Update, USEPA Amendments (January 1, 1996 through June 30, 1996), by a vote of 6-0. **(GTG)**

A Dismissal Order was adopted in R97-6, UST Update, USEPA Amendments (January 1, 1996 through June 30, 1996), by a vote of 6-0. **(McF)**

An Order accepting the joint status report in response to a July 18, 1996 Board order, granting the joint motion for stay until December 19, 1996, and directing the parties to file status reports, either jointly or separately, no later than December 16, 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 6-0. **(JTM)**

An Order accepting the joint status report in response to a July 18, 1996 Board order, granting the joint motion for stay until December 19, 1996, and directing the parties to file status reports, either jointly or separately, no later than December 16, 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 6-0. **(JTM)**

An Order granting the Agency's motion for an extension of time until January 6, 1997, to file its response to the petitioner's amendment to its petition, was adopted in #AS 97-2, Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a) & (c), by a vote of 6-0. **(CAM)**

An Order granting the Agency's motion for an extension of time until December 3, 1996, to file its response and setting the matter for hearing pursuant to the Board's regulations at 35 Ill. Adm. Code 106.415, was adopted in #AS 97-3, Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321, by a vote of 6-0. **(JY)**

An Opinion and Order was adopted in #94-146, Dorothy Hoffman v. City of Columbia, Illinois, by a vote of 6-0. Board Member J. Theodore Meyer concurred. **(CAM)**

An Opinion and Order was adopted in ##95-119, - 125, West Suburban Recycling & Energy Center v. IEPA by a vote of 6-0. Board Members M. McFawn and J. Yi concurred. **(RCF)**

An Opinion and Order accepting the Stipulation and Settlement Agreement in the amount of \$10,000.00, was adopted in #96-214, People of the State of Illinois v. Brass Foundry Company, Inc., by a vote of 6-0. **(CAM)**

An Opinion and Order accepting the Stipulation and Settlement Agreement in the amount of \$10,000.00, was adopted in #96-219, People of the State of Illinois v. McLaughlin Body Company, Inc., by a vote of 6-0. **(CAM)**

An Opinion and Order was adopted in #97-13, Village of Rockdale v. IEPA, by a vote of 6-0. **(JTM)**

An Opinion and Order accepting the Stipulation and Settlement Agreement in the amount of \$2,500.00, was adopted in #97-37, People of the State of Illinois v. Touhy Mobile Homes Park, Inc., by a vote of 6-0. **(CAM)**

A Default Order finding that the respondent violated Section 21(o)(5) of the Illinois Environmental Protection Act, and assessing a \$500.00 penalty, was adopted in #AC 97-14, IEPA v. Envirofil of Illinois, Inc., by a vote of 6-0. **(CAM)**

A Default Order finding that the respondent violated Section 21(o)(12) of the Illinois Environmental Protection Act, and assessing a \$500.00 penalty, was adopted in #AC 97-15, IEPA v. ESG Watts, Inc., by a vote of 6-0. **(CAM)**

Because a petition for review was received, this administrative citation will be set for hearing: #97-17, County of Will v. Mitch Pinnick.

These Administrative Citations were accepted by the Board: ##97-26, IEPA v. Browning-Ferris Industries of Iowa, Inc.; 97-27, IEPA v. Willie Lightfoot; 97-28, County of Vermilion v. Illinois Landfills, Inc.; 97-29, County of Will v. Harry Horman; 97-30, County of Will v. James Henke.

An Order granting the petitioner's motions to supplement the record and for entry of final order, granting the respondent's motion for summary judgment, denying the petitioner's supplemental motion for summary judgment, and closing the docket since the petitioner withdrew its claims with respect to compliance with the Illinois Forms Management Program Act, and there were no further issues remaining in the procedure, was adopted in #94-184, R.P. Lumber Company, Inc. v. Office of the State Fire Marshal, by a vote of 5-0. Chairman C.A. Manning abstained, and Board Member M. McFawn concurred. **(RCF)**

An Order denying the petitioner's motion to strike the affidavit of Robert P. Smet included with the Agency's amended recommendation, and accepting the affidavit as support of the Agency's position, granting the Agency's motion for leave to file a reply, and noting that the record is now complete and consistent with prior requests the Board will proceed to decision in the matter, was adopted in #95-156, Harris Marcus Group, Inc. v. IEPA, by a vote of 6-0. **(GTG)**

An Order granting the motion to withdraw and closing the docket, was adopted in #96-71, A.E. Staley Manufacturing Company v. IEPA, by a vote of 6-0. **(CAM)**

An Order denying the petitioner's motion to reconsider an August 1, 1996 Board order, was adopted in #96-102, Kathe's Auto Service Center v. IEPA, by a vote of 6-0. **(JY)**

An Order granting the petitioner's motion to withdraw the permit appeal and closing the docket, was adopted in #96-221, Hydrosol, Inc. v. IEPA, by a vote of 6-0. **(McF)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion to request relief from hearing, was adopted in #96-235, People of the State of Illinois v. Medalist, Inc., by a vote of 6-0. **(McF)**

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, was adopted in #96-244, People of the State of Illinois v. Langos Corporation, by a vote of 6-0. **(JTM)**

An Order denying the respondent's motions for reconsideration or rehearing and to strike affidavit of Mark Schollenberger attached to the complainant's response pleading, was adopted in #96-264, People of the State of Illinois v. American Waste Processing, Ltd., by a vote of 6-0. **(CAM)**

An Order denying the respondent's motion to dismiss, directing the respondent to answer the complaint within 30 days of the date of service of the order, and directing that the matter proceed to hearing, was adopted in #97-20, People of the State of Illinois v. Bentronics Corporation, by a vote of 6-0. **(RCF)**

An Order granting the Agency's motion to file instanter the Agency's record, and granting the Agency's request that it be allowed to file the original and three copies of the Agency's record due to the length of the record, was adopted in ##97-35, - 36, Illinois Power Company (Units 1 & 2 - Baldwin Power Station) v. IEPA, by a vote of 6-0. **(JY)**

An Order granting the complainant's motion to defer ruling of the respondents' motions to dismiss until November 21, 1996, and directing the parties to file a joint status report on or before November 8, 1996 or any other appropriate motion, was adopted in #97-38, People of the State of Illinois v. Amsted Industries, Inc., 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., by a vote of 6-0. **(JY)**

An Order granting a joint motion for extension of time until November 15, 1996, to answer or otherwise plead, was adopted in #97-55, People of the State of Illinois v. Precision Chrome, Inc., by a vote of 6-0. **(JY)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties motion for relief from hearing requirement, was adopted in #97-63, People of the State of Illinois v. Russell Cook, d/b/a Cook's Hauling and Contracting, by a vote of 6-0. **(CAM)**

An Order granting the complainants' motion to continue until December 2, 1996, directing the complainants to file either a response to respondent Allied-Signal's motion to dismiss by December 2, 1996, and advising the parties that the Board will reserve ruling on all pending motions in the matter, was adopted in #97-17, Irma L. Lopez, Jose Martinez, Joel R. Garay, and

Jose Gonzalez v. Celotex Corporation, Allied-Signal, Inc., and the IEPA, by a vote of 6-0.
(CAM)

An Order dismissing the docket as unnecessary due to the petitioner's failure to file its appeal on or before September 24, 1996, was adopted in #97-18, Laidlaw Waste Systems, Inc. v. IEPA, by a vote of 6-0. (CAM)

An Order dismissing the docket as unnecessary due to the petitioner's failure to file its appeal on or before October 1, 1996, was adopted in #97-25, Grimm's Pharmacy v. IEPA, by a vote of 6-0. (CAM)

An Order advising the petitioner that the Board does not have jurisdiction in the matter and does not accept its appeal of the provisional variance denial by the Agency because an appeal of the same provisional variance has been filed with the appellate court, requesting the petitioner to file an amended petition within 30 days of the date of the order, or the petition will be subject to dismissal, advising the petitioner that the amended petition will restart the Board's decision timeclock, advising the Agency that its motion to dismiss is moot based upon the order, and granting the petitioner's motion to be allowed to use 25% post-consumer material recycled paper should the petitioner file an amended petition, was adopted in #97-58, W.R. Meadows, Inc. v. IEPA, by a vote of 6-0. (McF)

An Order granting the petitioner's motion to withdraw its request for an extension of the 35-day appeal period pursuant to Section 40 of the Environmental Protection Act, and dismissing the matter and closing the docket, was adopted in #97-65 G & M Total, Inc. v. IEPA, by a vote of 6-0. (CAM)

A mandatory hearing will be set in #97-66, People of the State of Illinois v. D'Angelo Enterprises, Inc..

An Order directing the petitioner to file an amended petition within 14 days of the date of the entry of the order or the petition will be subject to dismissal, directing the Village of Dolton to begin preparing its record, and assigning a hearing officer to conduct hearings consistent with the order, was adopted in #97-68, Senator William Shaw, Ronnie Lewis, and Judith Evans v. IEPA, Board of Trustees of the Village of Dolton, Illinois, Land and Lakes Company, and Mayor Donald Hart, by a vote of 6-0. (CAM)

A mandatory hearing will be set in #97-69, People of the State of Illinois v. Economy Plating, Inc..

A mandatory hearing will be set in #97-70, People of the State of Illinois v. Demolition and Development, Ltd., and Eugene Lopresti, individually, and as President of Demolition and Development, Ltd..

A provisional variance was granted in #97-71, Schlumberger Industries, Inc., Crab Orchard National Wildlife Refuge Superfund Site v. IEPA, by a vote of 6-0. (CAM)

A provisional variance was granted in #97-72, Commonwealth Edison Company (Fisk, Crawford, will County and Joliet Generating Stations) v. IEPA, by a vote of 5-0. Board Member J. Theodore Meyer abstained. (CAM)

A provisional variance was granted in #97-73, Fox Point Homeowner's Association v. IEPA, by a vote of 6-0. (CAM)

These regulatory matters were discussed and held for further discussion or possible decision: R94-1(B), Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.202, 302.212, 302.213, 304.122 and 304.301 (Ammonia Nitrogen); R96-3, Illinois Cast Metals Association Proposed Amendment for Accepting Potentially Usable Steel or Foundry Industry Waste: Amendments to 35 Ill. Adm. Code Part 814.902 (Standards for Operation and Closure, Proposed Rule, Second Notice, Opinion and Order.

These cases were discussed and held for further discussion or possible decision: ##96-185, Douglas and Barbara Oltman v. Terry and Kelly Cowan; 96-191, White Cap, Inc. v. IEPA; 96-254, Marathon Oil Company v. IEPA.

ADDENDUM

An Order construing the petitioner's October 15, 1996 docket outlining two options which the petitioner will attempt to inform all users of its water supply, including renters, of the variance granted in the matter, as a motion to clarify the Board's September 19, 1996 order, granting the motion to clarify, and advising the petitioner to proceed with its plans to send variance notification by direct mail and through monthly newspaper publication as outlined, was adopted in #96-246, City of DaKalb v. IEPA, by a vote of 5-0. Board member R.C. Flemal abstained. (JTM)

A provisional variance was granted in #97-74, Marathon Oil Company v. IEPA, by a vote of 6-0. (CAM)

A mandatory hearing will be set in #97-75, People of the State of Illinois v. John Jankowski.

AGENDA

Moved and seconded, by a vote of 6-0, the following Board Meeting dates were adopted for calendar year 1997:

January 9	July 10
January 23	July 24

February 6	August 7
February 20	August 21
March 6	September 4
March 20	September 18
April 3	October 2
April 17	October 16
May 1	November 6
May 15	November 20
June 5	December 4
June 19	December 18

All other matters not disposed of as listed were held.

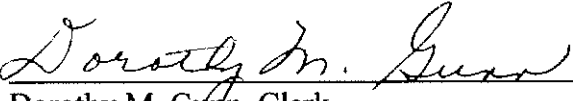
Moved and seconded, by a vote of 6-0, the meeting adjourned to an Executive Session in the Chairman's office at 11:40 a.m.

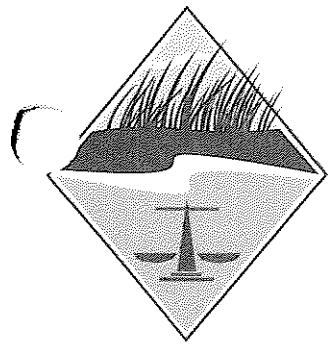
1:00 P.M. SESSION

Chairman Manning reconvened the meeting at 1:00 p.m. All Board members were present.

In R97-14, Emergency Rulemaking: Livestock Waste Regulations 35 Ill. Adm. Code 505, an Order granting the Department of Agriculture's request that the Board waive the 200 signature requirement of Section 28(a) of the Act, advising the proponent that the Board will schedule a special Board meeting on Tuesday, October 29, to consider any possible action on the proposed emergency rule, and allowing interested members of the public and other state agencies to file comments with the Board by October 25, 1996 at 4:30 p.m. via U.S. mail, personal delivery to the clerk's office, facsimile, or the internet, was adopted by a vote of 6-0. (GTG)

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


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD

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312-814-3620 ♦ Fax 312-814-3669

REGULAR BOARD MEETING AGENDA OCTOBER 17, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

ADDENDUM

MOTIONS

MEMBERS
Emmett E. Dunham II
Eimhurst

96-246 City of DeKalb v. IEPA - Petitioner's Motion to Clarify (10/15), Agency Response (10/16) (JTM)

PWS-V

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Marili McFawn
Inverness

J. Theodore Meyer
Chicago

97-74 Marathon Oil Company v. IEPA - Provisional Variance (CAM)

Land

Joseph C. Yi
Park Ridge



97-75 People of the State of Illinois v. John Jankowski
- Hearing Mandatory - No Order

L-E

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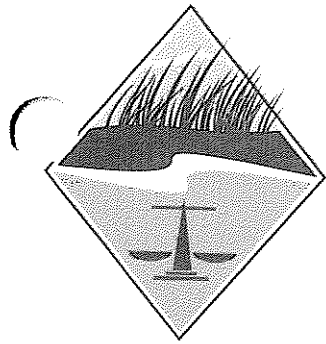
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ILLINOIS POLLUTION CONTROL BOARD

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GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Flemat
DeKalb

G. Tanner Girard
Grafton

Marilyn McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



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AGENDA OCTOBER 17, 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

October 3, 1996



REGULATIONS AND ADJUSTED STANDARDS

R92-18	<u>Contingency Plan Update, USEPA Regulations (through June 30, 1992)</u>	(CAM)
R93-7		
R93-23	<u>Contingency Plan Update, USEPA Regulations (July 1 through December 31, 1992)</u>	
R94-9	<u>Contingency Plan Update, USEPA Regulations (January 1 through June 30, 1993)</u>	
	<u>Contingency Plan Update, USEPA Regulations (January 1 through December 31, 1993)</u>	
	<u>Contingency Plan Update, USEPA Regulations (January 1 through June 30, 1993) - Proposed Rules, Dismissal Order</u>	
R95-17	<u>Safe Drinking Water Act Update, USEPA Amendments (1/1/95 through 6/30/95) - Adopted Rule, Final Order, Supplemental Opinion and Order</u>	(RCF)
PWS		
R96-10	<u>RCRA Update, USEPA Regulations (7/1/95 through 12/31/95)</u>	(GTG)
R97-3	<u>UIC Update, USEPA Regulations (1/1/96 through 6/30/96)</u>	
R97-5	<u>RCRA Update, USEPA Regulations (1/1/96 through 6/30/96)</u>	
R96-13	<u>15% ROP Plan Clean-Up Part II: Amendments to 35 Ill. Adm. Code Parts 218 and 219 - Adopted Rule, Final Order, Opinion and Order</u>	(JTM)
Air		
R96-16	<u>Exemptions from the Definitions of VOM, USEPA Amendments (Perchloroethylene) - Proposal for Public Comment, Proposed Opinion and Order</u>	(GTG)
Air		
R97-1	<u>Exemption from the Definitions of VOM, USEPA Amendments (1/1/96 through 6/30/96) - Dismissal Order</u>	(GTG)
Air		
R97-2	<u>SDWA Update, USEPA Amendments (1/1/96 through 6/30/96) - Dismissal Order</u>	(RCF)
PWS		

REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

R97-4 Land	<u>RCRA Subtitle D Update, USEPA Amendments (1/1/96 through 6/30/96) - Dismissal Order</u>	(GTG)
R97-6 Land	<u>UST Update, USEPA Amendments (1/1/96 through 6/30/96) - Dismissal Order</u>	(McF)
R97-13 Air	<u>Emissions Reduction Market System Adoption of 35 Ill. Adm. Code 205 and Amendments to 35 Ill. Adm. Code 106 - (See Agency Motion for Acceptance of Proposal and Motion for Incorporation by Reference filed 10/7) - Hold for further Review</u>	
R97-14 Land	<u>Emergency Rulemaking: Emergency Livestock Waste Regulations, 35 Ill. Adm. Code 505 - (See Illinois Department of Agriculture's Request for Waiver of Rules filed 10/15)</u>	(GTG)
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 July 18, 1996 Board Order and Request for Extension of Stay (10/10)</u>	(JTM)
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 July 18, 1996 Board Order and Request for Extension of Stay (10/10)</u>	(JTM)
AS 94-10 RCRA, Delisting	<u>Petition of Envirite Corporation for Revised Adjusted Standard from 35 Ill. Adm. Code 721 Subpart D - Petitioner's Motion to Reopen Docket and for Substitution of Petitioner (10/15)</u>	(RCF)

REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

AS 97-2 Land, RCRA	<u>Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a) & (c) - Agency's Request for Extension of Time to Respond to Petitioner's Amendment to its Petition for Determining Whether a Material is a Solid Waste (10/3)</u>	(CAM)
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 - Petitioner's Certificate of Publication (10/2), Agency Motion for Extension of Time to File Agency Response (10/4)</u>	(JY)
AS 97-4 Land, RCRA	<u>Petition of the Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 703.183 - Petitioner's Certificate of Publication (9/30), Agency Motion for Extension of Time within Which to File Agency Recommendation (10/7)</u>	(GTG)
AS 97-5 Air	<u>Petition of The Louis Berkman Company, d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code Part 215 Subpart F - Hold for Petitioner's Certificate of Publication</u>	

DECISIONS

94-146 N-E, Citizens	<u>Dorothy Hoffman v. City of Columbia, Illinois</u>	(JY)
95-119) 95-125) P-A, Air	<u>West Suburban Recycling & Energy Center v. IEPA (due 11/7)</u>	(RCF)
96-214 RCRA-E	<u>People of the State of Illinois v. Brass Foundry Company, Inc. - Stipulation</u>	(CAM)

DECISIONS (Cont'd)

96-219 RCRA-E	<u>People of the State of Illinois v. McLaughlin Body Company</u> - Stipulation	(CAM)
97-13 PWS-V	<u>Village of Rockdale v. IEPA</u> (due 11/13)	(JTM)
97-37 W-E	<u>People of the State of Illinois v. Touhy Mobile Homes Park, Inc.</u> - Stipulation	(CAM)

ADMINISTRATIVE CITATIONS

AC 97-2	<u>IEPA v. Joseph C. Smith and LaVerne A. Smith</u> - Motion to Dismiss Respondents' Petition for Administrative Review (10/10)	(JTM)
AC 97-14	<u>IEPA v. Envirofil of Illinois, Inc.</u> - Default Order	(CAM)
AC 97-15	<u>IEPA v. ESG Watts, Inc.</u> - Default Order	(CAM)
AC 97-17	<u>County of Will v. Mitch Pinnick</u> - Accept for Hearing - No Order	
AC 97-26	<u>IEPA v. Browning-Ferris Industries of Iowa, Inc.</u> - Accept Case - No Order	
AC 97-27	<u>IEPA v. Willie Lightfoot</u> - Accept Case - No Order	
AC 97-28	<u>County of Vermilion v. Illinois Landfills, Inc.</u> - Accept Case - No Order	
AC 97-29	<u>County of Will v. Harry Horman</u> - Accept Case - No Order	

ADMINISTRATIVE CITATIONS (Cont'd)

AC 97-30 County of Will v. James Henke - Accept Case - No Order

MOTIONS

94-184 R.P. Lumber Company, Inc. v. Office of the State Fire Marshal - (RCF)
UST-FRD 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)

95-156 Harris Marcus Group, Inc. v. IEPA - Agency Motion to File (GTG)
A-V Instantaner Amendments to Agency's Recommendation (9/17),
Petitioner's Motion to Strike Affidavit (9/24), Agency Response
to Petitioner's Motion to Strike, Motion for Leave to File
Response to Petitioner's Response to Agency's Amendment to
Agency's Recommendation, and Response to Petitioner's
Response to Agency's Amendment to Agency's
Recommendation (10/7)

96-71 A.E. Staley Manufacturing Company v. IEPA - Agreed Motion (CAM)
W-V to Withdraw Petition for Variance (10/15)

96-102 Kathe's Auto Service Center v. IEPA - Petitioner's Motion to (JY)
UST-FRD Reconsider August 1, 1996 Final Order (9/3), Agency Response
to the Petitioner's Motion to Reconsider (9/23)

MOTIONS (Cont'd)

96-107 A, W & L-E	<u>People of the State of Illinois v. ESG Watts, Inc.</u> - Complainant's Motion for Sanctions (10/10), Respondent's Response to Complainant's Motion for Sanctions (10/15), Complainant's Motion to File Reply to Respondent's Response to its Motion for Sanctions (10/15), Respondent's Motion to File Respondent's Response to Complainant's Reply to Respondent's Response to Complainant's Motion for Sanctions (10/15)	(CAM)
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)
96-151 L-E, Citizens	<u>Keith Boyer v. Felecia Harris, a/k/a Felecia Dawkins and Chicagoland Mortgage Corporation</u> - Respondents' Motion to Strike and Dismiss (9/18)	(McF)
96-175 P-A	<u>Caterpillar, Inc. v. IEPA</u> - Petitioner's Motion to Withdraw Petition for Hearing (10/7)	(McF)
96-221 P-A	<u>Hydrosol, Inc. v. IEPA</u> - Petitioner's Motion for Withdrawal of Permit Appeal (10/10)	(McF)
96-235 A & L-E	<u>People of the State of Illinois v. Medalist, Inc.</u> - Motion to Request Relief from Hearing Requirement (10/11)	(McF)
96-243 L-S-R, 3rd Party	<u>Residents Against A Polluted Environment and The Edmund B. Thornton Foundation v. County of LaSalle and Landcomp Corporation</u> - Respondent LaSalle County's Motion to Dismiss Appeal and Motion for a Rule 308(a) Certification and for a Stay of the Board's September 19, 1996 Order (10/8), Respondent Landcomp Corporation's Motion to Dismiss Appeal (10/8), Motion for Leave to File a Brief as Amicus Curiae Instanter (10/15)	(McF)

MOTIONS (Cont'd)

96-244 A-E	<u>People of the State of Illinois v. Langos Corporation</u> - Agreed Motion to Request Relief from Hearing Requirement (10/11)	(JTM)
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), Agency Objection to Petitioner's Motion to Supplement the Record (9/17), Petitioner's Motion for Leave to File Reply to Objection to Petitioner's Motion to Supplement the Record, Motion for Leave to File Reply in Excess of Page Limits, Reply to Objection to Petitioner's Motion to Supplement the Record (9/30), Agency Motion to Strike and Objection to Petitioner's Motion to File Reply (10/10), Petitioner's Response to Agency Motion to Strike and Objection to Petitioner's Motion for Leave to File Reply (10/15)	(CAM)
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), Complainant's Response to Respondent's Motion for Reconsideration or Rehearing (9/19), Respondent's Motion to Strike Affidavit of Mark Schollenberger Attached to Complainant's Response Pleading (9/26), Complainant's Response to Respondent's Motion to Strike Affidavit (10/7)	(CAM)
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)

MOTIONS (Cont'd)

97-35) Illinois Power Company (Units 1 & 2) - Baldwin Power Station) (JY)
97-36) v. IEPA - Agency Permit Record, Motion for Waiver of
P-A, Air Requirements, Motion to File Instantly, and Affidavit (9/20),
Petitioner's Motion for Summary Judgment (10/7)

97-38 People of the State of Illinois v. Amsted Industries, d/b/a Griffin (JY)
RCRA-E Wheel Company, L.E. Swiderski, d/b/a Griffin Wheel Company,
Hellman Trucking Company, Inc., and Horsehead Resource
Development Company, Inc. - 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)

97-55 People of the State of Illinois v. Precision Chrome, Inc. - Joint (JY)
RCRA-E Motion for Extension of Time to Answer or Otherwise Plead
(9/24)

97-63 People of the State of Illinois v. Russell Cook, d/b/a Cook's (CAM)
A-E Hauling and Contracting - Motion for Relief from Hearing
Requirement (10/4)

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

96-265 Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, (JY)
L, SW, Controls Corporation of America Employee Profit Sharing and
RCRA-E Retirement Trust, and Eaton Corporation - Hold for
Citizens Duplicitous/Frivolous Determination

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

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> - Hold for Duplicitous/Frivolous Determination	(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</u> - (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; Allied-Signal Inc.'s Motion to Dismiss and Memorandum in Support of its Motion to Dismiss filed 9/16, Complainants' Motion for Continuance filed 9/27)	(CAM)
97-18 P-A, 90-Day Extension	<u>Laidlaw Waste Systems, Inc. v. IEPA</u> - Dismissal Order	(CAM)
97-19 P-A, 90-Day Extension	<u>Laidlaw Waste Systems, Inc. v. IEPA</u> - Dismissal Order	(CAM)
97-25 P-A, 90-Day Extension	<u>Grimms Pharmacy v. IEPA</u> - Dismissal Order	(CAM)
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</u> - (See Respondent Speedway Wrecking Company's Answer/Motion to Dismiss as Frivolous filed 9/18; Respondent Board of Trustees of the University of Illinois' Motion for Leave to File and Motion to Dismiss filed 9/25; Complainants' Response to Board of Trustees Motion to Dismiss filed 10/8; Motion for Amendment of Complainants;	(CAM)

**Response to the University of Illinois' Motion to Dismiss and
Amendment to Complainants' Response to the Board of
Trustees Motion to Dismiss filed 10/11)**

97-58 A-V	<u>W.R. Meadows, Inc. v. IEPA</u> - Appeal from Denial of Provisional Variance or in the Alternative Petition for Variance (See Motion to Allow Limited Use of 25% Post-Consumer Material Recycled Paper filed 9/25; Agency Motion to Dismiss Count I of Petitioner's Appeal filed 10/15)	(McF)
97-65 UST- Appeal, 90- Day Extension	<u>G & M Total, Inc. v. IEPA</u> - Petitioner's Notice of Request to Extend Time to Appeal (10/1)(Postmarked 9/27), Petitioner's Withdrawal of Request to Extend Time to Appeal (10/7)	(CAM)
97-66 RCRA-E	<u>People of the State of Illinois v. D'Angelo Enterprises, Inc.</u> - Hearing Mandatory - No Order	(JY)
97-67 P-A, 90-Day Extension	<u>Mid-American Waste Systems of Illinois Inc. (Groen Waste Service) v. IEPA</u> - Petitioner's Request for Extension of Time to Appeal (10/7)	(CAM)
97-68 L-S-R, 3rd Party	<u>Senator William Shaw, Ronnie Lewis, Judith Evans v. IEPA, Board of Trustees of the Village of Dolton, Illinois, Land and Lakes Company, and Mayor Donald Hart</u> - Accept for Hearing Order	
97-69 A-E	<u>People of the State of Illinois v. Economy Plating, Inc.</u> - Hearing Mandatory - No Order	
97-70 A-E	<u>People of the State of Illinois v. Demolition and Development, Ltd., and Eugene Lopresti, individually, and as President of Demolition and Development, Ltd.</u> - Hearing Mandatory - No Order	

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

97-71 Water	<u>Schlumberger Industries, Inc. Crab Orchard National Wildlife Refuge Superfund Site v. IEPA - Provisional Variance</u>	(CAM)
97-72 Water	<u>Commonwealth Edison Company (Fisk, Crawford, Will County and Joliet Generating Stations) - Provisional Variance</u>	(CAM)
97-73 Water	<u>Fox Point Homeowner's Association v. IEPA - Provisional Variance</u>	(CAM)
CASES PENDING DECISION		
R94-1(B) Water	<u>Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.202, 302.212, 302.213, 304.122 and 304.301 (Ammonia Nitrogen)</u>	(CAM) (RCF)
R96-3 Land	<u>Illinois Cast Metals Association Proposed Amendment for Accepting Potentially Usable Steel or Foundry Industry Waste: Amendments to 35 Ill. Adm. Code Part 814.902 (Standards for Operation and Closure - Proposed Rule, Second Notice, Opinion and Order</u>	(RCF)
96-185 N-E, Citizens	<u>Douglas and Barbara Oltman v. Terry and Kelly Cowan</u>	(GTG)
96-191 A-V	<u>White Cap, Inc. v. IEPA (due 11/7)</u>	(JTM)
96-254 A-V	<u>Marathon Oil Company v. IEPA (due 11/7)</u>	(JY)

ADOPTION OF 1997 BOARD MEETING DATES

January 9	July 10
January 23	July 24
February 6	August 7
February 20	August 21
March 6	September 4
March 20	September 18
April 3	October 2
April 17	October 16
May 1	November 6
May 15	November 20
June 5	December 4
June 19	December 18

ADJOURNMENT

LIST OF NEW CASES FILED SINCE OCTOBER 3, 1996 BOARD MEETING

AS 97-5	Petition of The Louis Berkman Company, d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code Part 215 Subpart F
AC 97-26	IEPA v. Browning-Ferris Industries of Iowa, Inc.
AC 97-27	IEPA v. Willie Lightfoot
AC 97-28	County of Vermilion v. Illinois Landfills, Inc.
AC 97-29	County of Will v. Harry Horman
AC 97-30	County of Will v. James Henke
97-66	People of the State of Illinois v. D'Angelo Enterprises, Inc.
97-67	Mid-American Waste Systems of Illinois, Inc. (Groen Waste Service) v. IEPA
97-68	Senator William Shaw, Ronnie Lewis, Judith Evans v. IEPA, Board of Trustees of the Village of Dolton, Illinois, Land and Lakes Company, and Mayor Donald Hart
97-69	People of the State of Illinois v. Economy Plating, Inc.
97-70	People of the State of Illinois v. Demolition and Development, Ltd., and Eugene Lopresti, individually, and as President of Demolition and Development, Ltd.
97-71	Schlumberger Industries, Inc., Crab Orchard National Wildlife Refuge Superfund Site v. IEPA
97-72	Commonwealth Edison Company (Fisk, Crawford, Will County and Joliet Generating Stations) v. IEPA
97-73	Fox Point Homeowner's Association v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR THE REMAINDER OF 1996

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 Fuel Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		