

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING OCTOBER 3, 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 Assistant Clerk was asked for a roll call and all Board Members answered present.

In R97-8, Revision of the Board's Procedural Rules Parts 101 - 130, a Proposal for Public Comment, Proposed Opinion and Order, was adopted by a vote of 7-0. **(CAM)**

An Opinion and Order was adopted in #AS 96-10, Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e), by a vote of 7-0. **(ED)**

An Opinion and Order was adopted in #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, by a vote of 7-0. **(ED)**

An Opinion and Order was adopted in #93-15, Dorothy Furlan and Michael Furlan v. University of Illinois School of Medicine, by a vote of 7-0. **(ED)**

An Opinion and Order was adopted in #97-27, Glenbard Wastewater Authority v. IEPA, by a vote of 7-0. **(ED)**

An Order consolidating AC 95-8, - 18, - 21, - 28, and - 29 with AC 94-28, - 29, - 48, - 49, - 50, - 51, - 52, - 58, - 59, - 60, 81, - 82, -90, - 91, - 95, for purposes of hearing, and directing the hearing officer to schedule a hearing in the matters, was adopted in ## AC 94-28, - 29, - 48, - 49, - 50, - 51, - 52, - 58, - 59, - 60, 81, - 82, -90, - 91, - 95, County of Sangamon v. ESG Watts, Inc., by a vote of 7-0. **(McF)**

An Order granting the Agency's motion to dismiss respondent Frank Blair, granting respondent Orville Bartels' motion to dismiss his petition for review, accepting the joint stipulated settlement agreement proposed by the parties, and unless already paid by September 20, 1996, directing the respondent Orville Bartels to pay a \$500.00 penalty, was adopted in #95-26, IEPA v. Orville Bartels, by a vote of 7-0. **(JTM)**

An Order granting the respondent's motion for reconsideration of the Board's September 5, 1996 decision, granting the respondent's request for additional time in which to pay the penalty, and for the convenience of the parties, amending its September 5, 1996 order in its entirety, was adopted in #AC 96-51, Montgomery County v. Envotech-Illinois, by a vote of 7-0. **(JTM)**

A Default Order finding that the respondent violated Sections 21(p)(1) and 21(p)(3) of the Illinois Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 97-5, County of Vermilion v. Lowell Null and M & N Pallet, Inc., by a vote of 7-0. **(CAM)**

A Default Order finding that the respondents violated Sections 21(o)(1), 21(o)(11) and 21(o)(12) of the Illinois Environmental Protection Act, and assessing a \$1,500.00 penalty, was adopted in #AC 97-7, IEPA v. RCS, Inc. and Michael Duvall, by a vote of 7-0. **(CAM)**

A Default Order finding that the respondents violated Section 21(o)(1) and 21(o)(1) of the Illinois Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 97-8, County of Will v. Mark Henke and Gene Suprenant, by a vote of 7-0. **(CAM)**

A Default Order finding that the respondent violated Sections 21(o)(2) and 21(o)(3) of the Illinois Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 97-9, County of Will v. American Fly Ash, by a vote of 7-0. **(CAM)**

A Default Order finding that the respondent violated Section 21(o)(1) and 21(o)(1) of the Illinois Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 97-11, County of Will v. Kenric Hwang, by a vote of 7-0. **(CAM)**

Because a petition for review was received, this administrative citation will be set for hearing: #97-13, County of DuPage v. Saleem M. Choudhry.

These Administrative Citations were accepted by the Board: ##97-23, IEPA v. Village of Markham; 97-24, County of LaSalle v. Charlie Ralkes, d/b/a Kickapoo Iron & Metal; 97-25, County of Will v. CDT Landfill Corporation.

An Order granting the Petitioner's motion to withdraw its petition for review and, was adopted in #94-235, Amoco Oil Company v. IEPA, by a vote of 7-0. **(RCF)**

An Order denying the complainants' motion for reconsideration and amendment of the Board's August 1, 1996 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 6-0. Board Member M. McFawn abstained. **(CAM)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties request for relief from hearing requirement, was adopted in #94-260, People of the State of Illinois v. Components Corporation of America, by a vote of 7-0. **(ED)**

An Order granting the petitioner's motion to withdraw its petition for review and closing the docket, was adopted in #95-104, Glen Ellyn Storage Corporation v. IEPA, by a vote of 7-0. **(McF)**

An Order granting the petitioner's motion to withdraw its petition for review and closing the docket, was adopted in #95-151, Kelly-Springfield Tire Company v. IEPA, by a vote of 7-0. **(McF)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties request for relief from hearing requirement, was adopted in #95-158, People of the State of Illinois v. City of Herrin, by a vote of 7-0. **(RCF)**

An Order granting the joint motion for extension of stay until December 2, 1996, was adopted in #96-147, People of the State of Illinois v. Illinois Cement Company, by a vote of 7-0. **(CAM)**

An Order granting the respondent's motion for an extension of time until November 9, 1996 to file a motion to dismiss, was adopted in #97-30, People of the State of Illinois v. Shell Oil Company, by a vote of 7-0. **(JTM)**

An Order dismissing the docket as unnecessary, was adopted in #96-251, Waste Management of Illinois, Inc. (Laraway RDF, Solid Waste Unit) v. IEPA, by a vote of 7-0. **(CAM)**

An Order dismissing the docket as unnecessary, was adopted in #96-255, Laidlaw Waste Systems, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

An Order dismissing the docket as unnecessary, was adopted in #96-258, Crawford Automotive Company v. IEPA, by a vote of 7-0. **(CAM)**

An Order dismissing the docket as unnecessary, was adopted in #96-259, North Shore School District #112 v. IEPA, by a vote of 7-0. **(CAM)**

An Order granting the complainant's motion for an extension of time until October 21, 1996 to file its proof of service on all of the respondents, advising the complainant that if proof of service is not filed with the Board on or before October 21, 1996, the proceedings will be dismissed, and if proof of service is timely filed for some but not all of the respondents, the matter will proceed against only those respondents which have been served, was adopted in #96-265, Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, Controls Corporation of America Employee Profit Sharing and Retirement Trust, and Eaton Corporation, by a vote of 7-0. **(JY)**

An Order granting the complainants' until October 21, 1996 to file a motion to voluntarily withdraw the complaint of file the proofs of service, was adopted in #96-266, J. Clarke Baker & Company and Real Estate Fund, Inc. v. Brunswick Corporation, L & J Engineering, Inc., GPE Controls, Inc. and Vapor Corporation, by a vote of 7-0. **(McF)**

An Order dismissing the docket as unnecessary, was adopted in #97-3, T & H Machine, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

An Order dismissing the docket as unnecessary, was adopted in #97-4, Reckitt & Colman, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

An Order dismissing the docket as unnecessary, was adopted in #97-5, Herb Treder (Site Classification Completion Report) v. IEPA, by a vote of 7-0. **(CAM)**

An Order dismissing the docket as unnecessary, 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 dismissing the docket as unnecessary, was adopted in #97-7, Herb Treder (High Priority Corrective Action Completion Report) v. IEPA, by a vote of 7-0. (CAM)

An Order dismissing the docket as unnecessary, was adopted in #97-19, Laidlaw Waste Systems, Inc. v. IEPA, by a vote of 7-0. (CAM)

An Order dismissing the petition for variance due to the petitioner's failure to cure the deficiencies found by the Board in its original petition filed with the Board July 24, 1996, in its amended petition filed with the Board on September 9, 1996 in response to an August 15, 1996 Board Order, was adopted in #97-21, DeKalb Sanitary District v. IEPA, by a vote of 7-0. (GTG)

An Order accepting the matter for hearing, was adopted in #97-22, NPK Storage, 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 November 14, 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 #97-56, Grimm's Pharmacy 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 November 20, 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 #97-57, Baldrige Drilling Company, Inc. v. IEPA, by a vote of 7-0. (CAM)

A mandatory hearing will be held in #97-59, People of the State of Illinois v. Rockford Speedway, Inc..

A provisional variance was granted in #97-60, Caterpillar Incorporated, Mossville Engine Center v. IEPA, by a vote of 7-0. (CAM)

These regulatory matters were discussed and held for further discussion or possible decision: R95-17, Safe Drinking Water Act Update, USEPA Amendments, Adopted Rule, Final Order, Supplemental Opinion and Order; R96-10, RCRA Update, USEPA Regulations (July 1, 1995 through December 31, 1995); R97-3, UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996); R97-5, RCRA Update, USEPA Regulations (January 1, 1996 through June 30, 1996); Proposed Rules, Dismissal Orders; R96-16, Exemptions from the Definitions of VOM, USEPA Amendments (Perchloroethylene), Proposal for Public Comment, Proposed Opinion and Order.

This case was discussed and held for further discussion or possible decision: #97-13, Village of Rockdale v. IEPA.

These regulatory matters were discussed and held for further discussion or possible decision: R97-1, Exemptions from the Definition of VOM, USEPA Amendments (January 1, 1996 through June 30, 1996), Dismissal Order; R97-2, SDWA Update, USEPA Amendments (January 1, 1996 through June 30, 1996), Dismissal Order; R97-4, RCRA Subtitle D Update, USEPA Amendments (January 1, 1996 through June 30, 1996), Dismissal Order; R97-6, UST Update, USEPA Amendments (January 1, 1996 through June 30, 1996), Dismissal Order.

ADDENDUM

In R94-2(B), Petroleum Leaking Underground Storage Tanks: 35 Ill. Adm. Code 732, a Dismissal Order was adopted by a vote of 7-0. **(CAM)**

In R97-10, Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732), a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. **(GTG)(CAM)(McF)**

In R97-11, Site Remediation Program ("Brownfields")(35 Ill. Adm. Code 740, a Scheduling Order was adopted by a vote of 7-0. **(CAM)(GTG)(McF)**

An Order construing an October 2, 1996 letter from Courtice Bowman of Upchurch & Associates, Project Coordinator for the petitioner, as a motion to withdraw the appeal, granting the motion to withdraw and closing the docket, was adopted in #96-58, Effingham Tire Center v. IEPA, by a vote of 7-0. **(ED)**

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 December 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 #97-61, Glen Ellyn Storage Corporation v. IEPA, by a vote of 7-0. **(CAM)**

A mandatory hearing will be held in #97-62, People of the State of Illinois v. Geon Corporation.

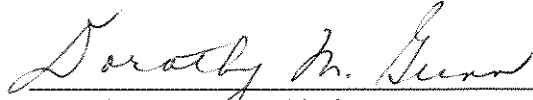
A mandatory hearing will be held in #97-63, People of the State of Illinois v. Russell Cook, d/b/a Cook's Hauling and Contracting.

A mandatory hearing will be held in #97-64, People of the State of Illinois v. Unique Marble Products, Inc..

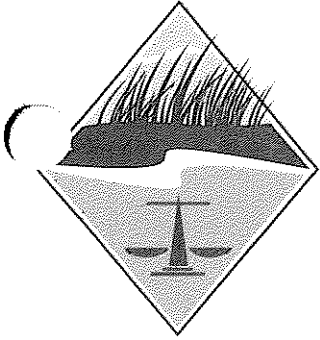
All other matters not disposed of as listed were held.

There being no further business, the meeting was adjourned at 11:33 a.m.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 17th day of October, 1996, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD

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

REGULAR MEETING AGENDA OCTOBER 3, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

ADDENDUM

REGULATIONS AND ADJUSTED STANDARDS

MEMBERS Emmett E. Dunham II Elmhurst Ronald C. Flegal DeKalb	R94-2(B)	<u>Petroleum Leaking Underground Storage Tanks: 35 Ill. Adm. Code 732 - Dismissal Order</u>	(CAM)
G. Tanner Girard Grafton Marilyn McFawn Inverness J. Theodore Meyer Chicago Joseph C. Yi Park Ridge	R97-10	<u>Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) - Proposed Rules, First Notice, Opinion and Order</u>	(GTG/ CAM/McF)
	R97-11	<u>Site Remediation Program ("Brownfields") (35 Ill. Adm. Code 740) - Scheduling Order</u>	(CAM/ GTG/McF)

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

DECISIONS

SATELLITE OFFICES 110 South State Jerseyville, Illinois 62052 618-498-9802 Fax 618-498-5934	95-119)	<u>West Suburban Recycling & Energy Center v. IEPA (due 11/7) - U.S. EPA's Motion for Leave to File Copy of Amicus Brief and Response (9/24), WSREC's Objections to Motion for Leave to File Copy of Amicus Brief and Response (10/2)</u>	(RCF)
148 North Third Street P.O. Box 505 DeKalb, Illinois 60115 815-753-1904 Fax 815-753-1970	P-A, Air and Land		



DECISIONS (Cont'd)

97-13 Village of Rockdale v. IEPA - (due 11/13) (JTM)
PWS-V

ADMINISTRATIVE CITATIONS

AC 95-26 IEPA v. Orville Bartels and Frank Blair - (JTM)
Complainant's Joint Stipulation of Settlement
and Dismissal of Petition for Review (10/2)

AC 97-11 County of Will v. Kenric Hwang, Wheatland
Prairie/198200004 - Default Order (**Corrected
caption**)

MOTIONS

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 - (ED)
Respondent's Motion to Strike Portions of
Agency's Response (10/2)

96-58 Effingham Tire Center v. IEPA - Petitioner's (ED)
Motion to Dismiss Appeal (10/2)

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

97-61 Glen Ellyn Storage Corporation v. IEPA -
UST- Joint Request for a 90-Day Extension of
Appeal Appeal Period (10/1) - Order
90-Day
Extension

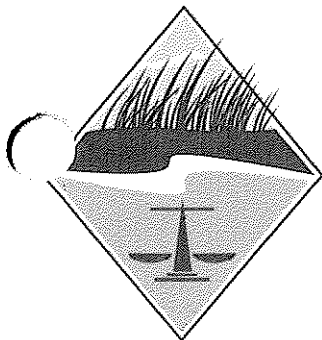
**CASES TO BE SET FOR HEARING AND OTHER
CASE PROCESSING ORDERS OR MATTERS (Cont'd)**

97-62 People of the State of Illinois v. Geon
A-E Corporation - Hearing Mandatory - No Order

97-63 People of the State of Illinois v. Russell Cook,
A-E d/b/a Cook's Hauling and Contracting -
Hearing Mandatory - No Order

97-64 People of the State of Illinois v. Unique
EPCRA-E Marbel Products, Inc. - Hearing Mandatory -
No Order

97-65 G & M Total, Inc. v. IEPA - Petitioner's
UST- Notice of Request to Extend Time to Appeal
Appeal (10/1) (**Postmarked 9/27**)
90-Day
Extension



ILLINOIS POLLUTION CONTROL BOARD

James R. Thompson Center ♦ Suite 11-500 ♦ 100 West Randolph Street ♦ Chicago, Illinois 60601
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GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Marilyn McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



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AGENDA OCTOBER 3, 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

September 19, 1996



REGULATIONS AND ADJUSTED STANDARDS

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)
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</u>	(ED)
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 - Awaiting Petitioner's Certificate of Publication</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)</u>	(GTG)
DECISIONS		
93-15 N-E, Citizens	<u>Dorothy Furlan and Michael Furlan v. University of Illinois School of Medicine</u>	(ED)
94-146 N-E, Citizens	<u>Dorothy Hoffman v. City of Columbia, Illinois</u>	(JY)
95-119) 95-125) P-A, Land & Air	<u>West Suburban Recycling & Energy Center v. IEPA (due 10/31)</u>	(RCF)

ADMINISTRATIVE CITATIONS (Cont'd)

AC 95-18	<u>County of Sangamon v. ESG Watts, Inc.</u> - Respondent's Response to Complainant's Motions for Hearing and Consolidation; (9/20); Complainant's Motion to Consolidate (9/24); Complainant's Motion for Hearing (9/25)	(GTG)
AC 95-21	<u>County of Sangamon v. ESG Watts, Inc.</u> - Respondent's Response to Complainant's Motions for Hearing and Consolidation; (9/20); Complainant's Motion to Consolidate (9/24); Complainant's Motion for Hearing (9/24)	(GTG)
AC 95-26	<u>IEPA v. Orville Bartels and Frank Blair</u> - Complainant's Motion to Dismiss Respondent Frank Blair (9/26)	(JTM)
AC 95-28	<u>County of Sangamon v. ESG Watts, Inc.</u> - Respondent's Response to Complainant's Motions for Hearing and Consolidation; (9/20); Complainant's Motion to Consolidate (9/24); Complainant's Motion for Hearing (9/25)	(GTG)
AC 95-29	<u>County of Sangamon v. ESG Watts, Inc.</u> - Respondent's Response to Complainant's Motions for Hearing and Consolidation; (9/20); Complainant's Motion to Consolidate (9/24); Complainant's Motion for Hearing (9/24)	(GTG)
AC 96-51	<u>Montgomery County, Illinois v. Envotech-Illinois</u> - Respondent's Motion for Reconsideration (9/19)	(JTM)
AC 97-5	<u>Vermilion County v. Lowell Null and M & N Pallet, Inc.</u> - Default Order	
AC 97-7	<u>IEPA v. RCS, Inc. and Michael Duvall</u> - Default Order	
AC 97-8	<u>County of Will v. Mr. Mark Henke/Mr. Suprenant, Wheatland Prairie Landfill</u> - Default Order	

ADMINISTRATIVE CITATIONS (Cont'd)

AC 97-9 County of Will v. American Fly Ash - Default Order

AC 97-11 County of Will v. Mr. Mark Henke/Mr. Suprenant, Wheatland
Prairie Landfill - Default Order

AC 97-13 County of DuPage v. Saleem M. Choudhry - Accept for Hearing
- No Order

AC 97-23 IEPA v. Village of Markham - Accept Case - No Order

AC 97-24 County of LaSalle v. Charlie Raikes, d/b/a Kickapoo Iron &
Metal - Accept Case - No Order

AC 97-25 County of Will v. CDT Landfill Corporation - Accept Case - No
Order

MOTIONS

94-184 R.P. Lumber Company, Inc. v. Office of the State Fire Marshal - (RCF)
UST-FRD Respondent's Motion for Summary Judgment and Memorandum
in Support of 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)

94-235 Amoco Oil Company (Villa Park) v. IEPA - Petitioner's Motion (RCF)
UST-FRD for Leave to Withdraw Petition for Review (9/20)

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), Respondent Caterpillar, Inc.'s Memorandum in Opposition to Complainants' Petition for Reconsideration and Amendment (9/18); Complainants' Motion in Opposition to The Agency's Motion for an Extension of Time (9/23); Respondent Caterpillar, Inc.'s Objection to Motion to Amend Complainants' Petition for Reconsideration and Amendment of Order, Instanter (9/23), Agency's Response to Complainants' Petition for Reconsideration and Amendment of Order (9/30)</u>	(CAM)
94-260 RCRA-E	<u>People of the State of Illinois v. Components Corporation of America</u> Complainant's Motion for Relief From Hearing Requirement and Stipulation and Proposal for Settlement (9/23)	(ED)
95-104 UST-FRD	<u>Glen Ellyn Storage Corporation v. IEPA</u> - Petitioner's Motion to Withdraw Petition for Review (9/17)	(McF)
95-151 UST-FRD	<u>The Kelly-Springfield Tire Company v. IEPA</u> - Petitioner's Motion to Withdraw Petition for Review, Joint Stipulation of Settlement and Dismissal (9/23)	(McF)
95-156 A-V	<u>Harris Marcus Group, Inc. v. IEPA</u> - Agency Motion to File Instanter Amendments to Agency's Recommendation (9/17), Petitioner's Motion to Strike Affidavit (9/24)	(GTG)
95-158 L-E	<u>People of the State of Illinois v. City of Herrin</u> - Motion for Relief From Hearing Requirement and Stipulation and Proposal for Settlement (9/25)	(RCF)

MOTIONS (Cont'd)

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); Agency's Response to the Petitioner's Motion to Reconsider (9/23)	(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)
96-147	<u>People of the State of Illinois v. Illinois Cement Company</u> - Joint Motion to Extend Stay of Proceedings (9/30)	(CAM)
96-151 L-E, Citizens	<u>Keith Boyer v. Felecia Harris, a/k/a Felecia Dawkins and Chicagoland Mortgage Corporation</u> - Respondent's Motion to Strike and Dismiss (9/18)	(McF)
96-250 P-A Land	<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)	(ED)

MOTIONS (Cont'd)

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)	(ED)
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 Instant 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)
97-30 A-E	<u>People of the State of Illinois v. Shell Oil Company</u> - Respondent's Motion for Extension of Time to File Motion to Dismiss (9/24)	(JTM)
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)
97-55 RCRA-E	<u>People of the State of Illinois v. Precision Chrome, Inc.</u> - Joint Motion for Extension of Time to Answer or Otherwise Plead (9/24)	

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

96-251 P-A	<u>Waste Management of Illinois, Inc. (Laraway RDF, Solid Waste Unit) v. IEPA - Dismissal Order</u>	(CAM)
96-255 P-A	<u>Laidlaw Waste Systems, Inc. v. IEPA - Dismissal Order</u>	(CAM)
96-258 UST-Appeal	<u>Crawford Automotive Company v. IEPA - Dismissal Order</u>	(CAM)
96-259 UST-Appeal	<u>North Shore School District #112 v. IEPA - Dismissal Order</u>	(CAM)
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 - (See Complainant's Motion for Additional Extension of Time and Proof of Service on Respondent Eaton Corporation (9/26))</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 (See Complainant's Motion for Additional Extension of Time (9/26))</u>	(McF)
97-3 UST-Appeal	<u>T & H Machine, Inc. v. IEPA - Dismissal Order</u>	(CAM)
97-4 UST-FRD	<u>Reckitt & Colman, Inc. v. IEPA - Dismissal Order</u>	(CAM)

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

97-5 UST-Appeal	<u>Herb Treder (Site Classification Completion Report) v. IEPA - Dismissal Order</u>	(CAM)
97-6 UST-Appeal	<u>Herb Treder (High Priority Corrective Action Plan and 45 Day Report) v. IEPA - Dismissal Order</u>	(CAM)
97-7 UST-Appeal	<u>Herb Treder (High Priority Corrective Action Completion Report) v. IEPA - Dismissal Order</u>	(CAM)
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 & Memorandum in Support of Motion to Dismiss filed 8/5; Complainants' Motion to File Complainants' First Amended Complaint; Response to Agency's Motion to Dismiss filed 8/13; Suggestion of Bankruptcy filed by Respondent Celotex Corporation on 8/16; 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; Complainants' Motion for Continuance filed 9/27)</u>	(CAM)
97-19 P-A	<u>Laidlaw Waste Systems, Inc. v. IEPA - Dismissal Order</u>	(CAM)
97-21 W-V, NPDES	<u>DeKalb Sanitary District v. IEPA - Amended Petition in Response to August 15, 1996 Board Order (9/9)</u>	(GTG)

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

97-22 NPK Storage, Inc. v. IEPA - Accept for Hearing Order (CAM)
UST-Appeal

97-50 Lionel P. Trepanier, Daniel Miller, Wes Wager, Maureen Cole,
A-E, Lorenz Joseph, Maxworks Garden Cooperative, Avi Pandya v.
Citizens The Board of Trustees of the University of Illinois at Chicago,
Other Unknown Owners, and Speedway Wrecking Company -
(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 & Motion to Dismiss filed 9/25)

97-56 Grimms Pharmacy v. IEPA - Joint Request for 90-Day
UST-Appeal Extension of Appeal Period (9/24) - Order
90-Day
Extension

97-57 Baldrige Drilling Co., Inc. v IEPA - Joint Request for 90-Day
UST-FRD Extension of Appeal Period (9/24) - Order
90-Day
Extension

97-58 W.R. Meadows, Inc. v. IEPA - Appeal from Denial of
A-V 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) - Order

97-59 People of the State of Illinois v. Rockford Speedway, Inc.
L-E Hearing Mandatory - No Order

97-60 Caterpillar Incorporated, Mossville Engine Center v. IEPA - (CAM)
Water Provisional Variance

CASES PENDING DECISION

R95-17 Safe Drinking Water Act Update, USEPA Amendments (1/1/95 (RCF)
PWS through 6/30/95- Adopted Rule, Final Order, Supplemental
 Opinion and Order

R96-10 RCRA Update , USEPA Regulations (7/1/95 through 12/31/95)

R97-3 UIC Update, USEPA Regulations (1/1/96 through 6/30/96)

R97-5 RCRA Update, USEPA Regulations (1/1/96 through 6/30/96) -
Order

R96-16 Exemptions from the Definitions of VOM, USEPA Amendments (GTG)
Air (Perchloroethylene) - Proposal for Public Comment, Proposed
 Opinion and Order

97-13 Village of Rockdale v. IEPA - (due 11/13) (JTM)
PWS-V

ADJOURNMENT

LIST OF NEW CASES FILED SINCE SEPTEMBER 19, 1996 BOARD MEETING

AC 97-23	IEPA v. Village of Markham
AC 97-24	County of LaSalle v. Charlie Raikes, d/b/a Kickapoo Iron & Metal
AC 97-25	County of Will v. CDT Landfill Corporation
97-56	Grimm's Pharmacy v. IEPA
97-57	Baldrige Drilling Co., Inc. v. IEPA
97-58	W.R. Meadows, Inc. v. IEPA
97-59	People of the State of Illinois v. Rockford Speedway, Inc.
97-60	Caterpillar Incorporated, Mossville Engine Center v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR THE FIRST HALF OF FY97

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		