

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING MARCH 20, 1997 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.

In R97-15(A&B), Livestock Waste Regulations, 35 Ill. Adm. Code 506, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 4-3. Board Members R.C. Flemal, G. Tanner Girard, and J. Theodore Meyer dissented. **(CAM)**

In R97-14, Emergency Rulemaking: Livestock Waste Regulations 35 Ill. Adm. Code 505, an Adopted Emergency Rule Extension, Supplemental Final Order, Opinion and Order was adopted by a vote of 7-0. **(GTG)(CAM)(RCF)**

Minutes of the March 6, 1997 Board Meeting were approved by a vote of 7-0.

An Order granting the petitioner's motion to dismiss, was adopted in R95-15, Petition of Marathon Oil Company Site Specific Regulation: 35 Ill. Adm. Code 216, Subpart N, by a vote of 7-0. **(JY)**

In R96-4, Listing of Federal Hazardous Air Pollutants, Great Lakes Commissions Toxic Compounds and Great Waters Program Toxic Compounds, and Source Reporting for Illinois Toxic Air Contaminants: Amendments to 35 Ill. Adm. Code 232, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. **(JY)**

In R96-18, Amendments to 35 Ill. Adm. Code Subtitle F (Parts 601 through 620), a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. **(RCF)**

An Order granting Illinois Cast Metals Association's motion to waive the 200 signature requirement, and accepting the matter for hearing, was adopted in R97-27, Revision of the Waste Disposal Rules: Amendment to 35 Ill. Adm. Code 817.101, by a vote of 7-0. **(KMH)**

An Order granting the petitioner's motion for extension of stay until May 12, 1997, directing the parties to file status reports either jointly or separately, no later than May 12, 1997, and to advise the Board any comments received by USEPA on or before April 11, 1997, and of plans to resolve this matter once the action by USEPA becomes final and effective was adopted in #AS 94-5, Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart RR, by a vote of 7-0. **(JTM)**

An Order requesting the petitioner to provide additional information no later than April 17, 1997, was adopted in #AS 97-7, Petition of Southern Illinois Regional Landfill, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 811.309, by a vote of 7-0. **(McF)**

An Interim Opinion and Order was adopted in #95-91, People of the State of Illinois v. Bell Sports, Inc. and Waste Hauling Landfill, Inc., and Waste Hauling, Inc., by a vote of 7-0. (CAM)

An Interim Opinion and Order was adopted in #96-118, People of the State of Illinois v. Dennis Fults, d/b/a St. Clair Construction and Paving, by a vote of 7-0. (KMH)

An Opinion and Order accepting the Stipulation and Settlement Agreement in the amount of \$16,000.00, was adopted in #96-131, People of the State of Illinois v. Fenton Press, Inc., by a vote of 7-0. (JY)

An Opinion and Order was adopted in #96-194, The D.B. Hess Company, Inc. v. IEPA, by a vote of 7-0. (McF)

An Opinion and Order noting that Section 31.1(d) of the Illinois Environmental Protection Act (Act) does not allow the Board to recognize settlement agreements in administrative citation proceedings wherein the respondent neither admits or denies the violations, finding that the respondent violated Sections 21(p)(1) and 21(p)(4) of the Act, and unless already paid, directing the respondent to pay a penalty in the amount of \$1,000.00 by April 19, 1997, and closing the docket, was adopted in #AC 97-13, County of DuPage v. M. Saleem Choudhry. By a vote of 7-0. (JTM)

A Default Order finding that the respondent violated Section 21(p)(1) of the Illinois Environmental Protection Act, and assessing a \$500.00 penalty, was adopted in #AC 97-37, County of Vermilion v. Randall Richter, by a vote of 7-0. (CAM)

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 97-45, County of Vermilion v. Elvis Ford, by a vote of 7-0. (CAM)

These Administrative Citations were accepted by the Board: ##97-47, Wayne County Health Department v. John Barnes; 97-48, County of Will v. American Fly Ash; 97-49, County of Will v. American Fly Ash; 97-50, County of Will v. American Fly Ash; 97-51, County of Will v. American Fly Ash; 97-52, County of Will v. American Fly Ash.

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion to request relief from hearing requirement, was adopted in #94-288, People of the State of Illinois v. Grayslake Gelatin Company, Blidco, Inc., Acme Construction Company, Inc., and Diversified Abatement Contractors, Inc., by a vote of 7-0. (KMH)

An Order granting the joint motion to dismiss and closing the docket, was adopted in #94-305, Russ' Service & Towing v. IEPA, by a vote of 7-0. (GTG)

The petitioner's amendment to its petition for declaration of compliance or in the alternative for variance was accepted but the Board did not restart the decision timeclock with its filing in

#95-90, Minnesota Mining & Manufacturing Company v. IEPA.

An Order granting the complainants motion for voluntary dismissal of Amoco Oil Company and Mobil Oil Corporation as party respondents, amending the case caption to reflect the dismissal, directing that all future pleadings be so captioned, was adopted in #95-122, Olive Streit 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 joint motion to clarify a February 6, 1997 Board order, was adopted in #96-193, W.R. Grace & Company-Connecticut v. IEPA, by a vote of 7-0. (JTM)

An Opinion and Order granting the petitioner's motions for leave to file a response in excess of fifteen page, to supplement its response to the Agency's motion for summary, denying the petitioner's first and second motions to supplement the record, denying the Agency's motion in limine as moot, and granting the Agency's motion for summary judgment and closing the docket, was adopted in #96-250, White & Brewer Trucking, Inc. v. IEPA, by a vote of 7-0. (KMH)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of an agreed motion to request relief from the hearing requirement, was adopted in #96-262, People of the State of Illinois v. R. Frietsch and Company, Inc., by a vote of 7-0. (KMH)

An Order denying the complainant's motion to reconsider and/or clarify a January 23, 1997 Board opinion and order, was adopted in #96-264, People of the State of Illinois v. American Waste Processing, Ltd., by a vote of 7-0. (CAM)

An Order granting the respondent the Board of Trustees of the University of Illinois' (University) motion for leave to file an answer insofar as the motion seeks to cure any technical default, and also to the extent that it seeks leave to file the University's general denial, affirmative defenses and appearance of its attorneys, and referring all other matters to the Hearing Officer for resolution, was adopted in #97-50, Lionel Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and Board of Trustees of the University of Illinois, by a vote of 7-0. (KMH)

An Opinion and Order granting the petitioner's motion for reconsideration, and upon reconsideration, extending the variance for an additional two months until May 31, 1997, and vacating the order of January 23, 1997 and replacing it, was adopted in #97-78, DeKalb Sanitary District v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. (JY)

An order granting the Agency's motion for an extension of time to file the Agency record not less than 30 days from the date of the scheduled public hearing, provided, however, that if either party files a motion for summary judgment, the Agency must file the Agency record within 14 days after such motion is filed, if the motion is filed by the Agency, or within 14 days after the

motion is received, if the motion is filed by the petitioner, was adopted in #97-104, Continental Waste Industries of Illinois, Inc. v. IEPA, by a vote of 7-0. (KMH)

An Order finding the complaint to be neither duplicitous or frivolous, and accepting the matter for hearing, was adopted in #97-143, Jeffrey J. Webb v. City of Anna, by a vote of 6-0. Board Member K.M. Hennessey abstained. (RCF)

An Order finding the complaint to be neither duplicitous or frivolous, and accepting the matter for hearing, was adopted in #97-148, Marilyn J. Richey v. City of Anna, by a vote of 7-0. (GTG)

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 April 29, 1997, 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 #97-150, McKay Contractors, Inc. v. IEPA, by a vote of 7-0. (CAM)

An Order accepting the matter for hearing, was adopted in #97-151, Fox Waterway Agency v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. (McF)

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 May 8, 1997, 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 #97-153, D&L Landfill, 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 May 6, 1997, 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 #97-155, Shell Oil Products Company v. IEPA, by a vote of 7-0. (CAM)

An Order accepting the matter for hearing, was adopted in #97-156, Village of Fox River Grove v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. (CAM)

An Order accepting the matter for hearing, was adopted in #97-157, R. Lavin & Sons, 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 May 8, 1997, 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 #97-160, Browning-Ferris Industries of Illinois, Inc. v. IEPA, by a vote of 7-0. (CAM)

A Provisional Variance was granted in #97-161, Enthone-Omi, Inc. v. IEPA, by a vote of 7-0. (CAM)

ADDENDUM

An Order granting the Agency's motion for an extension of time to file the Agency record, until 30 days prior to the scheduled hearing in the matter, and directing the hearing officer to establish the filing date of the Agency record consistent with this order when scheduling a hearing, was adopted in #97-112, OK Service Center v. IEPA, by a vote of 7-0. (JY)

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 May 12, 1997, 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 #97-162, Swearingin Services, Inc., (May 1, 1995 to July 31, 1995 Period) 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 May 12, 1997, 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 #97-163, Swearingin Services, Inc., (November 1, 1994 to April 30, 1995 Period) 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 May 12, 1997, 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 #97-164, Swearingin Services, Inc., (May 1, 1995 to May 31, 1995 Period) 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 May 12, 1997, 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 #97-165, Swearingin Services, Inc., (May 1, 1995 to June 30, 1995 Period) 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 May 12, 1997, 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 #97-166, Swearingin Services, Inc., (October 1, 1995 to October 31, 1995 Period) v. IEPA, by a vote of 7-0. (CAM)

AGENDA

This regulatory matter was discussed and held for further discussion or possible decision: R97-7, Wastewater Pretreatment Update, USEPA Regulations (January 1, 1996 through June 30, 1996), Adopted Rule, Final Order, Opinion and Order.

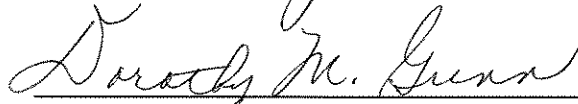
This case was discussed and held for further discussion: #96-110, Sara Scarpino and Margaret Scarpino v. Henry Pratt Company.

Motioned and Seconded, by a vote of 7-0, the motion for a Closed Deliberative to be held on Thursday, April 3, 1997 after the regularly scheduled Board meeting.

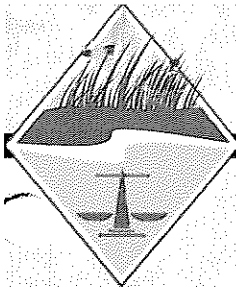
Motioned and Seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:15 a.m..

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 April, 1997, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph ♦ Suite 11-500 ♦ Chicago, IL 60601 ♦ 312-814-3620 ♦ Fax 312-814-3669

REGULAR BOARD MEETING AGENDA MARCH 20, 1997 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

GOVERNOR

Honorable Jim Edgar



CHAIRMAN

Claire A. Manning
Springfield

MEMBERS

Ronald C. Fernalt
DeKalb

G. Tanner Girard
Grafton

Kathleen M. Hennessey
Chicago

Marili McFawn
Inverness

J. Theodore Meyer
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Joseph C. Yi
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ADDENDUM

REGULATIONS AND ADJUSTED STANDARDS

AS 94-20 Petition of the Galesburg Sanitary District for an (JY)
Water Adjusted Standard from 35 Ill. Adm. Code
304.105 (Ammonia Nitrogen) - Agency Motion
to Strike Petitioner's Motion to Amend
Requested Relief (3/19)

MOTIONS AND OTHER MATTERS

97-84 George Casanave v. Amoco Oil Company and (CAM)
UST-E Ray L. Pearson - Complainant's Response to
Respondent Amoco Oil Company's Motion to
Dismiss (3/18)

97-112 OK Service Center v. IEPA - Agency Motion (JY)
UST- for Extension of Time to File Agency Record
Appeal (3/17)

97-162 Swearingin Services, Inc. v. IEPA - Joint (CAM)
UST- Request for 90-Day Extension of Appeal Period
Appeal, (3/19)
90-Day
Ext.

MOTIONS AND OTHER MATTERS (Cont'd)

97-163 Swearingin Services, Inc. v. IEPA - Joint (CAM)
UST- Request for 90-Day Extension of Appeal Period
Appeal, (3/19)
90-Day
Ext.

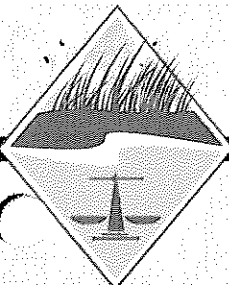
97-164 Swearingin Services, Inc. v. IEPA - Joint (CAM)
UST- Request for 90-Day Extension of Appeal Period
Appeal, (3/19)
90-Day
Ext.

97-165 Swearingin Services, Inc. v. IEPA - Joint (CAM)
UST- Request for 90-Day Extension of Appeal Period
Appeal, (3/19)
90-Day
Ext.

97-166 Swearingin Services, Inc. v. IEPA - Joint (CAM)
UST- Request for 90-Day Extension of Appeal Period
Appeal, (3/19)
90-Day
Ext.

ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph ♦ Suite 11-500 ♦ Chicago, IL 60601 ♦ 312-814-3620 ♦ Fax 312-814-3669



GOVERNOR

Honorable Jim Edgar



CHAIRMAN

Claire A. Manning
Springfield

MEMBERS

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Kathleen M. Hennessey
Chicago

Marili McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
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AGENDA

MARCH 20, 1997 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

March 6, 1997

REGULATIONS AND ADJUSTED STANDARDS

R95-15 R, Air	<u>Petition of Marathon Oil Company Site Specific Regulation: 35 Ill. Adm. Code 216, Subpart N - Petitioner's Motion to Dismiss (3/7)</u>	(JY)
R96-4 R, Air	<u>Listing of Federal Hazardous Air Pollutants, Great Lakes Commissions Toxic Compounds and Great Waters Program Toxic Compounds, and Source Reporting for Illinois Toxic Air Contaminants: Amendments to 35 Ill. Adm. Code 232 - Proposed Rule, Second Notice, Opinion and Order</u>	(JY)
R96-18 R, PWS	<u>Amendments to 35 Ill. Adm. Code Subtitle F (Parts 601 through 620) - Proposed Rule, Second Notice, Opinion and Order</u>	(RCF)
R97-14 R, Land	<u>Emergency Rulemaking: Livestock Waste Regulations 35 Ill. Adm. Code 505 - Adopted Emergency Rule Extension, Supplemental Final Order, Opinion and Order</u>	(GTG) (CAM) (RCF)
R97-15 R, Land	<u>Livestock Waste Regulations, 35 Ill. Adm. Code 506 - Proposed Rule, Second Notice, Opinion and Order</u>	(CAM)
R97-27 R, Land	<u>Revision of the Waste Disposal Rules: Amendment to 35 Ill. Adm. Code 817.101 - Illinois Cast Metals Association's Motion to Waive the 200 Signature Requirement (3/4)</u>	(KMH)
AS 94-5 Air	<u>Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart RR - Petitioner's Status Report in Response to January 9, 1997 Board Order and Request for Extension of Stay (3/17)</u>	(JTM)
AS 94-20 Water	<u>Petition of the Galesburg Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 304.105 (Ammonia Nitrogen) - Petitioner's Motion to Amend Requested Relief (3/11)</u>	(JY)

REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

AS 97-7 Petition of Southern Illinois Regional Landfill, Inc. (SIRL) for (McF)
Land an Adjusted Standard from 35 Ill. Adm. Code 811.309 - Hold for
 Certificate of Publication - No Order

DECISIONS

95-91 People of the State of Illinois v. Bell Sports, Inc. and Waste (CAM)
RCRA-E Hauling Landfill, Inc., and Waste Hauling Inc. - Stipulation

96-118 People of the State of Illinois v. Dennis Fults, d/b/a St. Clair (KMH)
A-E Construction and Paving - Interim Opinion and Order

96-131 People of the State of Illinois v. Fenton Press, Inc. - Stipulation (JY)
A-E

96-194 The D.B. Hess Company, Inc. v. IEPA (due 3/21) (McF)
A-V

ADMINISTRATIVE CITATIONS

AC 97-13 County of DuPage v. M. Saleem Choudhry - Joint Stipulation of (JTM)
 Settlement and Withdrawal of Respondent's Petition for
 Administrative Review (3/13)

AC 97-37 County of Vermilion v. Randall Richter - Default Order (CAM)

AC 97-45 County of Vermilion v. Elvis Ford - Default Order (CAM)

AC 97-47 Wayne County Health Department v. John Barnes - Accept Case
 - No Order

AC 97-48 County of Will v. American Fly Ash - Accept Case - No Order

ADMINISTRATIVE CITATIONS (Cont'd)

AC 97-49 County of Will v. American Fly Ash - Accept Case - No Order

AC 97-50 County of Will v. American Fly Ash - Accept Case - No Order

AC 97-51 County of Will v. American Fly Ash - Accept Case - No Order

AC 97-52 County of Will v. American Fly Ash - Accept Case - No Order

MOTIONS AND OTHER MATTERS

94-288 People of the State of Illinois v. Grayslake Gelatin Company, (KMH)
A-E Blidco, Inc., and Diversified Abatement Contractors - Motion to
Request Relief From Hearing Requirement (3/11)

94-305 Russ' Service & Towing v. IEPA - Joint Motion to Dismiss (GTG)
UST-FRD (3/12)

95-90 Minnesota Mining & Manufacturing Company v. IEPA - (McF)
A-V Petitioner's Amendment to Petition for Declaration of
Compliance or in the Alternative for Variance (3/12)

95-122 Olive Streit and Lisa Streit v. Oberweis Dairy, Inc., Richard J. (CAM)
UST-E, Fetzer and Johnnie W. Ward, d/b/a Serve-N-Save, and Richard J.
Citizens Fetzer, individually, Amoco Oil Company and Mobil Oil
Corporation - Complainants' Motion for Voluntary Dismissal of
Certain Parties (2/26)

MOTIONS AND OTHER MATTERS (Cont'd)

96-180 W-E Citizens	<u>Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc.</u> - Complainant's Motion to Consolidate, Motion for Partial Summary Judgment and Memorandum in Support of Motion for Partial Summary Judgment (12/9), Respondent's Motion for Leave to File Response in Excess of Page Limits, Response to Motion for Partial Summary Judgment, and Response in Opposition to Motion to Consolidate and Motion for Stay of Decision on Consolidation (1/14), Complainant's Response to Respondent's Motion for Stay of Decision on Consolidation and Motion for Leave to File a Reply Regarding Partial Summary Judgment (1/23), Complainant's Motion for Leave to File a Reply Regarding Consolidation (1/27), Motion to Amend Respondent's Response in Opposition to Motion to Consolidate and Motion for Stay of Decision on Consolidation and Response to Motion for Partial Summary Judgment (2/28)	(McF)
96-193 A-V	<u>W.R. Grace & Company-Connecticut v. IEPA</u> - Joint Motion to Clarify February 6, 1997 Board Order (3/13)	(JTM)
96-250 P-A, Land	<u>White & Brewer Trucking, Inc. v. IEPA</u> - Agency's Motion for Summary Judgment (9/3), Petitioner's Response to Agency's Motion for Summary Judgment (12/6), Petitioner's Motion to Supplement Response to Motion for Summary Judgment (2/6)	(KMH)
96-262 A-E	<u>People of the State of Illinois v. R. Frietsch and Company, Inc.</u> - Agreed Motion to Request Relief from the Hearing Requirement (3/13)	(KMH)
96-264 RCRA-E	<u>People of the State of Illinois v. American Waste Processing, Ltd.</u> - Complainant's Motion to Reconsider and/or Clarification of January 23, 1997 Opinion and Order (2/26), Respondent's Response in Opposition to Complainant's Motion for Reconsideration and/or Clarification (3/4)	(CAM)

MOTIONS AND OTHER MATTERS (Cont'd)

96-265 L, SW, & RCRA-E	<u>Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, and Eaton Corporation</u> - Respondent's Motion to Dismiss or in the Alternative to Stay the Proceedings (2/7), Respondent Eaton Corporation's Supplemental Exhibit to its Motion to Dismiss or in the Alternative to Stay the Proceedings (2/13), Complainant's Response to Respondent's Motion to Dismiss or in the Alternative to Stay (2/14)	(JY)
97-50 A-E, Citizens	<u>Lionel Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative, and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois</u> - Respondent the Board of Trustees of the University of Illinois' Motion for Leave to File Answer and for Other Relief (3/6)	(KMH)
97-68 L-S-R, 3 rd Party	<u>Senator William Shaw, Ronnie Lewis, and Judith Evans v. Board of Trustees of the Village of Dolton, Illinois, Land of Lakes Company, and Mayor Donald Hart</u> - Motion to Reconsider Decision of January 23, 1997 (2/28), Respondent Land and Lakes Company's Response to Petitioners' Motion for Reconsideration (3/11)	(JY)
97-78 W-V, NPDES	<u>DeKalb Sanitary District v. IEPA</u> - Petitioner's Motion to Reconsider January 23, 1997 Board Order (2/24), Respondent's Response to Petitioner's Motion to Reconsider (3/5)	(JY)
97-84 UST-E	<u>George Casanave v. Amoco Oil Company and Ray L. Pearson</u> - Respondent Amoco Oil Company's Motion to Dismiss (1/21)	(CAM)
97-93 A-E	<u>People of the State of Illinois v. Ashland, Inc.</u> - Complainant's Motion to Strike Respondent's Affirmative Defenses and Memorandum of Law in Support of Complainant's Motion to Strike Respondent's Affirmative Defenses (1/13), Respondent's Memorandum of Opposition to Complainant's Motion to Strike Respondent's Affirmative Defenses (1/30)	(GTG)

MOTIONS AND OTHER MATTERS (Cont'd)

97-99 WWS	<u>Shell Oil Company v. IEPA</u> - Agency's Motion to Dismiss the Petitioner's Petition (12/27), Agency's Motion for Reconsideration (1/6), Petitioner's Response to Agency's Motion to Reconsider and to Dismiss Petition (1/14)	(JY)
97-104 P-A, Land	<u>Continental Waste Industries of Illinois, Inc. v. IEPA</u> - Agency's Motion for Extension of Time to File Agency Record (2/24)	(KMH)
97-134 RCRA-E Citizens	<u>Dayton Hudson Corporation v. Cardinal Industries, Inc., and Daniel E. Cardinal, Jr.</u> - Respondents' Motion to Strike Complaint and Memorandum in Support (3/17)	(CAM)
97-143 W-E	<u>Jeffrey J. Webb v. City of Anna, Illinois</u> - Duplicitous/Frivolous Determination - No Order	(RCF)
97-148 UST-E, Citizens	<u>Marilyn J. Richey v. Texaco Refining and Marketing, Inc.</u> - Hold for Duplicitous/Frivolous Determination - No Order	(GTG)
97-150 UST-Appeal 90-Day, Ext.	<u>McKay Contractors, Inc. v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (3/3), Joint Request for 90-Day Extension of Appeal Period (3/10) - Order	(CAM)
97-151 W-V, NPDES	<u>Fox Waterway Agency v. IEPA</u> - Hold for Further Review	(McF)
97-153 P-A, 90-Day Ext.	<u>D&L Landfill, Inc. v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (3/10), Joint Request for 90-Day Extension of Appeal Period (3/12) - Order	(CAM)
97-154 P-A, RCRA	<u>Monsanto Company (William G. Krummrich Plant) v. IEPA</u> - Hold for Further Review	(RCF)

MOTIONS AND OTHER MATTERS (Cont'd)

97-155 Shell Oil Products Company v. IEPA - Joint Request for 90-Day (CAM)
UST-FRD Extension of Appeal Period (3/12) - Order
90-Day Ext.

97-156 Village of Fox River Grove, Illinois v. IEPA - Accept for (CAM)
P-A, Hearing Order
NPDES

97-157 R. Lavin & Sons, Inc. v. IEPA - Accept for Hearing Order (CAM)
P-A, RCRA

97-158 Donald & Verna Bryant v. Doug Heil and Harrisburg Truss
N-E, Company - Hold for Duplicitous/Frivolous Determination - No
Citizens Order

97-159 Central Illinois Public Service Company (Newton Lake) v. IEPA
W-V Hold for Further Review

97-160 Browning-Ferris Industries of Illinois, Inc. v. IEPA - Joint (CAM)
P-A, Land, Request for 90-Day Extension of Appeal Period (3/17) - Order
90-Day Ext.

97-161 Enthone-Omi, Inc. v. IEPA - Provisional Variance (CAM)
RCRA

CASES PENDING DECISION

R97-7 Wastewater Pretreatment Update, USEPA Regulations (January (JY)
R, Water 1, 1996 through June 30, 1996) - Adopted Rule, Final Order,
Opinion and Order

96-110 Sara Scarpino and Margaret Scarpino v. Henry Pratt Company (KMH)
N-E,
Citizens

ADJOURNMENT

LIST OF NEW CASES FILED SINCE MARCH 6, 1997 BOARD MEETING

AC 97-50	County of Will v. American Fly Ash
AC 97-51	County of Will v. American Fly Ash
AC 97-52	County of Will v. American Fly Ash
97-153	D&L Landfill, Inc. v. IEPA
97-154	Monsanto Company (William G. Krummrich Plant) v. IEPA
97-155	Shell Oil Products Company v. IEPA
97-156	Village of Fox River Grove, Illinois v. IEPA
97-157	R. Lavin & Sons, Inc. v. IEPA
97-158	Donald & Verna Bryant v. Doug Heil and Harrisburg Truss Company
97-159	Central Illinois Public Service Company (Newton Lake) v. IEPA
97-160	Browning-Ferris Industries of Illinois, Inc. v. IEPA
97-161	Enthone-Omi, Inc. v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1997

April 3
April 17

May 1 *
May 15

June 5
June 19

July 10
July 24

August 7
August 21

September 4
September 18

October 2
October 16 *

November 6
November 20

December 4
December 18

NOTE: All Board Meetings will be held in Conference Room 9-040. Those noted with an asterisk will be held in Conference Room 9-031.

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 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank 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		