

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



MAY 6, 1999 SPRINGFIELD OFFICE
600 South Second Street - Suite 403
Hearing Room
11:30 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. Thank you for your interest.

ROLL CALL

APPROVAL OF MINUTES

April 15, 1999

RULEMAKINGS

R99-10	<u>In the Matter of: Hospital/Medical/Infectious Waste Incinerators:</u> <u>Adoption of 35 Ill. Adm. Code 229</u> - Adopted Rule, Final Order, Opinion and Order	Fleml R, Air
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RULEMAKINGS (CONTINUED)

R99-12	<u>In the Matter of: SDWA Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - Proposed Rule, Proposal for Public Comment, Opinion and Order</u>	Flemal R, PWS
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ADJUSTED STANDARDS

AS 99-3	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c) - Petitioner's Motion to Reconsider and Motion for Expedited Board Decision on May 6, 1999 (4/29)</u>	Hennessey Land, RCRA
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AS 99-5	<u>In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105</u>	Melas Water
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ADMINISTRATIVE CITATIONS

AC 99-9	<u>IEPA v. Terry Patrick</u> - Agency Motion to Modify Order of April 15, 1999 (5/3)	Melas
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AC 99-31	<u>County of Will v. Leonard Kubinski</u> - Complainant's Motion to Amend Administrative Citation (2/25), Complainant's Motion to Amend Administrative Citation and Complainant's Motion to Dismiss (3/17), Complainant's Motion to Withdraw its First Motion to Amend Administrative Citation (3/25), Complainant's Motion to Withdraw Complainant's Motion to Dismiss (4/27)	Manning
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AC 99-36	<u>County of Will v. Maureen Fee</u> - Default Order	Manning
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AC 99-38	<u>IEPA v. Upper Rock Island County Landfill, Inc.</u> - Default Order	Manning
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AC 99-39	<u>IEPA v. C&L Tiling, Inc.</u> - Default Order	Manning
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ADJUDICATORY CASES

Decisions

PCB 94-373	<u>People of the State of Illinois v. Wayne Berger and Berger Waste Management, Inc.</u>	McFawn L-E
PCB 96-208	<u>People of the State of Illinois v. Frank Merkendorfer and Phil Pinello - Stipulation</u>	Hennessey RCRA-E
PCB 97-203	<u>People of the State of Illinois v. Spirco Environmental, Inc. - Final Opinion and Order</u>	Melas A-E
PCB 98-81	<u>Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation System, Inc. and D.P. Cartage, Inc.</u>	Hennessey N-E, Citizens
PCB 98-90	<u>People of the State of Illinois v. Marathon Oil Company - Stipulation</u>	Girard L&W-E

Provisional Variances

Since the Board must decide provisional variances within forty-eight hours of their filing, any provisional variances filed prior to this meeting will be included here.

PCB 99-157	<u>Department of the Air Force v. IEPA - Provisional Variance</u>	Manning RCRA
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Motions and Other Matters

Additional motions on the following cases filed prior to this meeting may be included here.

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 93-193	<u>LTV Steel Company v. IEPA</u> - Petitioner's Motion to Withdraw Permit Appeal (4/16)	Kezelis P-A, NPDES
PCB 96-30	<u>Fruit Belt Service Company v. IEPA</u> - Petitioner's Stipulation for Dismissal (4/23)	Hennessey UST-FRD
PCB 96-70	<u>Fruit Belt Service Company v. IEPA</u> - Petitioner's Stipulation for Dismissal (4/23)	Hennessey UST-FRD
PCB 96-73	<u>Fruit Belt Service Company v. IEPA</u> - Petitioner's Stipulation for Dismissal (4/23)	Hennessey UST-FRD
PCB 96-164	<u>CGE Ford Heights, L.L.C. v. IEPA</u> - Agency Motion to Dismiss (3/18), Petitioner's Motion to File Instantly its Answer to the Agency's Motion to Dismiss (5/3)	Manning T-C- Appeal
PCB 97-1	<u>Lawrence Cadillac v. IEPA</u> - Petitioner's Motion for Voluntary Dismissal (4/27)	McFawn UST-FRD
PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&S Petroleum Products, Peter Anest, an individual f/d/b/a S&S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Millstream Service, Inc.</u> - Third Party Respondents William Anest and Peter Anest's Motion to Dismiss and Memorandum in Support of Motion to Dismiss (4/8)	Manning L&W-E
PCB 97-147	<u>People of the State of Illinois v. J.D. Plating Works, Inc.</u> - Complainant's Motion for Summary Judgment (5/3)	Melas RCRA, W-E

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-82	<u>Resurrection Medical Center v. IEPA</u> - Petitioner's Motion to Dismiss (4/6)	Kezelis UST-FRD
PCB 98-84	<u>Scott and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - Parties' Proposed Consent Order (3/29)	Kezelis N-E, Citizens
PCB 98-102	<u>Panhandle Eastern Pipe Line Company v. IEPA</u> - Petitioner's Motion for Reconsideration of January 21, 1999 Board Order (2/25), Agency Response to Petitioner's Motion for Reconsideration (3/12)	Hennessey P-A, Air
PCB 99-40	<u>QST Environmental, Inc. v. IEPA</u> - Petitioner's Motion for Summary Judgment (3/16), Agency Motion for Summary Judgment (3/16), Agency Response to Petitioner's Motion for Summary Judgment (3/29), Petitioner's Reply to Agency Motion for Summary Judgment (3/29)	Girard T-S
PCB 99-73	<u>People of the State of Illinois v. J.L. Clark, Inc.</u> - Agreed Motion for Relief from the Hearing Requirement and Agreed Motion for Leave to File Instanter Amended Complaint and Amended Stipulation and Proposal for Settlement (4/23)	Manning A-E
PCB 99-93	<u>People of the State of Illinois v. South Palos Township Sanitary District</u> - Motion to Request Relief from the Hearing Requirement (4/19)	Kezelis W-E
PCB 99-107	<u>Dewey's Service, Inc. v. IEPA</u> - Petitioner's Motion for Reconsideration of February 4, 1999 Board Order (3/17)	Manning UST-FRD
PCB 99-115	<u>General Electric Company v. IEPA</u> - Accept for Hearing Order	Manning P-A, Air

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-117	<u>Aramark Services, Inc. v. IEPA</u> - Dismissal Order	Manning UST-FRD
PCB 99-121	<u>Loewen Group International, Inc. v. IEPA</u> - Dismissal Order	Manning UST-Appeal
PCB 99-126	<u>477, Inc. v. IEPA</u> - Dismissal Order	Manning UST-Appeal
PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> - Accept for Hearing Order	Manning UST-Appeal
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> - Request for Leave to Appear Pro Hac Vice (3/29)	Melas W-E
PCB 99-136	<u>Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois, and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc.; Land and Lakes Company v.</u>	Flemal P-C-F-S-R
PCB 99-139	<u>Will County Board and Waste Management of Illinois, Inc.;</u>	
PCB 99-140	<u>Kathleen Konicki v. Will County Board and Waste Management of Illinois, Inc. - Waste Management of Illinois, Inc.'s Motion to Dismiss Petition for Review and Request for Stay of Discovery (4/28), Will County Board's Motion to Make More Definite the Petition for Review of Land and Lakes Company (5/3)</u>	
PCB 99-142	<u>American National Bank and Trust Company of Chicago a/t/u Trust No. 10357705 v. Robert Dunham individually and d/b/a Dunham Cleaners - (See Respondent's Motion for Extension of Time filed 4/28) - Awaiting Duplicitous/Frivolous Determination</u>	Girard RCRA-E Citizens

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-145	<u>Hobert and Karen Jones, Robert Smith, Jodi and Tim Leeper, Cassandra and Cheryl Vaughn, Anita Rice, Peggy Eberhardt, Matthew Andriola, Matt Miller, Lynn Devlin, Edward Stolinski, and Pete Calzavara v. Heritage Tool and Die Mold</u> - (See also Respondent's Motion to Dismiss filed 4/8) - Awaiting Duplicitous/Frivolous Determination	McFawn N-E, Citizens
PCB 99-146	<u>Remote Services, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (4/15) - Order	Manning UST-FRD 90-Day Ext.
PCB 99-147	<u>Remote Services, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (4/15) - Order	Manning UST-FRD 90-Day Ext.
PCB 99-148	<u>Remote Services, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (4/15) - Order	Manning UST-FRD 90-Day Ext.
PCB 99-149	<u>Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc.</u> - Hold for Duplicitous/Frivolous Determination - No Order	Kezelis UST-E, Citizens
PCB 99-150	<u>K.B. Oil Company v. IEPA</u> - Accept for Hearing Order	Manning UST-FRD
PCB 99-151	<u>Land-O-Sun Dairies, L.L.C. v. IEPA</u> - Accept for Hearing Order	Manning P-A, Water

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-152	<u>People of the State of Illinois v. Eagle Picher Boge, L.L.C.</u> - Hearing Mandatory - No Order	A-E
PCB 99-153	<u>Solutia, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (4/30) - Order	Manning UST-Appeal 90-Day Ext.
PCB 99-154	<u>Remote Services, Inc. (Dairy Mart Store #562) v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (4/30) - Order	Manning UST-Appeal 90-Day Ext.
PCB 99-155	<u>Schiller Park Marathon, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (4/30) - Order	Manning UST-Appeal 90-Day Ext.
PCB 99-156	<u>CGB Waterfront Services, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (4/30) - Order	Manning P-A, Water 90-Day Ext.

CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

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		

ILLINOIS POLLUTION CONTROL BOARD

NEW CASE LISTING



NEW CASES FILED SINCE APRIL 15, 1999 BOARD MEETING

PCB 99-145	Hobert and Karen Jones, Ronert Smith, Jodi and Tim Leeper, Cassandra and Cheryl Vaughn, Anita Rice, Peggy Eberhardt, Matthew Andriola, Matt Miller, Lynn Devlin, Edward Stolinski, and Pete Calzavara v. Heritage Tool and Die Mold
PCB 99-146	Remote Services, Inc. v. IEPA
PCB 99-147	Remote Services, Inc. v. IEPA
PCB 99-148	Remote Services, Inc. v. IEPA
PCB 99-149	Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc.
PCB 99-150	K.B. Oil Company v. IEPA
PCB 99-151	Land-O-Sun Dairies L.L.C. v. IEPA
PCB 99-152	People of the State of Illinois v. Eagle Picher Boge, L.L.C
PCB 99-153	Solutia, Inc. v. IEPA
PCB 99-154	Remote Services, Inc. (Dairy Mart Store #562) v. IEPA
PCB 99-155	Schiller Park Marathon, Inc. v. IEPA
PCB 99-156	CGB Waterfront Services, Inc. v. IEPA
PCB 99-157	Department of the Air Force v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999

May 6 *	September 9
May 20	September 23
June 3	October 7 **
June 17	October 21
July 8	November 4 *
July 22	November 18
August 5 *	December 2
August 19	December 16

* These Board Meetings will be in the Board's Springfield Office
600 S. Second Street, Suite 403, Hearing Room

** This Board Meeting will be in Conference Room 2-025. All other
Board Meetings in Chicago will be in Conference Room 9-040