

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF BOARD MEETING
MARCH 23, 1995 CHICAGO, ILLINOIS**

After calling the meeting to order, Chairman Manning asked the Clerk for a roll call and all Board Members answered present except Messrs. Girard, Flemal and Meyer, who were absent.

A Default Order was adopted in this Administrative Citation by a vote of 4-0: #95-14, IEPA v. Ken Lomax and Ken Lomax Enterprises.

An Order granting the Respondent's motion to withdraw its petition for review, and unless the penalty has already been paid, directing the Respondent to pay, within 30 days of the date of the Order, a penalty in the amount of \$500.00, was adopted in #AC 94-100, County of Macon v. Macon County Landfill, by a vote of 4-0. (JY)

An Order granting the Respondent's motion for a non-resident attorney to appear on its behalf, was adopted in #AC 95-11, IEPA v. Gordon McCann and the Larson Foundation, by a vote of 4-0.

An Order granting the Complainant's motion to dismiss the administrative citation, was adopted in #AC 95-17, Sangamon County v. The Illinois National Bank of Springfield, n/k/a First America Trust Company, as Trustee under the provisions of a Trust Agreement dated January 19, 1990, and known as Trust Number 894-6418-002, and Ray Landers, by a vote of 4-0. (CAM)

These Administrative Citations were accepted by the Board: #95-20, County of Jackson v. Greg Burris, individually, also d/b/a Burris Disposal Service; 95-21, Sangamon County v. ESG Watts, Inc..

An Order interpreting the joint stipulation and motion to dismiss as a motion to withdraw, granting the motion to withdraw, and closing the docket, was adopted in #94-131, Daubs Landfill, Inc., d/b/a Wayne County Regional landfill, a subsidiary of Mid-American Waste Systems, Inc., by a vote of 4-0. (ED)

An Order directing the Hearing Officer to set the matter for hearing since no substantive action has occurred since the filing of the notice of settlement on December 13, 1994, was adopted in #94-150, Angela M. White v. Terry and Billie Van Tine and Schneider Transport, Inc., by a vote of 4-0. (ED)

An Order granting the Petitioner's motion to dismiss, was adopted in #94-255, Marion Pepsi Cola v. IEPA, by a vote of 4-0. (ED)

An Order granting the Petitioner's motion to withdraw, was adopted in #94-279, Inspiration Development Company v. IEPA, by a vote of 4-0. (ED)

An Order granting the Agency's motion for leave to file the Agency record instanter and for leave to file limited copies of the record, was adopted in #94-382, Gunitte Corporation v. IEPA, by a vote of 4-0. (JY)

No action was taken on the Petitioner's amended petition filed March 15, 1995 in #95-39, W.R. Grace Company - Connecticut v. IEPA.

An Order granting the Agency's motion to file its recommendation instanter, was adopted in #95-49, Glenbard Wastewater Authority v. IEPA, by a vote of 4-0. (ED)

No action was taken on the comments received March 14, 1995 from Patricia D. Daley, R.N., in #95-52, Safety-Kleen Corporation (Dolton, Illinois Recycle Center) v. IEPA.

No action was taken on the amended petition filed on March 16, 1995 in #95-77, Keith Tiberend v. Waste Management of Illinois, Inc. and Village of Marissa.

An Order accepting the matter for hearing was adopted in #95-104, Glen Ellyn Storage Corporation v. IEPA, by a vote of 4-0.

ADDENDUM

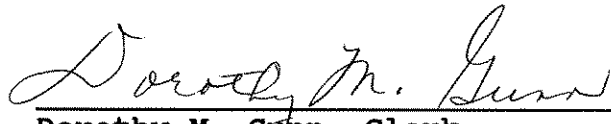
An Order accepting the matter for hearing was adopted in #95-102, Shell Oil Company v. IEPA, by a vote of 4-0.

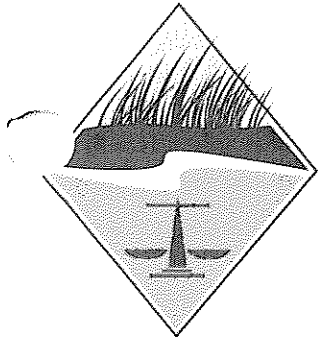
Mandatory hearings will be held in these cases: ##95-106, People of the State of Illinois v. Claude F. Perry and Martha Perry; 95-107, People of the State of Illinois v. American Steel Container Corporation.

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

6th day of April, 1995, by a vote of 4-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board



ILLINOIS POLLUTION CONTROL BOARD

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312-814-3620 ♦ Fax 312-814-3669

**ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 23, 1995 CHICAGO, ILLINOIS
CONFERENCE ROOM 11-512
11:00 A.M.**

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

ADDENDUM

PROCESS ORDERS:

MEMBERS Emmett E. Dunham II Elmhurst	95-102	<u>Shell Oil Company v. IEPA</u> (Accept for Hearing Order)
Ronald C. Fiemal DeKalb		
G. Tanner Girard Grafton	95-106	<u>People of the State of Illinois v. Claude F. Perry and Martha Perry</u> (Hearing Mandatory - No Order)
Marilyn McFawn Palatine		
J. Theodore Meyer Chicago	95-107	<u>People of the State of Illinois v. American Steel Container Corporation</u> (Hearing Mandatory - No Order)
Joseph C. Yi Park Ridge		



SPRINGFIELD OFFICE

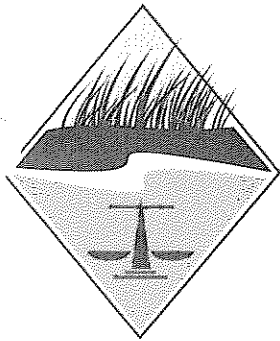
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ILLINOIS POLLUTION CONTROL BOARD FINAL AGENDA MARCH 23, 1995 CHICAGO, ILLINOIS CONFERENCE ROOM 11-512 11:00 A.M.

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

MEMBERS
Emmett E. Dunham II
Elmhurst

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Marii McFawn
Palatine

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



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I. ADMINISTRATIVE MATTERS

Roll Call

Minutes

March 9, 1995

II. ADJUDICATORY ACTIONS

Decisions

AC 95-14 IEPA v. Ken Lomax and Ken Lomax Enterprises (Default Order)

III. PROCESS ORDERS

AC 94-28) Sangamon County v. ESG Watts - Motion to Withdraw as
AC 94-29) Counsel and Attorney of Record (3/16)(McF)

AC 94-100 County of Macon v. Macon County Landfill Corporation -
Respondent's Motion to Withdraw Petition for Review
(3/17)(JY)



PROCESS ORDERS (Cont'd)

AC 95-11 IEPA v. Gordon McCann and Larson Foundation - Motion by Non-Resident Attorney for Permission to Appear on Behalf of the Larson Foundation (3/14)

AC 95-17 Sangamon County v. The Illinois National Bank of Springfield, n/k/a First America Trust Company as Trustee Under the Provisions of a Trust Agreement dated January 19, 1990, and known as Trust Number 894-6418-002, and Ray Landers - Complainant's Motion to Dismiss (3/17)(CAM)

AC 95-20 County of Jackson v. Greg Burris, individually, also d/b/a Burris Disposal Service (Accept Case - No Order)

AC 95-21 Sangamon County v. ESG Watts, Inc. (Accept Case - No Order)

AS 94-3 Petition of Outboard Marine Corporation (Waukegan Facility) for an Adjusted Standard from 35 Ill. Adm. Code Part 218 - Agency Motion to Join Amended Petition for Adjusted Standard (3/16)(McF)

94-131 Daubs Landfill, Inc., d/b/a Wayne County Regional Landfill, a subsidiary of Mid-American Waste Systems, Inc. v. County Board of Wayne County, Illinois - Joint Stipulation and Motion to Dismiss (3/21)(RCF)

94-150 Angela M. White v. Terry & Billie Van Tine and Schneider Transport, Inc. (Set for Hearing Order)(ED)

94-255 Marion Pepsi Cola v. IEPA - Petitioner's Motion to Dismiss with Prejudice (3/22)(ED)

PROCESS ORDERS (Cont'd)

94-279 Inspiration Development Company v. IEPA - Petitioner's Motion to Withdraw (3/16)(RCF)

94-382 Gunite Corporation v. IEPA - Agency Motion for Leave to File Answer Instanter and Motion for Leave to File Limited Number of Copies (3/20)(JY)

94-387 Mr. "C" Food & Liquor, Inc. v. Office of the State Fire Marshal - Petitioner's Motion to Dismiss (3/21)(CAM)

95-39 W.R. Grace Company - Connecticut v. IEPA - (Amended Petition - No Order) (3/15)(GTG)

95-49 Glenbard Wastewater Authority v. IEPA - Agency Motion to File Recommendation Instanter (3/20)(ED)

95-52 Safety-Kleen Corporation (Dolton, Illinois Recycle Center) v. IEPA - Objection by Patricia D. Daley, R.N. (3/14)(JY)

95-77 Keith Tiberend v. Waste Management of Illinois, Inc. and Village of Marissa - Amended Petition (3/16)

95-104 Glen Ellyn Storage Corporation v. IEPA (Accept for Hearing Order)

95-105 Saline County Landfill v. IEPA

IV. ADJOURNMENT

LIST OF NEW CASES FILED SINCE MARCH 16, 1995 BOARD MEETING

- AC 95-20 County of Jackson v. Greg Burris, individually, also d/b/a Burris
Disposal Service
- AC 95-21 Sangamon County v. ESG Watts, Inc.
- 95-104 Glen Ellyn Storage Corporation v. IEPA
- 95-105 Saline County Landfill v. IEPA

REGULAR BOARD MEETING SCHEDULE

- | | |
|-----------------|----------------|
| April 6* | May 18 |
| April 20 | June 1* |
| May 4* | June 15 |

***Denotes additional meetings**