

**ILLINOIS POLLUTION CONTROL BOARD**

**MINUTES OF PROCESS MEETING  
MAY 11, 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 for Messrs. Flemal & Girard who were absent.

An Order granting the petitioner's motion for leave to file a reply and accepting the petitioner's reply to the respondent's response to the petitioner's motion for summary judgment, was adopted in #94-133, TNT Holland Motor Express, Inc. v. Office of the State Fire Marshal, by a vote of 5-0. (JTM)

An Order granting the petitioner's motion for leave to file its motion for summary judgment, and granting the respondent fourteen days from the date of the order file a response to the petitioner's motion for summary judgment, was adopted in #94-184, R.P. Lumber Company, Inc. v. Office of the State Fire Marshal, by a vote of 5-0. (McF)

An Order granting the Agency's motion for an extension of time until May 15, 1995 to file the Agency's recommendation, was adopted in #95-117, Kean Brothers, Inc. v. IEPA, by a vote of 5-0. (JTM)

An Order directing the parties to file status reports with the Board on or before August 25, 1995, accepting the waiver as filed by the petitioner in its status report, but requesting that any additional waiver be filed as a separate document, and advising the petitioner that absent an additional waiver, the Board must decide the matter based on the record at its September 21, 1995 meeting, was adopted in #91-202, Sherex Chemical Company, Inc. v. IEPA, by a vote of 4-0. M. McFawn abstained. (ED)

An Order accepting the petitioner's status report in response to a February 2, 1995 Board Order, and directing the parties to file an updated status report on or before August 7, 1995, was adopted in #92-168, Edwards-Etherton Oil Company v. IEPA, by a vote of 5-0. (JY)

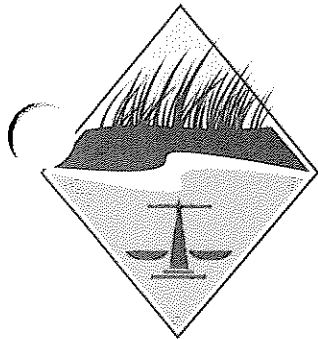
A provisional variance was granted in #95-140, Indian Refining Limited Partnership v. IEPA, by a vote of 5-0. (CAM)

A provisional variance was granted in #95-141, United States Tobacco Manufacturing Company v. IEPA, by a vote of 5-0. (CAM)

Motion to adjourn by E. Dunham and seconded by J. Theodore Meyer carried, and Chairman Manning adjourned the meeting at 11:15 a.m..

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 18<sup>th</sup> day of May, 1995, by a vote of 6-0.

Dorothy M. Gunn  
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

## AGENDA MAY 11, 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. Fernald  
DeKalb

G. Tanner Girard  
Grafton

Marilyn McFawn  
Palatine

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



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P.O. Box 505  
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815-753-1904  
Fax 815-753-1970

### 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

### ADMINISTRATIVE CITATIONS

AC 95-32     Williamson County Solid Waste Management Office v. Karen Addison - Accept Case - No Order

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### MOTIONS

94-133     TNT Holland Motor Express, Inc. v. Office of the State Fire Marshal - Petitioner's Motion for Leave to File Reply to Respondent's Response to Petitioner's Motion for Summary Judgment (4/27)(JTM)

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**MOTIONS (Cont'd)**

94-184      R.P. Lumber Company, Inc. v. Office of the State Fire Marshal -  
Petitioner's Motion for Leave to File Instanter and Motion for  
Summary Judgment (5/1), Respondent's Response to Petitioner's  
Motion for Leave to File Instanter (5/5), Motion to Continue Hearing  
(5/8)(RCF)

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95-117      Kean Brothers, Inc. v. IEPA - Agency's Motion for Extension of Time  
to File Agency Recommendation (5/2)(JTM)

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

91-202      Sherex Chemical Company, Inc. v. IEPA - Petitioner's Status Report in  
Response to December 14, 1994 Board Order (5/5), Agency's Status  
Report in Response to December 14, 1995 Board Order (5/5)(ED)

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92-168      Edwards-Etherton Oil Company, Inc. v. IEPA - Petitioner's Status  
Report in Response to February 2, 1995 Board Order (5/9)(JY)

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95-140      Indian Refining Limited Partnership v. IEPA - Provisional Variance  
(CAM)

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95-141      United States Tobacco Manufacturing Company v. IEPA - Provisional  
Variance (CAM)

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**ADJOURNMENT**

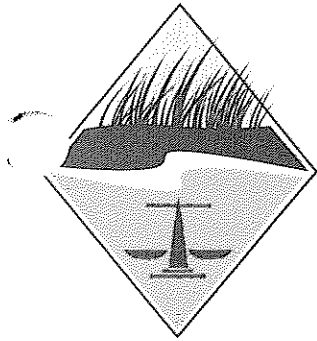
**LIST OF NEW CASES FILED SINCE MAY 4, 1995 BOARD MEETING**

AC 95-32 Williamson County Solid Waste Management Office v. Karen Addison  
95-140 Indian Refining Limited Partnership v. IEPA  
95-141 United States Tobacco Manufacturing Company v. IEPA

**REGULAR BOARD MEETING SCHEDULE**

<b>May 18</b>	<b>August 17</b>
<b>May 25 *</b>	<b>September 7</b>
<b>June 1</b>	<b>September 21</b>
<b>June 8 *</b>	<b>October 5</b>
<b>June 15</b>	<b>October 19</b>
<b>June 22 *</b>	<b>November 2</b>
<b>June 29 *</b>	<b>November 16</b>
<b>July 6</b>	<b>December 7</b>
<b>July 20</b>	<b>December 21</b>
<b>August 3</b>	

**\*Denotes newly scheduled Process Meetings**



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## NOTICE OF SPECIAL PROCESS MEETING

### GOVERNOR

Honorable Jim Edgar



### CHAIRMAN

Claire A. Manning  
Springfield

### MEMBERS

Emmett E. Dunham II  
Elmhurst

Ronald C. Fernald  
DeKalb

G. Tanner Girard  
Grafton

Marill McFawn  
Palatine

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



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The Illinois Pollution Control Board will meet at 11:00 a.m. on Thursday, May 11, 1995, in Room 11-512 in the James R. Thompson Center, 100 W. Randolph Street, Chicago, Illinois.

The agenda is available at the Clerk's Office, Suite 11-500.

*Claire A. Manning*  
Claire A. Manning  
Chairman

**Posted and circulated May 9, 1995**

