

## ILLINOIS POLLUTION CONTROL BOARD

### MINUTES OF REGULAR BOARD MEETING OCTOBER 5, 1995 CHICAGO, ILLINOIS

After calling the meeting to order, Chairman Manning welcomed the public and staff to the meeting, introduced and welcomed two new staff members, Amy Hoogasian, who will serve as an attorney assistant to the Chairman, and Kevin St. Angel, who will be the public service coordinator for the Board. Thereafter, the Clerk was asked for a roll call and all Board Members answered present.

Minutes of the September 21, 1995 Board Meeting were approved by a vote of 7-0.

An Order adding Manley Brothers of Indiana, Inc., the current operator at the site, and Silica Sand Trust, the owner of the site, as co-petitioners, directing the Clerk of the Board to amend the caption to reflect the addition of these parties, to serve each of these new parties with a copy of the order and a copy of the docket sheet, and to provide the new parties with copies of any pleadings which they may request, free of charge, was adopted in #AS 94-19, Petition of Hepworth, U.S. Holdings, Inc., Manley brothers of Indiana, Inc., and the Silica Sand Trust for an Adjusted Standard from 35 Ill. Adm. Code 620.410, by a vote of 7-0. (MCF)

An Order granting the joint request for extension of the stay, and directing the petitioner to file a status report on or before December 4, 1995, which shall include a synopsis of the activity in the matter, was adopted in #AS 94-6, Petition of Hydrosol, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart DD, by a vote of 7-0. (JTM)

#### ADDENDUM

In R95-18, UIC Update, USEPA Regulations (January 1, 1995 through June 30, 1995), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (RCF)

In R95-19, RCRA Subtitle D Update, USEPA Regulations (January 1, 1995 through June 30, 1995), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (GTG)

In R95-21, UST Update, USEPA Regulations (January 1, 1995 through June 30, 1995), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. (MCF)

#### AGENDA

An Opinion and Order was adopted in #95-174, Sierra Club, Madison County Conservation Alliance, Jim Bensman v. City of Wood River,

Wood River Partners, L.L.C., by a vote of 7-0. (RCF)

#### ADDENDUM

An Opinion and Order was adopted in #95-179, Village of Elburn v. IEPA, by a vote of 7-0. (JTM)

An Opinion and Order was adopted in #96-23, City of Byron v. IEPA, by a vote of 7-0. (JTM)

#### AGENDA

An Interim Opinion and Order was adopted in ##AC 94-98, - 95-1, - 95-2, County of Will v. CDT Landfill Corporation, by a vote of 6-1. J. Theodore Meyer dissented. (JY)

A Default Order was adopted in #AC 96-11, IEPA v. Thomas E. and Marilyn S. Damm, by a vote of 7-0.

These Administrative Citations were accepted by the Board:  
##96-16, County of Vermilion v. First National Bank of Danville;  
96-17, IEPA v. Community Landfill Corporation.

An Order granting the petitioner's motion for voluntary withdrawal of its appeal, was adopted in #91-94, Safety-Kleen Corporation v. IEPA, by a vote of 7-0. (JY)

An Order granting the Agency's motion to file the record instant, was adopted in #92-102, Moline/Dutchway Dry Cleaners v. IEPA, by a vote of 7-0. (JTM)

An Order granting the Agency's motion for further extension of time to file its answer until 30 days of any party's request for a hearing but no later than March 29, 1996, was adopted in #94-199, Citizens Utilities Company v. IEPA, by a vote of 7-0. (ED)

An Order interpreting the petitioner's September 20, 1995 letter to the Board as a motion for voluntary withdrawal of the appeal, accepting the withdrawal, and closing the docket, was adopted in #94-238, Ragulo Gonzalez v. Office of the State Fire Marshal, by a vote of 7-0. (GTG)

Respondent Skokie Valley Asphalt Company's motion for leave to file an answer to the complainants' complaint in #94-256, DoAll Company, DoAll Credit Corporation, and The Rams-Head Company v. Mobil Oil Company, Inc., Skokie Valley Asphalt Company, Inc., and Septran, Inc., was referred to the hearing officer for disposition.

An Order denying the petitioner and the Agency's motions for reconsideration of the Board's July 21, 1995 Opinion and Order,

and granting the Agency's motion to vacate that portion of the Order directing the Agency to issue a permit in accordance with the opinion, since both parties indicate that the permit issued on July 31, 1995 independent of the proceedings herein, was satisfactory and that the matter was resolved, was adopted in #95-118, Jack Pease, d/b/a Glacier Lake Extraction v. IEPA, by a vote of 7-0. (CAM)

An Order granting the joint motion for an extension of time until October 20, 1995 in which to file the Agency's record, was adopted in #95-119, - 125, West Suburban Recycling and Energy Center, L.P. v. IEPA, by a vote of 7-0. (RCF)

An Order denying the Agency's motion for expedited hearing and decision, but granting the Agency's motion for an extension of time until October 11, 1995 to file the recommendation, was adopted in #95-155, General Business Forms, Inc. v. IEPA, by a vote of 7-0. (GTG)

An Order denying the Agency's motion for expedited hearing and decision, was adopted in #95-156, Harris Marcus Group, Inc. v. IEPA, by a vote of 7-0. (GTG)

An Order denying the complainant's motion to vacate the Board's September 7, 1995 Order, allowing the complainant until October 12, 1995 to file its response to the respondent's motion to strike and dismiss, and advising the parties that the Board will determine if it is necessary to modify its September 7, 1995 Order after reviewing the complainant's response to the respondent's motion to strike and dismiss, was adopted in #95-163, People of the State of Illinois v. Clark Refining and Marketing, Inc., by a vote of 7-0. (ED)

An Order granting the respondent's motion for leave to file a motion to dismiss instant, was adopted in #95-165, Richard Buri v. Batavia Concrete, Inc., by a vote of 7-0. (GTG)

An Order granting the Agency's motion to extend the time to file the Agency record until December 31, 1995, was adopted in #95-166, Henri Studio, Inc. v. IEPA, by a vote of 7-0. (CAM)

An Order granting the petitioner's motions for extending the deadline for filing of briefs to November 21, 1995, staying the proceeding until November 20, 1995, and to substitute paragraph 21, was adopted in #95-182, Carl and Edna Ball, d/b/a C & E Recycling and Resource Recovery v. IEPA, by a vote of 7-0. (GTG)

Petitioner's motion for expedited decision in #96-23, City of Byron v. IEPA, was handled under the Decisions Agenda on the Addendum.

An Order denying the Agency's motion to dismiss, was adopted in #96-46, The Galesburg Sanitary District v. IEPA, by a vote of 7-0. (JY)

An Order granting the complainant's motion for an extension of time until October 24, 1995 in which to file a response to the respondent's motion to dismiss, was adopted in #96-47, Joseph Bogacz v. Commonwealth Edison Company, by a vote of 7-0. (RCF)

An Order accepting the joint status report and directing the parties to file an additional status report, either jointly or separately, no later than December 4, 1995, was adopted in #91-206, Clayton Chemical Company v. IEPA, by a vote of 7-0. (JTM)

Petitioner's amended petition in #95-150, Marathon Oil Company v. IEPA, was accepted and the 120-day decision timeclock was restarted with its filing.

An Order dismissing the docket as unnecessary, was adopted in #95-153, Gwen Fiss v. IEPA, by a vote of 7-0. (CAM)

An Order dismissing the docket as unnecessary, was adopted in #95-187, Liquid Carbonic Industries Corporation v. IEPA, by a vote of 7-0. (CAM)

An Order accepting the matter for hearing was adopted in #96-31, Central Illinois Public Service Company v. IEPA, by a vote of 7-0.

An Order accepting the matter for hearing was adopted in #96-53, David and Susi Shelton v. Steven and Nancy Crown, by a vote of 7-0. (GTG)

An Order accepting the matter for hearing was adopted in #96-70, Fruit Belt Service Company v. IEPA, by a vote of 7-0.

This case was held for an Agency Recommendation: #96-72, City of Ottawa v. IEPA.

An Order accepting the matter for hearing was adopted in #96-73, Fruit Belt Service Company v. IEPA, by a vote of 7-0.

#### ADDENDUM

A mandatory hearing will be held in #96-75, People of the State of Illinois v. Harvey Cash, d/b/a Cash Oil Company.

#### AGENDA

These cases were discussed: ##AS 91-13, Petition of the City of Rock Island for an Adjusted Standard from 35 Ill. Adm. Code 304;

AS 94-19, Petition of Hepworth U.S. Holdings, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 620.410; AS 95-8, Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard from 35 Ill. Adm. Code 304.124.


**ADDENDUM**

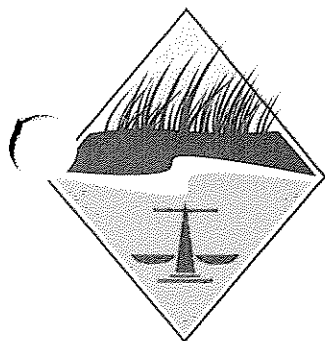
This case was discussed: #95-99, DRG Medical Packaging, Inc. v. IEPA.

All other matters not disposed of as listed were held for further discussion or possible decision.

Motion by E. Dunham, seconded by R.C. Flemal carried, and the meeting will reconvene to an Executive Session in the Chairman's office at 1:00 p.m..

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 19th day of October, 1995, by a vote of 7-0.

  
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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 5, 1995 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 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

Marili McFawn  
Palatine

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



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148 North Third Street  
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### ADDENDUM

#### REGULATIONS AND ADJUSTED STANDARDS

R95-18      UIC Update, USEPA Regulations (January 1, 1995 through June 30, 1995) - Proposed Rule, Dismissal Order (RCF)

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R95-19      RCRA Subtitle D Update, USEPA Regulations (January 1, 1995 through June 30, 1995) - Proposed Rule, Dismissal Order (GTG)

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R95-21      UST Update, USEPA Regulations (January 1, 1995 through June 30, 1995) - Proposed Rule, Dismissal Order (McF)

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#### DECISIONS

95-179      Village of Elburn v. IEPA (JTM)(due 10/19)

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96-23      City of Byron v. IEPA (JTM)(due 11/16)

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

96-75      People of the State of Illinois v. Harvey Cash, d/b/a Cash Oil Company - Mandatory Hearing - No Order

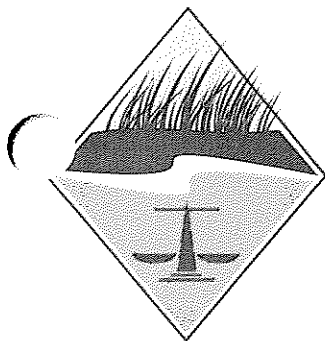
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**CASES PENDING DECISION**

95-99      DRG Medical Packaging, Inc. v. IEPA (RCF)(due 10/19)

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# ILLINOIS POLLUTION CONTROL BOARD

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312-814-3620 ♦ Fax 312-814-3669

## AGENDA OCTOBER 5, 1995 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 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

Marli McFawn  
Palatine

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



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### SATELLITE OFFICES

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DeKalb, Illinois 60115  
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

### Minutes

**September 21, 1995**

### REGULATIONS AND ADJUSTED STANDARDS

AS 94-19

Petition of Hepworth U.S. Holdings, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 620.410 - Board Order (McF)





## REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

AS 94-6      Petition of Hydrosol, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart DD - Joint Status Report in Response to June 29, 1995 Board Order (9/27)(JTM)

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AS 96-3      Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B - Petitioner's Certificate of Publication (9/28)(RCF)

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## DECISIONS

95-174      Sierra Club, Madison County Conservation Alliance, Jim Bensman v. City of Wood River, Wood River Partners, L.L.C. (RCF)(due)

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## ADMINISTRATIVE CITATIONS

AC 94-98      County of Will v. CDT Landfill Corporation - Interim Opinion and  
AC 95-1      Order (JY)  
AC 95-2

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AC 95-50      County of Will v. CDT Landfill Corporation - Motion to Reconsider  
August 24, 1995 Default Order (9/7)(JY)

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AC 96-11      IEPA v. Thomas E. and Marilyn S. Damm - Default Order

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AC 96-16      County of Vermilion v. First National Bank of Danville - Accept Case  
- No Order

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AC 96-17      IEPA v. Community Landfill Corporation - Accept Case - No Order

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## MOTIONS

- 91-94      Safety-Kleen Corporation v. IEPA - Petitioner's Motion for Voluntary Withdrawal of Appeal (9/25)(JY)
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- 92-102      Moline/Dutchway Dry Cleaners v. IEPA - Agency Motion to File Record Instanter (9/29)(JTM)
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- 94-199      Citizens Utilities Company v. IEPA - Agency Motion for Further Extension of Time to Answer (9/27)(ED)
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- 94-238      Ragulo Gonzalez v. Office of the State Fire Marshal - Respondent's Motion for Summary Judgment (8/16), Complainant's Motion to Dismiss (9/20)(GTG)
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- 94-256      DoAll Company, DoAll Credit Corporation, and The Rams-Head Company v. Mobil Oil Company, Inc., Skokie Valley Asphalt Company, Inc., and Septran, Inc. - Respondent Skokie Valley Asphalt Company's Motion for Leave to File Answer to Complainants' Complaint (9/26)(McF)
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- 95-91      People of the State of Illinois v. Bell Sports, Inc., and Waste Hauling Landfill, Inc. - Respondent Waste Hauling Landfill, Inc.'s Motion to Dismiss Count V and Count VI of the Complaint (9/11), Respondent Bell Sports' Motion to Dismiss the Counter-Claim of Respondents Waste Hauling Landfill, Inc. and Waste Hauling, Inc. (9/18), Complainant's Motion to File Instanter Complainant's Response to the Respondents' Motion to Dismiss (9/26), Respondents' Waste Hauling Landfill, Inc. and Waste Hauling, Inc.'s Response to Motion to Dismiss Counterclaim (9/27), Respondent Bell Sports, Inc.'s Motion for Extension of Time in Which to Answer the Counterclaim of Waste Hauling Landfill, Inc. and Waste Hauling, Inc. (10/2)(CAM)
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- 95-100      C & S Recycling, Inc. v. IEPA - Agency Motion for Summary Judgment (9/15)(RCF)
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## MOTIONS (Cont'd)

- 95-118      Jack Pease, d/b/a Glacier Lake Extraction v. IEPA - Petitioner's Motion to Clarify Effective Date (7/21), Agency's Response to Petitioner's Motion to Clarify Effective Date (7/27), Petitioner's Reply in Support of Motion to Clarify (8/1), Agency's Motion for Reconsideration (8/23), Petitioner's Response to Agency's Motion for Reconsideration (8/30), Supplement to Petitioner's Response to Motion for Reconsideration (9/20)(CAM)
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- 95-119)      West Suburban Recycling and Energy Center, L.P. v. IEPA - Joint  
95-125)      Motion for Extension of Time in Which to File Agency Record  
                 (9/19)(RCF)
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- 95-155      General Business Forms, Inc. v. IEPA - Agency Motion for Extension of Time in Which to File Agency Record (9/13), Agency Motion for Expedited Hearing and Expedited Decision (9/14), Petitioner's Response in Opposition to the Agency's Motion for Expedited Hearing and Expedited Board Decision (9/21)(GTG)
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- 95-156      Harris Marcus Group, Inc. v. IEPA - Agency Motion for Expedited Hearing and Expedited Board Decision (9/14), Petitioner's Response to Respondent's Motion for Expedited Hearing and Expedited Board Decision (9/21)(GTG)
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- 95-163      People of the State of Illinois v. Clark Refining & Marketing, Inc. - Complainant's Motion to Reconsider and Vacate September 7, 1995 Board Order (9/13), Respondent's Response to Complainant's Motion to Reconsider and Vacate September 7, 1995 Board Order (9/19)(ED)
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- 95-165      Richard Buri v. Batavia Concrete, Inc. - Respondent's Motion for Leave to File Motion to Dismiss (9/25)(GTG)
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- 95-166      Henri Studio, Inc. v. IEPA - Agency Motion to Extend Time to File Agency Record (9/19)(CAM)
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## **MOTIONS (Cont'd)**

95-182      Carl and Edna Ball, d/b/a C & E Recycling and Resource Recovery v. IEPA - Petitioners' Motion to Add the Coles County, Illinois Board as a Party to Permit Appeal (9/13), Coles County's Response to Petitioners' Motion to Join the County as a Party (9/19), Petitioners' Motion for Extension of Time and Stay of Proceedings (9/25), Petitioners' Motion to Substitute Paragraph 21 of Petitioners' Motion for Extension of Time and Stay of Proceedings (9/29)(GTG)

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96-23      City of Byron v. IEPA - Petitioner's Motion for Expedited Decision (9/25)(JTM)

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96-46      The Galesburg Sanitary District v. IEPA - Agency Motion to Dismiss Petition for Variance and Motion for Extension of Time (9/7), Petitioner's Response to Agency Motions (9/15)(JY)

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96-47      Joseph Bogacz v. Commonwealth Edison - Respondent's Motion to Dismiss and Memorandum in Support of Motion to Dismiss (9/20), Complainant's Motion for Extension of Time in Which to File Response to Respondent's Motion to Dismiss (9/27)(RCF)

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96-60      Concerned Citizens of Williamson County and Rev. Paul Crain and Rose Rowell, as Members of the Concerned Citizens of Williamson County et al. v. Bill Kibler Development Corporation, a/k/a Kibler Development Corporation and the Williamson County Board of Commissioners - Respondent Kibler Development Corporation's Motion to Dismiss Petition for Review (9/26)(GTG)

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

91-206      Clayton Chemical Company v. IEPA - Joint Status Report in Response to July 7, 1995 Board Order (9/21)(JTM)

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

95-150	<u>Marathon Oil Company v. IEPA</u> - Amended Petition for Variance (9/22)(JY)
95-153	<u>Gwen Fiss v. IEPA</u> - Dismissal Order (CAM)
95-187	<u>Liquid Carbonic Industries Corporation v. IEPA</u> - Dismissal Order (CAM)
96-31	<u>Central Illinois Public Service Company v. IEPA</u> - Accept for Hearing Order (CAM)
96-53	<u>David and Susi Shelton v. Steven and Nancy Crown</u> - Duplicitous/Frivolous Determination (GTG)
96-68	<u>Donetta Gott, Lyndell Chaplin, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc.</u> - Duplicitous/Frivolous Determination (ED)
96-69	<u>Thomas Corning and Kimberly Corning v. Thurela's, Pam and Arthur Hegji as Owners</u> - Duplicitous/Frivolous Determination - No Order (JY)
96-70	<u>Fruit Belt Service Company v. IEPA</u> - Accept for Hearing Order (JY)
96-71	<u>A.E. Staley Manufacturing Company v. IEPA</u> - Accept for Hearing Order
96-72	<u>City of Ottawa v. IEPA</u> - Hold for Agency Recommendation - No Order

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

96-73      Fruit Belt Service Company v. IEPA - Accept for Hearing Order

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**CASES PENDING DECISION**

AS 91-13      Petition of the City of Rock Island for an Adjusted Standard from 35  
Ill. Adm. Code 304 (RCF)

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AS 94-19      Petition of Hepworth U.S. Holdings, Inc. for an Adjusted Standard  
from 35 Ill. Adm. Code 620.410 (McF)

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AS 95-8      Petition of Illinois Department of Transportation, District 8 for an  
Adjusted Standard from 35 Ill. Adm. Code 304.124 (GTG)

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95-179      Village of Elburn v. IEPA (JTM)(due 10/19)

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96-23      City of Byron v. IEPA (JTM)(due 11/16)

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**ADJOURNMENT**

## **LIST OF NEW CASES FILED SINCE SEPTEMBER 21, 1995 BOARD MEETING**

AC 96-16      County of Vermilion, Illinois v. First National Bank of Danville

AC 96-17      IEPA v. Community Landfill Corporation

96-68          Donetta Gott, Lyndell Chaplin, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Port, Inc.

96-69          Thomas Corning and Kimberly Corning v. Thurela's, Pam and Arthur Hegji as Owners

96-70          Fruit Belt Service Company v. IEPA

96-71          A.E. Staley Manufacturing Company v. IEPA

96-72          City of Ottawa v. IEPA

96-73          Fruit Belt Service Company v. IEPA

## **REGULAR BOARD MEETING SCHEDULE**

**October 19**                  **December 7**

**November 2**                **December 21**

**November 16**