

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF PROCESS MEETING  
JUNE 8, 1995 CHICAGO, ILLINOIS

After calling the meeting to order at 11:10 a.m., Chairman Manning asked the Clerk for a roll call, and all Board Members answered present.

An Order granting the joint motion for stay until September 6, 1995, and directing the parties to file status reports, either jointly or separately, no later than September 6, 1995, 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)

These Administrative Citations were accepted by the Board:  
##95-36, County of LaSalle v. Dave Hertzner; 95-37, IEPA v. M.K. O'Hara Construction, Inc., Kenneth O'Hara, and Madalyn O'Hara; 95-38 People of the County of Will v. CDT Landfill; 95-39, County of Vermilion, Illinois v. Illinois Landfill, Inc..

An Order granting the Agency's motion to file the record instant, was adopted in ##95-133, - 134, ESG Watts, Inc. v. IEPA, by a vote of 7-0. (GTG)

An Order accepting the joint status report in response to a January 11, 1995 Board Order, directing the parties to conduct a meeting within 30 days of the date of the Order, and to file status reports, or a joint status report, including any progress made at that meeting, with the Board on or before July 24, 1995, and advising the parties that failure to comply with the Order may subject the parties to sanctions, including the dismissal of the permit appeal, was adopted in #90-215, Spraying Systems Company v. IEPA, by a vote of 7-0. (ED)

A joint status report in response to a January 11, 1995 Board Order in #92-176, Central Can Company v. IEPA, was handled by the Hearing Officer.

Case #95-162, Illinois Landfill, Inc. v. IEPA, was held for an Agency recommendation.

A mandatory hearing will be held in #95-163, People of the State of Illinois v. Clark Refining & Marketing, Inc..

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 September 5, 1995, 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 #95-164, General Motors Corporation v. IEPA, by a

vote of 7-0. (CAM)

**ADDENDUM**

An Order accepting the joint status report filed in response to a January 11, 1995 Board Order, granting a 60-day stay of the proceedings, directing the parties to file another status report on or before August 7, 1995, which shall include a synopsis of the activity in the consolidated appeal, and include an estimated time when the case might be resolved, and advising the parties that failure to file the status report in a timely manner will subject the petition to dismissal for want of prosecution, was adopted in #91-28, - 92-2, Acme Steel Company v. IEPA, by a vote of 7-0. (JTM)

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 September 7, 1995, 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 #95-166, Henri Studio, Inc. v. IEPA, by a vote of 7-0. (CAM)

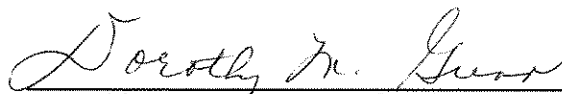
An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event that the petitioner fails to file an appeal on or before September 10, 1995, the Board will dismiss the docket as unnecessary, and advising the petitioner that a \$75.00 filing fee will be required at such time as the petitioner files a petition, was adopted in #95-167, Palos Kar Wash Professionals, Inc. v. IEPA, by a vote of 7-0. (CAM)

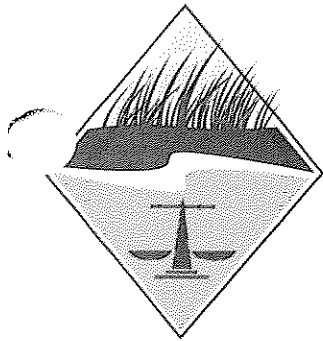
**REGULAR AGENDA**

Motion to adjourn to closed deliberative session by E. Dunham seconded by R.C. Flemal carried, and the meeting will reconvene at 1:00 p.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 15<sup>th</sup> day of June, 1995, by a vote of 6-0.

  
 \_\_\_\_\_  
 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

GOVERNOR  
Honorable Jim Edgar



CHAIRMAN  
Claire A. Manning  
Springfield

MEMBERS  
Emmett E. Dunham II  
Elmhurst

Ronald C. Fernald  
DeKalb

G. Tanner Girard  
Grafton

Marili McFawn  
Palatine

J. Theodore Meyer  
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148 North Third Street  
P.O. Box 505  
DeKalb, Illinois 60115  
815-753-1904  
Fax 815-753-1970

**PROCESS MEETING AGENDA  
JUNE 8, 1995 CHICAGO, ILLINOIS  
CONFERENCE ROOM 11-512  
11:00 A.M.**

**ADDENDUM**

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

91-28) Acme Steel Company v. IEPA - Joint  
92-2) Status Report in Response to January 11, 1995  
Board Order (6/6) (JTM)

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95-165 Richard Buri v. Batavia Concrete, Inc. Hold  
for Duplicitous/Frivolous Determination - No  
Order

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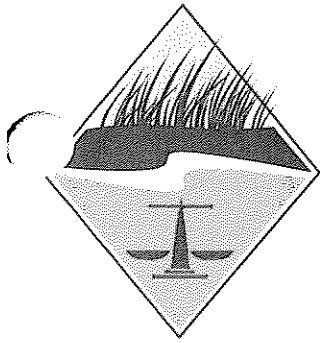
95-166 Henri Studio, Inc. v. IEPA - 90-Day Extension  
Order (CAM)

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95-167 Palos Kar Wash Professionals, Inc. v. IEPA -  
90-Day Extension Order (CAM)

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## AMENDED

### PROCESS MEETING AGENDA JUNE 8, 1995 CHICAGO, ILLINOIS CONFERENCE ROOM 11-512 11:00 A.M.

GOVERNOR  
Honorable Jim Edgar



CHAIRMAN  
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### Announcements

*This meeting of the Board is called for the sole purpose of expeditiously dealing with "Process" items administratively pending before the Board, as well as any provisional variances recently filed by the IEPA. Substantive matters and motions currently before the Board will be dealt with at the next regularly scheduled Board meeting which is June 15, 1995 in Conference Room 9-040. The public is welcome to this process meeting, but only the members of the Board and any staff recognized by the Chairman are allowed to speak. Thank you for your interest.*

### Roll Call

### REGULATIONS AND ADJUSTED STANDARDS

R 94-1 Amendments to 35 Ill. Adm. Code 302.202, 302.208, 302.212, 302.213, 302.407, 304.122 and 304.301 (Ammonia Nitrogen, Lead and Mercury) - Agency Motion to Correct a Typographical Error (6/1)(ED)(CAM)(RCF)

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AS 94-5 Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart RR - Joint Status Report in Response to January 11, 1995 Board Order and Request for Extension of Stay (6/5)(JTM)

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AS 95-7 Petition of Western Lion Limited for an Adjusted Standard from 35 Ill. Adm. Code 814 Subpart C - Hold for Certificate of Publication - No Order

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## ADMINISTRATIVE CITATIONS

AC 95-36     County of LaSalle v. Dave Hertzner - Accept Case - No Order

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AC 95-37     IEPA v. M.K. O'Hara Construction, Inc., Kenneth O'Hara, and Madalyn O'Hara - Accept Case - No Order

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AC 95-38     People of the County of Will v. CDT Landfill - Accept Case - No Order

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AC 95-39     County of Vermilion, Illinois v. Illinois Landfill, Inc. - Accept Case - No Order

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## MOTIONS

89-87)     IEPA v. Moline Corporation and Kathy Western and Jeffrey Western v. Moline Corporation - Complainant's Motion to Dismiss Without Prejudice (5/30)(ED)

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94-240     International Union, United Automobile, Aerospace and Agricultural Implement Workers of America and UAW Local 974 and Citizens For A Better Environment - Complainants' Motion for Leave to File Amended Complaint (5/30)(CAM)

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95-133     ESG Watts, Inc. v. IEPA - Agency Motion to File Record Instanter (6/2)(GTG)

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95-134     ESG Watts, Inc. v. IEPA - Agency Motion to File Record Instanter (6/2)(GTG)

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

90-215      Spraying Systems Company v. IEPA - Joint Status Report in Response  
to January 11, 1995 Board Order (6/2)(ED)

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92-176      Central Can Company v. IEPA - Joint Status Report in Response to  
January 11, 1995 Board Order (6/1)(McF)

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95-162      Illinois Landfill, Inc. v. IEPA - Hold for Agency Recommendation -  
No Order

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95-163      People of the State of Illinois v. Clark Refining & Marketing, Inc. -  
Mandatory Hearing - No Order

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95-164      General Motors Landfill v. IEPA - 90-Day Extension Order

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Motion to adjourn to closed deliberative session pursuant to Section  
2(a)(4) of the Open Meetings Act to discuss R95-1, In the Matter of:  
Amendments to the Procedural Rules, 35 Ill. Adm. Code Part 100 et  
seq.

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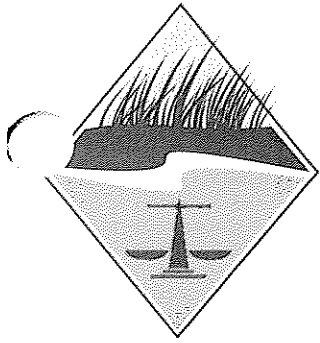
**LIST OF NEW CASES FILED SINCE JUNE 1, 1995 BOARD MEETING**

- AC 95-36 County of LaSalle v. Dave Hertzner
- AC 95-37 IEPA v. M.K. O'Hara Construction, Inc., Kenneth O'Hara, and Madalyn O'Hara
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- 95-162 Illinois Landfill, Inc. v. IEPA
- 95-163 People of the State of Illinois v. Clark Refining & Marketing, Inc.
- 95-164 General Motors Landfill v. IEPA

**REGULAR BOARD MEETING SCHEDULE**

- |                    |                     |
|--------------------|---------------------|
| <b>June 15</b>     | <b>September 21</b> |
| <b>June 22 *</b>   | <b>October 5</b>    |
| <b>June 29</b>     | <b>October 19</b>   |
| <b>July 6</b>      | <b>November 2</b>   |
| <b>July 20</b>     | <b>November 16</b>  |
| <b>August 3</b>    | <b>December 7</b>   |
| <b>August 17</b>   | <b>December 21</b>  |
| <b>September 7</b> |                     |

**\*Denotes additional meetings**



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Honorable Jim Edgar



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95-164      General Motors Landfill v. IEPA - 90-Day Extension Order

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**ADJOURNMENT**

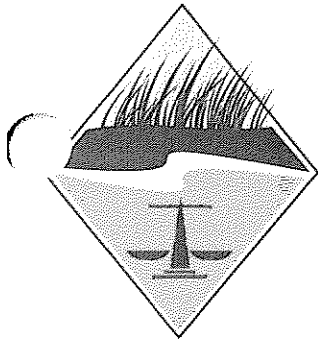
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**AGENDA**  
**JUNE 1, 1995 CHICAGO, ILLINOIS**  
**CONFERENCE ROOM 9-040**  
**10:30 A.M.**

## ADDENDUM

### **MOTIONS**

94-184 R.P. Lumber Company, Inc. v. Office of the State Fire Marshal - Respondent's Response to Petitioner's Motion for Summary Judgment (5/31) (RCF)

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

95-161 S & C Electric Company v. IEPA - Accept for Hearing Order

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