

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING MARCH 7, 1996 CHICAGO, ILLINOIS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Thereafter, the Clerk was asked for a roll call and all Board Members answered present.

The Minutes of the February 15, 1996 Board Meeting were approved by a vote of 7-0.

In R95-11, Special Waste Hauling Vehicle Numbers: Amendment to 35 Ill. Adm. Code 809.401, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. **(CAM)**

In R96-5, Visible and Particulate Matter Emissions, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. **(GTG)**

In R96-7, Safe Drinking Water Act Update, USEPA Regulations (July 1 through December 31, 1995), a Proposed Rule, Dismissal Order was adopted by a vote of 7-0. **(RCF)**

In R96-9, RCRA Subtitle D Update, USEPA Regulations (July 1 through December 31, 1995), a Proposed Rule, Dismissal Order, was adopted by a vote of 7-0. **(GTG)**

An Opinion and Order was adopted in #AS 96-3, Petition of the Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, by a vote of 7-0. **(RCF)**

No action was taken by the Board regarding #AS 96-8, Petition of Central Illinois Light Company (Duck Creek Station) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 35 Ill. Adm. Code 304.105.

An Order granting the joint motion requesting relief from the Act's hearing requirement, and accepting the Stipulation and Proposal for Settlement in the amount of \$13,000.00, was adopted in #96-32, People of the State of Illinois v. Harper-Wyman Company, by a vote of 7-0. **(ED)**

An Order granting the joint motion requesting relief from the Act's hearing requirement, and accepting the Stipulation and Proposal for Settlement in the amount of \$3,000.00, was adopted in #96-61, People of the State of Illinois v. Paul J. May & Sons, Inc., and Paul J. May individually and as President of Paul J. May & Sons, Inc., by a vote of 6-1. J. Theodore Meyer dissented. **(McF)**

An Opinion and Order was adopted in ##96-79, -82, Those Opposed to Area Landfills (T.O.T.A.L.), a concerned Citizens' Group v. City of Salem and Concerned Adjoining Owners, a Concerned Citizens' Group v. City of Salem, by a vote of 7-0. **(JY)**

An Order granting the joint motion requesting relief from the Act's hearing requirement, and accepting the Stipulation and Proposal for Settlement in the amount of \$10,000.00, was adopted in #96-127, People of the State of Illinois v. Dynaweld, Inc., by a vote of 6-1. J. Theodore Meyer dissented. **(RCF)**

A Final Opinion and Order was adopted in #AC 95-43, Montgomery County, Illinois v. Clifford Crispens and Jacqueline R. Crispens, by a vote of 7-0. **(JTM)**

An Order granting the respondent's motion to withdraw its petition for review, and unless already paid, directing the respondent to pay within 30 days of the entry of the Order, a penalty in the amount of \$500.00, was adopted in #AC 96-28, County of DuPage v. Joseph F. Cantore, by a vote of 7-0. **(JTM)**

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##96-33, IEPA v. Stanley Thompson; 96-34, County of Montgomery v. Envotech-Illinois, Inc.; 96-36, IEPA v. Charlie Fyffe.

An Order granting the Agency's motion to withdraw the administrative citation, was adopted in #96-38, IEPA v. Joseph C. Smith and Laverne A. Smith, by a vote of 7-0.

This administrative citation was accepted by the Board: #96-39, IEPA v. M.K. O'Hara Constructions, Inc., Kenneth O'Hara and Madalyn O'Hara.

An Order granting the petitioner's motion to withdraw the appeal and closing the docket, was adopted in #91-200, Borden Chemicals & Plastics Operating Limited Partnership v. IEPA, by a vote of 7-0. **(GTG)**

An Order granting the petitioner's motion to substitute parties, and directing the Clerk of the Board to amend the caption to substitute American Western for Indian Refining as the petitioner in the matter, was adopted in #94-287, American Western Refining, L.P. (formerly Indian Refining Limited Partnership) v. IEPA, by a vote of 7-0. **(McF)**

An Order denying the Agency's motion for reconsideration of a February 1, 1996 Board order denying the Agency's motion for summary judgment, declining to issue a certificate of importance or an order of interlocutory appeal, and denying the Agency's motion for leave to file a reply to the petitioner's objection to the Agency's motion for reconsideration and request for certificate of importance, was adopted in ##95-119, -125, West Suburban Recycling and Energy Center, L.P. v. IEPA, by a vote of 7-0. Chairman C. Manning and Board Member M. McFawn concurred. **(RCF)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties motion for relief from the hearing requirement, was adopted in #95-135, People of the State of Illinois v. Yesley Service Company, Inc., by a vote of 7-0. **(RCF)**

An Order granting the Agency's motion to file the record instanter, was adopted in #96-9, Owens Oil Company v. IEPA, by a vote of 7-0. **(ED)**

An Order granting the petitioner's motion to withdraw and closing the docket, was adopted in #96-50, Dave Coslet v. IEPA, by a vote of 7-0. **(JY)**

An Order denying the petitioner's motion to compel filing of the permit record as moot, and granting the Agency's motion to file the administrative record instanter, was adopted in #96-86, BFI Modern Landfill #1 and #2 v. IEPA, by a vote of 7-0. **(McF)**

An Order denying the petitioner's motion for reconsideration of a December 20, 1995 Board Order which dismissed and closed the docket, was adopted in #96-88, Kean Oil Company v. IEPA, by a vote of 7-0. **(JY)**

All pending motions filed in #96-91, SPILL, Madison County Conservation Alliance, Sierra Club, Nameoki Township Clerk Helen Hawkins, Kathy Andria, Shirley Crain, Glenda Fulkerson, John Gall, Thelma Orr, Ron Shaw and Pearl Stogsdill v. City of Madison and Metro-East, L.L.C., will be taken with the case-in-chief.

An Order granting the petitioner's motion for reconsideration of the Board's January 18, 1996 Order by staying conditions 4(a), 5(a), and 7(a) in the petitioner's permit during the pendency of the appeal, was adopted in #96-108, Allied Tube & Conduit Corporation v. IEPA, by a vote of 7-0. **(McF)**

An Order denying the petitioner's request for modification of the Board's February 15, 1996 Board Order, was adopted in ##96-155, -156, West Suburban Recycling and Energy Center, L.P. v. IEPA, by a vote of 7-0. **(RCF)**

An Order granting the petitioner's motion for stay until August 25, 1996, directing the petitioner to file another status report with the Clerk of the Board on or before August 11, 1996, and directing that such status report and all future status reports to be directed to the assigned hearing officer for consideration, was adopted in #92-105, Weyerhaeuser Company v. IEPA, by a vote of 7-0. **(JY)**

An Order dismissing the docket as unnecessary, was adopted in #96-139, Village of Henderson v. IEPA, by a vote of 7-0. **(CAM)**

An Order dismissing the petition and closing the docket due to the petitioner's failure to file an amended petition as requested in the Board's January 4, 1996 order, and noting that the Agency's motion to dismiss the petitioner's petition is moot due to the Board's dismissal of the matter, was adopted in #96-140, Nunda Water Utility Company, Inc. v. IEPA, by a vote of 7-0. **(RCF)**

An Order accepting the matter for hearing, was adopted in #96-141, Butterick Company, Inc. v. IEPA, by a vote of 7-0.

An Order accepting the amended petition for hearing, was adopted in #96-162, Oscar Mayer Foods Corporation/Kraft Foods, Inc. v. IEPA, by a vote of 7-0. **(JY)**

An Order accepting the amended petition for hearing, was adopted in #96-166, Oscar Mayer Foods Corporation/Kraft Foods, Inc. v. IEPA, by a vote of 7-0. **(JY)**

An Order granting the Agency's motion to dismiss and denying the petitioner's request for a 90-day extension, was adopted in #96-173, Coal City Citgo v. IEPA, by a vote of 7-0. **(McF)**

An Order directing each party to file a brief with the Board and on the opposing parties and the hearing officer on or before May 3, 1996, addressing whether the complained of activity is an "organized amateur or professional sporting activity" and whether the claim alleges violations of the Act which fall within the Board's purview, was adopted in #96-179, Gilbert & Lenda Marshall v. Danny Lingenfelter, individually and as President of Central Illinois Dirt Riders Association, by a vote of 7-0. **(ED)**

An Order accepting the matter for hearing, was adopted in #96-181, ESG Watts, Inc. v. IEPA, by a vote of 7-0.

An Order accepting the matter for hearing was adopted in #96-182, A.F. Moore & Associates v. IEPA, by a vote of 7-0.

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 May 7, 1996, 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 #96-183, Recyclers, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

An Order accepting the matter for hearing, was adopted in #96-184, J.M. Sweeney Company v. IEPA, by a vote of 7-0.

An Order granting the provisional variance and denying the Agency's motion to file the recommendation instanter as unnecessary, was adopted in #96-187, United States Tobacco Manufacturing Company v. IEPA, by a vote of 7-0. **(CAM)**

These cases were discussed and held for further discussion or possible decision: R94-1(A), Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.208 and 302.407 (Lead and Mercury), Proposed Rule, Second Notice, Opinion and Order; R95-22, Wastewater Pretreatment Update, USEPA Regulations (January 1, 1995 through June 30, 1995), Proposed Rule, Second Notice, Opinion and Order; AS 95-1, Petition of Tommy House Tire Company, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 848.202(b)(2) and (b)(5); 94-243, - 306, - 307, - 308, - 309, 95-133, - 134, ESG Watts, Inc. v. IEPA; 95-112, John C. Justice, d/b/a Microcosm v. IEPA; 96-91, Spill, Madison County Conservation Alliance, Sierra Club, Nameoki Township Clerk Helen Hawkins, Kathy Andria, Shirley Crain, Glenda Fulkerson, John Gall, Thelma Orr,

Ron Shaw and Pearl Stogsdill v. City of Madison and Metro-East, L.L.C.; 96-161, City of Geneva v. IEPA.

ADDENDUM

An Order granting the complainant's motion to withdraw the complaint, was adopted in #94-178, Herrin Security Bank v. Shell Oil Company, by a vote of 7-0. (McF)

An Order accepting the matter for hearing, was adopted in #96-158, Frederick Cooper Lamps, Inc. v. IEPA, by a vote of 7-0. (CAM)

A provisional variance was granted in #96-188, Commonwealth Edison-Dresden Station 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 May 1, 1996, 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 #96-189, AT&T 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 April 21, 1996, 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 #96-190, Norfolk Southern Corporation v. IEPA, by a vote of 7-0. (CAM)

All other matters not disposed of as listed, were held.

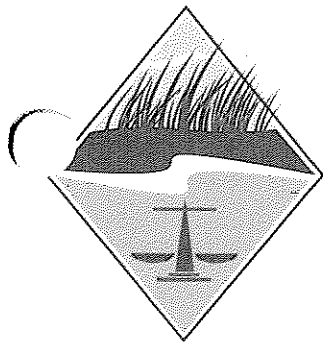
AGENDA

Moved and seconded, with a vote of 7-0, the meeting adjourned to an Executive Session at 12:00 noon in the Chairman's office.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Minutes were approved this 21st day of March, 1996, by a vote of 7-0.



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

**REGULAR MEETING AGENDA
MARCH 7, 1996 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.**

ADDENDUM

CHAIRMAN
Claire A. Manning
Springfield

MOTIONS

MEMBERS

Emmett E. Dunham II
Elmhurst

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Marilyn McFawn
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge

94-178 Herrin Security Bank v. Shell Oil Company - (McF)
Complainant's Motion to Withdraw Complaint
(3/5)

95-122 Olive Streit and Lisa Streit v. Oberweis Dairy, (CAM)
Inc., Richard J. Fetzer and Johnnie W. Ward,
d/b/a Serve-N-Save, and Richard J. Fetzer,
individually, Amoco Oil Company and Mobil Oil
Corporation - Respondent Amoco Oil
Company's Response to Respondent Oberweis'
Motion for Reconsideration and Miscellaneous
Relief (3/5)

SPRINGFIELD OFFICE

600 South Second Street
Suite 402
Springfield, Illinois 62704
217-524-8500
Fax 217-524-8508

SATELLITE OFFICES

110 South State
Jerseyville, Illinois 62052
618-498-9802
Fax 618-498-5934

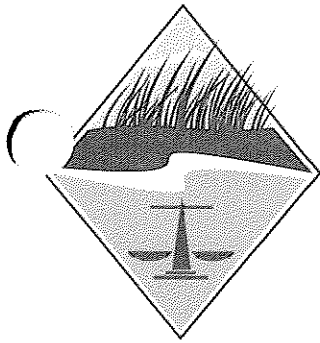
148 North Third Street
P.O. Box 505
DeKalb, Illinois 60115
815-753-1904
Fax 815-753-1970

96-91 SPILL, Madison County Conservation Alliance, (McF)
Sierra Club, Nameoki Township Clerk Helen
Hawkins, Kathy Andria, Shirley Crain, Glenda
Fulkerson, John Gall, Thelma Orr, Ron Shaw
and Pearl Stogsdill v. City of Madison and
Metro-East, L.L.C. - Petitioners' Response to
Respondent's Motion to Strike Petitioners'
Response to Respondents' Post-Hearing Briefs
and Motion to File Instantly Previously Filed
Petitioners' Response to Respondents' Post-
Hearing Briefs (3/5)



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

| | | |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 96-155) | <u>West Suburban Recycling and Energy Center, L.P. v. IEPA</u> - Agency's Objection to Petitioner's Request for Modification of the Board's February 15, 1996 Order Granting the Agency's Second Motion for Extension of Time to File the Administrative Record (3/5) | (RCF) |
| 96-156) | | |
| 96-158 | <u>Frederick Cooper Lamps, Inc. v. IEPA</u> - Accept for Hearing Order | (CAM) |
| 96-188 | <u>Commonwealth Edison - Dresden Station v. IEPA</u> - Provisional Variance | (CAM) |
| 96-189 | <u>AT&T v. IEPA</u> - Joint 90-Day Extension Request (3/6) | (CAM) |
| 96-190 | <u>Norfolk Southern Corporation v. IEPA</u> - Joint 90-Day Extension Request (3/6) | (CAM) |



ILLINOIS POLLUTION CONTROL BOARD

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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
Inverness

J. Theodore Meyer
Chicago

Joseph C. Yi
Park Ridge



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AGENDA MARCH 7, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 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. Dates of future meetings of the Board appear on the last page of this agenda. Thank you for your interest.

Roll Call

Minutes

February 15, 1996

REGULATIONS AND ADJUSTED STANDARDS

| | | |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| R95-11 | <u>Special Waste Hauling Vehicle Numbers: Amendment to 35 Ill. Adm. Code 809.401 - Adopted Rule, Final Order, Opinion and Order</u> | (CAM) |
| R96-5 | <u>Visible and Particulate Matter Emissions - Proposed Rule, Second Notice, Opinion and Order</u> | (GTG) |
| R96-7 | <u>Safe Drinking Water Act Update, USEPA Regulations (July 1 through December 31, 1995) - Proposed Rule, Dismissal Order</u> | (RCF) |
| R96-9 | <u>RCRA Subtitle D Update, USEPA Regulations (July 1 through December 31, 1995) - Proposed Rule, Dismissal Order</u> | (GTG) |
| AS 96-3 | <u>Petition of the Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B</u> | (RCF) |
| AS 96-8 | <u>Petition of Central Illinois Light Company (Duck Creek Station) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 35 Ill. Adm. Code 304.105 - Petitioner's Certificate of Publication (2/16)</u> | (RCF) |

DECISIONS

| | | |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 96-32 | <u>People of the State of Illinois v. Harper-Wyman Company - Stipulation</u> | (ED) |
| 96-61 | <u>People of the State of Illinois v. Paul J. May & Sons, Inc., and Paul J. May individually and as President of Paul J. May & Sons, Inc. - Stipulation</u> | (McF) |

DECISIONS (Cont'd)

96-79) Those Opposed to Area Landfills (T.O.T.A.L.), a Concerned (JY)
96-82) Citizens' Group v. City of Salem and Concerned Adjoining
Owners, a Concerned Citizens' Group v. City of Salem (due)

96-127 People of the State of Illinois v. Dynaweld, Inc. - Stipulation (RCF)

ADMINISTRATIVE CITATIONS

AC 95-43 Montgomery County, Illinois v. Clifford Crispens and Jacqueline (JTM)
R. Crispens

AC 96-28 County of DuPage v. Joseph F. Cantore - Respondent's Request (JTM)
to Withdraw Petition for Review (2/20)

AC 96-33 IEPA v. Stanley Thompson - Default Order

AC 96-34 County of Montgomery v. Envotech-Illinois, Inc. - Default Order

AC 96-36 IEPA v. Charlie Fyffe - Default Order

AC 96-38 IEPA v. Joseph C. Smith and Laverne A. Smith - Agency Motion
to Withdraw Administrative Citation (2/26)

AC 96-39 IEPA v. M.K. O'Hara Constructions, Inc., Kenneth O'Hara and
Madalyn O'Hara - Accept Case - No Order

MOTIONS

91-200 Borden Chemicals & Plastics Operating Limited Partnership v. (GTG)
IEPA - Petitioner's Motion to Withdraw Appeal (2/15)

MOTIONS (Cont'd)

| | | |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 92-99 | <u>A.B. Dick Company v. IEPA</u> - Petitioner's Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment (12/26), Petitioner's Emergency Motion to Defer Consideration of Pending Motion for Summary Judgment (1/17) | (CAM) |
| 94-287 | <u>Indian Refining Limited Partnership v. IEPA</u> - Petitioner's Motion to Substitute Parties (2/26) | (McF) |
| 95-64 | <u>People of the State of Illinois v. Donald Pointer, Mitchell Holder, and Whiteway Sanitation, Inc.</u> - Respondents' Motion to Transfer First Amended Complaint to the Circuit Court of Jersey County (3/1) | (CAM) |
| 95-119) 95-125) | <u>West Suburban Recycling and Energy Center, L.P. v. IEPA</u> - Agency's Motion for Reconsideration and Request that the Board Issue a Certificate of Importance (2/20), Petitioner's Objection to the Agency's Motion for Reconsideration and Request for Certificate of Importance (2/23), Agency's Motion for Leave to File Reply and Reply to Petitioner's Objection to the Agency's Motion for Reconsideration and Request for Certificate of Importance (3/4) | (RCF) |
| 95-122 | <u>Olive Streit & Lisa Streit v. Oberweis Dairy, Inc., Richard J. Fetzer and Johnnie W. Ward d/b/a Serve & Save, and Richard J. Fetzer, individually, Amoco Oil Company, and Mobil Oil Corporation</u> - Respondent Oberweis Dairy, Inc.'s Motion for Reconsideration and Miscellaneous Relief and Memorandum of Law in Support Thereof (2/27) | (CAM) |
| 95-135 | <u>People of the State of Illinois v. Yesley Service Company, Inc.</u> - Motion for Relief from Hearing Requirement (3/1) | (RCF) |
| 96-9 | <u>Owens Oil Company v. IEPA</u> - Agency Motion to File Record Instanter (2/20) | (ED) |

MOTIONS (Cont'd)

96-50 Dave Coslet v. IEPA - Petitioner's Motion to Withdraw (2/23) (JY)

96-76 People of the State of Illinois v. Chemetco, Inc. - Respondent's Motion to Dismiss (10/20), Complainant's Response to Respondent's Motion to Dismiss (10/27), Respondent's Request for an Extension of Time to File an Answer if the Motion to Dismiss is Denied (11/7), Respondent's Request for Oral Argument (11/7), Respondent's Reply Memorandum in Support of Respondent's Motion to Dismiss (11/15), Complainant's Motion to Strike Respondent's Reply Memorandum (11/21), Respondent's Memorandum of Law in Support of Respondent's Motion to Dismiss (12/29), Complainant's Response to Respondent's Memorandum of Law (1/17), Respondent's Reply to Complainant's Response to Respondent's Memorandum of Law (1/24), Complainant's Motion to Strike Respondent's Reply to Complainant's Response to Respondent's Memorandum of Law (1/31) (CAM)

96-86 BFI Modern Landfill #1 and #2 v. IEPA - Petitioner's Motion to Compel Filing of Permit Record (2/27), Agency Motion to File Administrative Record Instantly (2/29) (McF)

96-88 Kean Oil Company v. IEPA - Petitioner's Motion for Reconsideration (1/19), Agency Response to Petitioner's Motion for Reconsideration (2/15) (JY)

96-91 SPILL, Madison County Conservation Alliance, Sierra Club, Nameoki Township Clerk Helen Hawkins, Kathy Andria, Shirley Crain, Glenda Fulkerson, John Gall, Thelma Orr, Ron Shaw and Pearl Stogsdill v. City of Madison and Metro-East, L.L.C. - Petitioners' Motion to File Instantly and Supplement to the Record (2/27), Petitioners' Response to Post-Hearing Briefs (2/27), Respondent's Motion to Strike Petitioners' Response to Respondent's Post-Hearing Brief (3/4) (McF)

MOTIONS (Cont'd)

96-108 Allied Tube & Conduit Corporation v. IEPA - Petitioner's Motion for Reconsideration of January 18, 1996 Order (2/22), Agency Motion to Extend Time to File Agency Record and Affidavit (3/1) (McF)

96-143 People of the State of Illinois v. Michel Grain Company, Inc., d/b/a Michel Fertilizer, and Caryle Michel - Respondents' Motion for Leave to File Instant Motion to Dismiss Complainant's Complaint and Memorandum in Support of Motion to Dismiss (2/6), Complainant's Objection to Respondents' Motion for Leave to File Instant Motion to Dismiss Complaint and Memorandum in Support of Motion to Dismiss (2/15), Respondents' Reply to Complainant's Objection to Respondents' Motion for Leave to File Instant Motion to Dismiss Complaint and Respondents' Motion for Leave to File Reply to Complainant's Objection to Respondents' Motion for Leave to File Instant Motion to Dismiss Complaint (2/27) (CAM)

96-155) West Suburban Recycling and Energy Center, L.P. v. IEPA- (RCF)
96-156) Petitioner's Request for Modification of February 15, 1996 Board Order (2/23)

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

92-105 Weyerhaeuser Company v. IEPA - Petitioner's Status Report in Response to August 24, 1995 Board Order and Motion to Continue Stay (2/27) (JY)

96-139 Village of Henderson v. IEPA - Dismissal Order (CAM)

96-140 Nunda Water Utility Company, Inc. v. IEPA - Dismissal Order (RCF)

96-141 Butterick Company, Inc. v. IEPA - Accept for Hearing Order

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

| | | |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 96-162 | <u>Oscar Mayer Foods Corporation/Kraft Foods, Inc. v. IEPA</u> - Amended Petition in Response to February 1, 1996 Board Order (2/22) | (JY) |
| 96-166 | <u>Oscar Mayer Foods Corporation/Kraft Foods, Inc. v. IEPA</u> - Amended Petition in Response to February 1, 1996 Board Order (2/22) | (JY) |
| 96-173 | <u>Coal City Citgo v. IEPA</u> - 90 Day Extension Request (See Agency Motion to Dismiss filed 2/23; Petitioner's Reply to Agency Motion to Dismiss filed 2/28) | (McF) |
| 96-179 | <u>Gilbert & Lenda Marshall v. Danny Lingenfelter, individually and as President of Central Illinois Dirt Riders Association</u> - Duplicitous/Frivolous Determination | (ED) |
| 96-180 | <u>Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc.</u> - Hold For Duplicitous/Frivolous Determination | (McF) |
| 96-181 | <u>ESG Watts, Inc. v. IEPA</u> - Accept for Hearing Order | (CAM) |
| 96-182 | <u>A.F. Moore & Associates v. IEPA</u> - Accept for Hearing Order | |
| 96-183 | <u>Recyclers, Inc. v. IEPA</u> - Joint 90-Day Extension Request | |
| 96-184 | <u>J.M. Sweeney Company v. IEPA</u> - Accept for Hearing Order | |
| 96-185 | <u>Douglas and Barbara Oltman v. Terry and Kelly Cowan</u> - Hold for Duplicitous/Frivolous Determination | |

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

96-186 Mr. & Mrs. Don Williams, Mr. & Mrs. Thomas Morris, and Mr. & Mrs. Peter Bizios v. Schaumburg Park District - Hold for Duplicitous/Frivolous Determination

96-187 United States Tobacco Manufacturing Company v. IEPA - Provisional Variance (CAM)

CASES PENDING DECISION

R94-1(A) Triennial Water Quality Review: Amendments to 35 Ill. Adm. Code 302.208 and 302.407 (Lead and Mercury) - Proposed Rule, Second Notice, Opinion and Order (ED)

R95-22 Wastewater Pretreatment Update, USEPA Regulations (January 1, 1995 through June 30, 1995) - Proposed Rule, Second Notice, Opinion and Order (ED)

AS 95-1 Petition of Tommy House Tire Company, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 848.202(b)(2) and (b)(5) (McF)

94-243) ESG Watts, Inc. v. IEPA (due 3/21) (GTG)

94-306)

94-307)

94-308)

94-309)

95-133)

95-134)

CASES PENDING DECISION (Cont'd)

95-112 John C. Justice, d/b/a Microcosm v. IEPA (due 3/21) (CAM)

96-91 SPILL , Madison County Conservation Alliance, Sierra Club, Nameoki Township Clerk Helen Hawkins, Kathy Andria, Shirley Crain, Glenda Fulkerson, John Gall, Thelma Orr, Ron Shaw and Pearl Stogsdill v. City of Madison and Metro-East, LLC (due 3/21) (McF)

96-161 City of Geneva v. IEPA (due 5/16) (RCF)

ADJOURNMENT

LIST OF NEW CASES FILED SINCE FEBRUARY 15, 1996 BOARD MEETING

- AC 96-39 IEPA v. M.K. O'Hara Construction, Inc., Kenneth O'Hara and Madalyn O'Hara
- 96-180 Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc.
- 96-181 ESG Watts, Inc. v. IEPA
- 96-182 A.F. Moore & Associates v. IEPA
- 96-183 Recyclers, Inc. v. IEPA
- 96-184 J.M. Sweeney Company v. IEPA
- 96-185 Douglas and Barbara Oltman v. Terry and Kelly Cowan
- 96-186 Mr. & Mrs. Don Williams, Mr. & Mrs. Thomas Morris, and Mr. & Mrs. Peter
Bizios v. Schaumburg Park District
- 96-187 United States Tobacco Manufacturing Company v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR THE REMAINDER OF FY 96

March 21

April 4
April 18

May 2
May 16

June 6
June 20

NOTE: All Board Meetings will be held in Conference Room 9-040 unless otherwise noted

REGULAR BOARD MEETING SCHEDULE FOR THE FIRST HALF OF FY 97

July 18

August 1
August 15

September 5
September 19

October 3
October 17

November 7
November 21

December 5
December 19

NOTE: All Board Meetings will be held in Conference Room 9-040 unless otherwise noted