

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING SEPTEMBER 5, 1996 CHICAGO, ILLINOIS - 10:30 A.M.

After calling the meeting to order, Board Member J. Theodore Meyer asked the Clerk for a roll call, and all Board Members answered present except for Chairman Claire Manning, who was absent.

Minutes of the August 15, 1996 Board Meeting were approved by a vote of 6-0. Board member J. Theodore Meyer abstained.

In R97-9, Procedures for Collection of Air Pollution Site Fees: Amendments to 35 Ill. Adm. Code 251, an Order granting the Agency's motion to withdraw the rulemaking and closing the docket, was adopted by a vote of 6-0. **(McF)**

An Order granting the petitioner's motion to withdraw its petition for an adjusted standard and closing the docket, was adopted in #AS 95-6, Petition of National Metalwares, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.204(g), by a vote of 6-0. **(JY)**

An Order dismissing the petition for an adjusted standard and closing the docket, due to the petitioner's failure to file an amended petition as directed by the Board's order of June 6, 1996, was adopted in #AS 96-7, Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305(b), by a vote of 6-0. **(ED)**

An Order granting the Agency's motion for leave to file its response instanter, was adopted in #AS 96-12, Petition of the Illinois Department of Transportation, District 8 for an Adjusted Standard from 35 Ill. Adm. Code 302.208, 304.124, and 302.203, if required, by a vote of 6-0. **(ED)**

The petition in #AS 97-1, Petition of American River Transportation Company for an Adjusted Standard from 35 Ill. Adm. Code 809.201, 809.301, 809.302, and 809.501, was accepted by the Board and held for an Agency response.

An Opinion and Order was adopted in #92-60, Kean Oil Company v IEPA, by a vote of 6-0. **(ED)**

An Opinion and Order accepting the Stipulation and Proposal for Settlement Agreement in the amount of \$40,000.00, was adopted in #93-250, People of the State of Illinois v. Clark Oil Refining Corporation, by a vote of 6-0. **(ED)**

An Opinion and Order was adopted in #96-198, Land and Lakes Company v. IEPA, by a vote of 6-0. **(JY)**

An Opinion and Order was adopted in #96-239, The Solar Corporation v. IEPA, by a vote of 6-0. **(JTM)**

A Default Order finding that the respondent violated Sections 21(p)(1), 21(p)(2), and 21(p)(5) of the Illinois Environmental Protection Act, and assessing a \$1,500.00 penalty, was adopted in #AC 96-56, County of Jackson v. James Qualls, by a vote of 6-0. **(JTM)**

A Default Order finding that the respondent violated Sections 21(p)(1), 21(p)(4), and 21(p)(6) of the Illinois Environmental Protection Act, and assessing a \$1,500.00 penalty, was adopted in #AC 96-59, County of Jackson v. Greg Burris, individually and d/b/a Burris Disposal Service, by a vote of 6-0. **(JTM)**

A Default Order finding that the respondent violated Section 21(p)(3) of the Illinois Environmental Protection Act, and assessing a \$500.00 penalty, was adopted in #AC 96-60, County of Will v. Arthur Hammel, by a vote of 6-0. **(JTM)**

A Default Order finding that the respondent violated Sections 21(p)(1) and 21(p)(4) of the Illinois Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 96-61, County of Will v. First United Bank/Trust #1279, by a vote of 6-0. **(JTM)**

A Default Order finding that the respondent violated Section 21(p)(1) of the Illinois Environmental Protection Act, and assessing a \$500.00 penalty, was adopted in #AC 97-1, IEPA v. Banner Disposal, Inc., by a vote of 6-0. **(JTM)**

Because a Petition for Review was received, this Administrative Citation will be set for hearing: #AC 97-2, IEPA v. Joseph C. Smith and Laverne A. Smith.

An Order granting the Complainant's motion to dismiss Charlotte Raymond as a respondent, advising the parties that the Board will correct the caption accordingly on future orders and correspondence, and granting respondents Frank Raymond, Dominick Raymond and Andrea Domzalski an extension of time until September 6, 1996 to file a petition for review, or the Board will impose a default judgment against each respondent who fails to timely submit a petition for review, was adopted in #AC 97-3, County of Will v. Charlotte Raymond, Dominick Raymond, Joseph Raymond, Margaret Flamini, Frank Raymond, Jr., Andrea Domzalski and Annette Stilts, by a vote of 6-0. **(JTM)**

Because a Petition for Review was received, this Administrative Citation will be set for hearing: #AC 97-4, IEPA v. Joseph C. Smith and Laverne A. Smith.

These Administrative Citations were accepted by the Board: ##97-7, IEPA v. RCS, Inc. and Michael Duvall; 97-8, County of Will v. Mark Henke and Gene Suprenant; 97-9, County of Will v. American Fly Ash; 97-10, County of Will v. Land and Lakes; 97-11, County of Will v. Kenric Hwang; 97-12, County of Will v. Bob Linkowski; 97-13, County of DuPage v. Saleem M. Choudhry.

An Order granting the petitioner's motion to dismiss its appeal, was adopted in #95-40, Comerica Bank-Illinois v. IEPA, by a vote of 6-0. **(RCF)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties motion for relief from hearing requirement, was adopted in #95-91, People of the State of Illinois v. Bell Sports, Inc., Waste Hauling Landfill, Inc., and Waste Hauling, Inc., by a vote of 6-0. **(JTM)**

An Order granting the joint motion to dismiss, was adopted in #96-162, Oscar Mayer Foods Corporation/Kraft Foods, Inc., by a vote of 6-0. **(JY)**

An Order granting the joint motion to dismiss, was adopted in #96-166, Oscar Mayer Foods Corporation/Kraft Foods, Inc., by a vote of 6-0. **(JY)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties motion for relief from hearing requirement, was adopted in #96-219, People of the State of Illinois v. McLaughlin Body Company, by a vote of 6-0. **(JTM)**

An Order granting the petitioner's motion to dismiss its appeal, was adopted in #96-226, Shell Oil Company (Orland Park Facility) v. IEPA, by a vote of 6-0. **(RCF)**

An Order granting the petitioner's motion to dismiss, was adopted in #96-230, The Clorox Company v. IEPA, by a vote of 6-0. **(GTG)**

An Order granting the complainant's motion to amend caption, and directing the Clerk of the Board to amend the caption in the matter in accordance with the terms of the order, was adopted in #96-263, People of the State of Illinois v. Field Container Company, L.P. and Field Container Management Corporation, by a vote of 6-0. **(McF)**

An Order granting the petitioner's motion for voluntary dismissal, was adopted in #97-12, Amoco Oil Company v. Office of the State Fire Marshal, by a vote of 6-0. **(McF)**

An Order granting the joint motion for stay until October 22, 1996, and directing the parties to file a status report with the assigned hearing officer on or before October 22, 1996, was adopted in #97-23, The City of Lockport v. IEPA, by a vote of 6-0. **(JY)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties agreed motion for relief from hearing requirement, was adopted in #97-37, People of the State of Illinois v. Touhy Mobile Homes Park, Inc., by a vote of 6-0. **(JTM)**

An Order dismissing the proceedings and closing the docket, was adopted in #96-206, Anne Shepard, James Verhein and Jerold Leckman v. Northbrook Sports Club, by a vote of 6-0. Board Member M. McFawn concurred. **(ED)**

An Order granting the complainant's motion for an extension of time until September 27, 1997 to file its proof of service, and advising the complainant that failure to file proof of service on or before September 27, 1996, the matter will be dismissed, was adopted in #96-265, Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, Controls Corporation of America Employee Profit Sharing and Retirement Trust, and Eaton Corporation, by a vote of 6-0. **(JY)**

An Order granting the complainants' motion for an extension of time until September 27, 1997 to file its proof of service, and advising the complainants that failure to file proof of service on or before September 27, 1996, the matter will be dismissed, was adopted in #96-266, J. Clarke Baker & Company, and Real Estate Fund, Inc. v. Brunswick Corporation, L & J Engineering, Inc., GPE Controls, Inc., and Vapor Corporation, by a vote of 6-0. **(JY)**

An Order accepting the matter for hearing, was adopted in #97-1, Lawrence Cadillac v. IEPA, by a vote of 6-0. **(JTM)**

An Order granting the agreed motion to continue through September 15, 1996, was adopted in #97-17, Irma L. Lopez, Jose Martinez, Joel R. Garay and Jose Gonzalez, by a vote of 6-0. **(JTM)**

A mandatory hearing will be held in #97-33, People of the State of Illinois v. Archer Daniels Midland.

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 October 13, 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 #97-34, Prairie Preservation Properties, Inc. v. IEPA, by a vote of 6-0. **(JTM)**

An Order accepting the matter for hearing, and granting the petitioner's motion to consolidate with PCB 97-36, was adopted in #97-35, Illinois Power Company (Unit 2 - Baldwin Power Station) v. IEPA, by a vote of 6-0. **(JY)**

An Order accepting the matter for hearing, and granting the petitioner's motion to consolidate with PCB 97-35, was adopted in #97-36, Illinois Power Company (Unit 1 - Baldwin Power Station) v. IEPA, by a vote of 6-0. **(JY)**

A mandatory hearing will be held in #97-38, People of the State of Illinois v. Amsted Industries, Inc., d/b/a Griffin Wheel Company, L.E. Swiderski, d/b/a Griffin Wheel Company, Hellman Trucking Company, Inc., and Horsehead Resource Development Company, Inc..

This case was held for an Agency recommendation: #97-39, City of Mobile v. IEPA.

A mandatory hearing will be held in #97-40, People of the State of Illinois v. James R. Womack, d/b/a Womack Brothers Excavating.

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 October 20, 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 #97-41, Cabot Corporation v. IEPA, by a vote of 6-0. **(JTM)**

A mandatory hearing will be held in #97-43, People of the State of Illinois v. The Estate of Walter A. Brandy's formerly d/b/a A & D Auto Service, Barbara A. (Brandy's) Mandal, Christine M. (Brandy's) Douglas, Robert A. Brandy's, and Vincent W. Brandy's Sr..

A provisional variance was granted in #97-45, Village of Fayetteville v. IEPA, by a vote of 6-0. **(JTM)**

This regulatory matter was discussed and held for further discussion or possible decision: R97-8, Revision of the Board's Procedural Rules Parts 101 - 130, Proposal for Public Comment, Proposed Opinion and Order.

These cases were discussed and held for further discussion or possible decision: ##95-162, Illinois Landfill, Inc. v. IEPA; 96-238, Citizens United for a Responsible Environment v. Browning-Ferris Industries of Illinois, Inc. and Village Board of the Village of Davis Junction, Illinois; 96-243, Residents Against a Polluted Environment and The Edmund B. Thornton Foundation v. County of LaSalle and Landcomp Corporation; 96-246, City of DeKalb v. IEPA.

ADDENDUM

In R95-17, Safe Drinking Water Act Update, USEPA Amendments (January 1, 1995 through June 30, 1995), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. **(RCF)**

An order granting the joint motion for dismissal, accepting the stipulated settlement agreement proposed by the parties, finding that the respondent has violated Sections 21(p)(5) and 21(o)(12) of the Illinois Environmental Protection Act, assessing respondent the statutory penalty of \$1,000.00, and directing the respondent to pay such penalty on or before October 7, 1996, was adopted in #AC 96-51, by a vote of 5-0. Board Member M. McFawn abstained.

These Administrative Citations were accepted by the Board: ##97-14, IEPA v. Envirofil of Illinois, Inc.; 97-15, IEPA v. ESG Watts, Inc.; 97-16, County of Will v. David Stokes; 97-17, County of Will v. Mitch Pinnick.

A provisional variance was granted in #97-46, Village of Romeoville v. IEPA, by a vote of 6-0. **(JTM)**

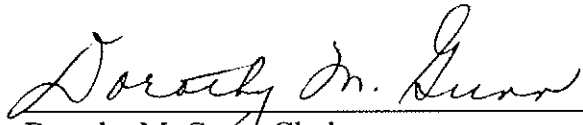
An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event that the petitioner fails to file an appeal on or

before November 6, 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 #97-47, Daubs Landfill v. IEPA, by a vote of 6-0. (JTM)

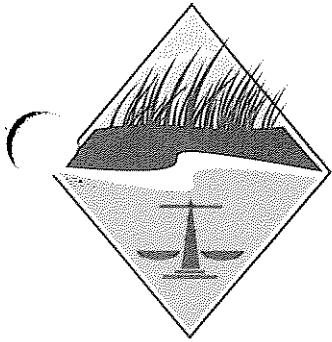
All other matters not disposed of as listed were held.

Moved and seconded, by a vote of 6-0, the meeting was adjourned at 11:25 a.m..

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 19th day of September, 1996, 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

REGULAR MEETING AGENDA SEPTEMBER 5, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

AMENDED ADDENDUM REGULATIONS AND ADJUSTED STANDARDS

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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Fax 217-524-8508

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Fax 618-498-5934

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

R95-17 Safe Drinking Water Act Update, USEPA (RCF)
PWS Amendments (January 1, 1995 through June 30,
1995) - Adopted Rule, Final Order, Opinion and
Order

R97-9 Procedures for Collection of Air Pollution Site (McF)
Air Fees: Amendments to 35 Ill. Adm. Code 215 -
Agency's Motion to Withdraw Rulemaking
(9/3)

AS 97-3 Petition of Shell Wood River Refining for an
Adjusted Standard from 35 Ill. Adm. Code
Land, 725.213 and 725.321 - Hold for Certificate of
RCRA Publication - No Order

AS 97-4 Petition of the Ensign-Bickford Company for an
Adjusted Standard from 35 Ill. Adm. Code
Land, 703.183 - Hold for Certificate of Publication -
RCRA No Order



ADMINISTRATIVE CITATIONS

AC 96-51 Montgomery County v. Envotech-Illinois, Inc. - (JTM)
Joint Motion for Voluntary Dismissal and Joint
Stipulation (9/3)

AC 97-14 IEPA v. Envirofil of Illinois, Inc. - Accept Case
- No Order

AC 97-15 IEPA v. ESG Watts, Inc. - Accept Case - No
Order

AC 97-16 County of Will v. David Stokes - Accept Case -
No Order

AC 97-17 County of Will v. Mitch Pinnick - Accept Case -
No Order

MOTIONS

94-184 R.P. Lumber Company, Inc. v. Office of the (RCF)
UST-FRD State Fire Marshal - Respondent's
Memorandum in Support of Motion for
Summary Judgment and Respondent's Motion
for Summary Judgment (9/3), Petitioner's
Request for Entry of Final Order, Motion to
Supplement the Record and Supplement Motion
for Summary Judgment (9/3)

96-102 Kathe's Auto Service Center v. IEPA - (JY)
UST-FRD Petitioner's Motion to Reconsider August 1,
1996 Final Order (9/3)

MOTIONS (Cont'd)

96-143 People of the State of Illinois v. Michel Grain (CAM)
W-E Company, Inc., d/b/a Michel Fertilizer, and
Caryle Michel - Respondents' Motion for
Reconsideration and Clarification of August 1,
1996 Order (9/3)

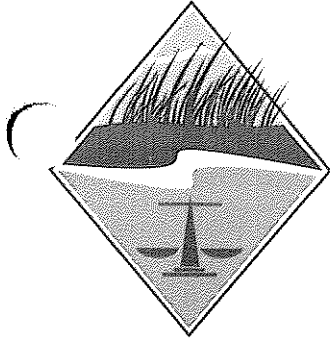
96-250 White & Brewer Trucking, Inc. v. IEPA - (ED)
P-A Agency Record and Motion to File Record
Instanter (9/3), Agency Motion Requesting
Expedited Review and Motion for Summary
Judgment (9/3), Petitioner's Response to
Agency's Motion for Expedited Review (9/4)

96-264 People of the State of Illinois v. American (ED)
RCRA-E Waste Processing, Ltd. - Respondent's Motion
for Reconsideration or Rehearing (9/4)

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

97-46 Village of Romeoville v. IEPA - Provisional (CAM)
Water Variance

97-47 Daubs Landfill, Inc. v. IEPA - Joint Request for (CAM)
P-A, 90- 90-Day Extension of Appeal Period (9/4)
Day
Extension



ILLINOIS POLLUTION CONTROL BOARD

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GOVERNOR
Honorable Jim Edgar



CHAIRMAN
Claire A. Manning
Springfield

REGULATIONS AND ADJUSTED STANDARDS

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

R97-9 Procedures for Collection of Air Pollution Site (McF)
Fees: Amendments to 35 Ill. Adm. Code 215 -
Air Agency's Motion to Withdraw Rulemaking
(9/3)

AS 97-3 Petition of Shell Wood River Refining for an
Adjusted Standard from 35 Ill. Adm. Code
Land, 725.213 and 725.321 - Hold for Certificate of
RCRA Publication - No Order

AS 97-4 Petition of the Ensign-Bickford Company for an
Adjusted Standard from 35 Ill. Adm. Code
Land, 703.183 - Hold for Certificate of Publication -
RCRA No Order

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ADMINISTRATIVE CITATIONS

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AC 96-51 Montgomery County v. Envotech-Illinois, Inc. - (JTM)
Joint Motion for Voluntary Dismissal and Joint
Stipulation (9/3)

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MOTIONS (Cont'd)

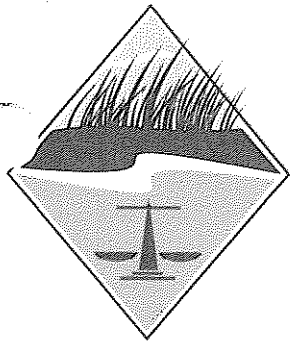
96-250 White & Brewer Trucking, Inc. v. IEPA - (ED)
P-A Agency Record and Motion to File Record
Instanter (9/3), Agency Motion Requesting
Expedited Review and Motion for Summary
Judgment (9/3), Petitioner's Response to
Agency's Motion for Expedited Review (9/4)

96-264 People of the State of Illinois v. American (ED)
RCRA-E Waste Processing, Ltd. - Respondent's Motion
for Reconsideration or Rehearing (9/4)

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

97-46 Village of Romeoville v. IEPA - Provisional (CAM)
Water Variance

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P-A, 90- 90-Day Extension of Appeal Period (9/4)
Day
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AGENDA SEPTEMBER 5, 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

August 15, 1996

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REGULATIONS AND ADJUSTED STANDARDS

R97-9 Air	<u>Procedures for Collection of Air Pollution Site Fees: Amendments to 35 Ill. Adm. Code 251</u>	(McF)
AS 95-6 Air	<u>Petition of National Metalwares, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.204(g) - Petitioner's Motion to Withdraw Petition for Adjusted Standard (8/19)</u>	(JY)
AS 96-7 Water	<u>Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305(b) - Dismissal Order</u>	(ED)
AS 96-12 Water	<u>Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard from 35 Ill. Adm. Code 302.208, 304.124, and 302.203, if required - Agency Motion for Leave to File Response Instantly and Response (8/29)</u>	(ED)
AS 97-1 Special Waste	<u>Petition of American River Transportation Company for an Adjusted Standard from 35 Ill. Adm. Code 809.201, 809.301, 809.302 and 809.501- Petitioner's Certificate of Publication (8/27)</u>	(GTG)
AS 97-2 Land, RCRA	<u>Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a), (c) - (See Motion to Incorporate the Record from AS 96-11 filed 8/9; Agency's Objection to Petitioner's Motion to Incorporate the Record and Waiver of Hearing filed 8/15; Petitioner's Response to the Agency's Objection to Petitioner's Motion to Incorporate the Record and Waiver of Hearing filed 8/19; Petitioner's Request for Leave to File Additional Support for its Motion to Incorporate the Record and Waiver of Hearing filed 8/23; Agency's Motion for Leave to File a Reply to Petitioner's Response to its Objection to Petitioner's Motion to Waive Hearing filed 8/23) - Hold for Certificate of Publication</u>	(ED)

ADMINISTRATIVE CITATIONS (Cont'd)

AC 97-3 County of Will v. Charlotte Raymond, Frank Raymond, Jr., Dominick Raymond, Andrea Domzalski, Joseph Raymond, and Annette Stilts - (See Complainant's Motion to Dismiss Charlotte Raymond as a Respondent filed 8/19 and Petition for Review filed by Respondents Joseph Raymond and Annette Stilts filed 8/19) - Board Order (JTM)

AC 97-4 IEPA v. Joseph C. Smith and Laverne A. Smith - Accept for Hearing - No Order

AC 97-7 IEPA v. RCS, Inc. and Michael Duvall - Accept Case - No Order

AC 97-8 County of Will v. Mark Henke and Gene Suprenant - Accept Case - No Order

AC 97-9 County of Will v. American Fly Ash - Accept Case - No Order

AC 97-10 County of Will v. Land and Lakes - Accept Case - No Order

AC 97-11 County of Will v. Kenric Hwang - Accept Case - No Order

AC 97-12 County of Will v. Bob Linkowski - Accept Case - No Order

AC 97-13 County of DuPage v. Saleem M. Choudhry - Accept Case - No Order

MOTIONS

95-40 Comerica Bank-Illinois v. IEPA - Petitioner's Motion to Dismiss Appeal (8/16) (RCF)
UST-Appeal

MOTIONS (Cont'd)

95-91 RCRA-E	<u>People of the State of Illinois v. Bell Sports, Inc., Waste Hauling Landfill, Inc., and Waste Hauling, Inc.</u> - Motion for Relief from Hearing Requirement (8/26)	(CAM)
95-113 UST-E	<u>White Glove of Morton Grove v. Amoco Oil Company</u> - Joint Motion to Dismiss and Notification of Settlement (8/29)	(CAM)
96-162 UST-Appeal	<u>Oscar Mayer Foods Corporation/Kraft Foods, Inc. v. IEPA</u> - Joint Motion to Dismiss (8/22)	(JY)
96-166 UST-Appeal	<u>Oscar Mayer Foods Corporation/Kraft Foods, Inc. v. IEPA</u> - Joint Motion to Dismiss (8/22)	(JY)
96-219 RCRA-E	<u>People of the State of Illinois v. McLaughlin Body Company</u> - Motion to Request for Relief from Hearing Requirement (8/23)	(ED)
96-226 UST-Appeal	<u>Shell Oil Company (Orland Park Facility) v. IEPA</u> - Petitioner's Motion to Dismiss Appeal (8/19)	(RCF)
96-230 T-S	<u>The Clorox Company v. IEPA</u> - Petitioner's Motion to Dismiss (8/19)	(GTG)
96-263 A-E	<u>People of the State of Illinois v. Field Container Company, Ltd., and Field Container Management Corporation</u> - Complainant's Motion to Amend Caption (8/19)	(McF)
97-12 UST-Appeal	<u>Amoco Oil Company v. Office of the State Fire Marshal</u> - Petitioner's Motion for Voluntary Dismissal (8/26)	(McF)

MOTIONS (Cont'd)

97-20 People of the State of Illinois v. Bentronics Corporation - (RCF)
W-E Respondent's Motion for Leave to File Motion to Dismiss
Instanter and Motion to Dismiss (8/8), Complainant's Response
to Respondent's Motion to Dismiss (8/16), Respondent's
Response to Complainant's Motion to Strike its Motion to
Dismiss (8/27)

97-23 The City of Lockport v. IEPA - Joint Motion for Stay (8/21) (JY)
P-A

97-28 Village of Lynwood v. Cook County Board of Commissioners (GTG)
PCF Siting, and J.T. Einoder Company - Respondent Cook County Board of
Third Party Commissioners' Motion to Dismiss for Lack of Jurisdiction
(8/27)

97-37 People of the State of Illinois v. Touhy Mobile Homes Park, Inc. (CAM)
W-E - Agreed Motion to Request Relief from the Hearing
Requirement (8/19)

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

96-206 Anne Shepard, James Verhein and Jerold Leckman v. (ED)
N-E Northbrook Sports Club - (See Respondent's Motion to
Citizens Dismiss as Frivolous filed 4/9; Complainants' Response to
Respondent's Motion to Dismiss as Frivolous filed 6/6) -
Order

96-265 Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, (JY)
L, SW, Controls Corporation of America Employee Profit Sharing and
RCRA-E Retirement Trust, and Eaton Corporation
Citizens

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

96-266 L, SW, RCRA-E Citizens	<u>J. Clarke Baker & Company and Real Estate Fund, Inc. v. Brunswick Corporation, L & J Engineering, Inc., GPE Controls, Inc. and Vapor Corporation</u>	(McF)
97-1 UST-Appeal	<u>Lawrence Cadillac v. IEPA - Accept for Hearing Order</u>	(CAM)
97-17 RCRA-E Citizens	<u>Irma L. Lopez, Jose Martinez, Joel R. Garay and Jose Gonzalez v. Celotex Corporation, AlliedSignal, Inc., and the IEPA - (See Letter from Jeffrey P. Greenberg regarding respondent Celotex's bankruptcy issues filed 7/29; Agency's Motion to Dismiss filed 8/5 and Agreed Motion for Continuance filed 8/5; Complainants' Response to Agency's Motion to Dismiss filed 8/13; Respondent AlliedSignal's Agreed Motion for Continuance filed 8/19; Motion to Adopt the Agency's Previously Filed Motion to Dismiss filed 8/26)</u>	(CAM)
97-33 W-E	<u>People of the State of Illinois v. Archer Daniels Midland - Hearing Mandatory - No Order</u>	(GTG)
97-34 P-A, 90-Day Extension	<u>Prairie Preservation Properties, Inc. v. IEPA - Petitioner's 90-day Extension Request (8/19), Joint Request for 90-Day Extension of Appeal Period (8/23) - Order</u>	(CAM)
97-35 P-A, Air	<u>Illinois Power Company (Unit 2 - Baldwin Power Station) v. IEPA - (See Petitioner's Motion to Consolidate with PCB 97-36 filed 8/19) - Accept for Hearing Order</u>	(JY)
97-36 P-A, Air	<u>Illinois Power Company (Unit 1 - Baldwin Power Station) v. IEPA - (See Petitioner's Motion to Consolidate with PCB 97-35 filed 8/19) - Accept for Hearing Order</u>	(JY)

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

97-38 L, SW, RCRA-E	<u>People of the State of Illinois v. Amsted Industries, Inc., d/b/a Griffin Wheel Company; L.E. Swiderski, d/b/a Griffin Wheel Company, Hellman Trucking Company, Inc., and Horsehead Resource Development Company, Inc.</u> - Hearing Mandatory - No Order
97-39 W-V	<u>City of Moline v. IEPA</u> - Hold for Agency Recommendation - No Order
97-40 L-E	<u>People of the State of Illinois v. James R. Womack, d/b/a Womack Brothers Excavating</u> - Hearing Mandatory - No Order
97-41 P-A, 90-Day Extension	<u>Cabot Corporation v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (8/29) - Order
97-42 P-A, 90-Day Extension	<u>Cabot Corporation v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (8/29) - Order
97-43 RCRA, W-E	<u>People of the State of Illinois v. The Estate of Walter A. Brandy's formerly d/b/a A & D Auto Service, Barbara A. (Brandy's) Mandal, Christine M. (Brandy's) Douglas, Robert A. Brandys, and Vincent W. Brandys, Sr.</u> - Hearing Mandatory - No Order
97-44 P-A, 90-Day Extension	<u>Wayne County Regional Landfill v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (8/30)
97-45 Water	<u>Village of Fayetteville v. IEPA</u> - Provisional Variance (CAM)

CASES PENDING DECISION

R97-8	<u>Revision of the Board's Procedural Rules Parts 101 - 130- Proposal for Public Comment, Proposed Opinion and Order</u>	(CAM)
95-162	<u>Illinois Landfill, Inc. v. IEPA (due 9/19)</u>	(GTG)
L-V		
96-238	<u>Citizens United for a Responsible Environment v. Browning- Ferris Industries of Illinois, Inc. and Village Board of the Village of Davis Junction, Illinois (due 9/19)</u>	(GTG)
L-S-R, 3rd Party		
96-243	<u>Residents Against a Polluted Environment and The Edmund B. Thornton Foundation v. County of LaSalle and Landcomp Corporation (due 9/19)</u>	(McF)
L-S-R, 3rd Party		
96-246	<u>City of DeKalb v. IEPA (due 9/19)</u>	(JTM)
PWS-V		

ADJOURNMENT

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

AC 97-7	IEPA v. RCS, Inc. and Michael Duvall
AC 97-8	County of Will v. Mark Henke and Gene Suprenant
AC 97-9	County of Will v. American Fly Ash
AC 97-10	County of Will v. Land and Lakes
AC 97-11	County of Will v. Kenric Hwang
AC 97-12	County of Will v. Bob Linkowski
AC 97-13	County of DuPage v. Saleem M. Choudhry
97-33	People of the State of Illinois v. Archer Daniels Midland
97-34	Prairie Preservation Properties, Inc. v. IEPA
97-35	Illinois Power Company (Unit 2 - Baldwin Power Station) v. IEPA
97-36	Illinois Power Company (Unit 1 - Baldwin Power Station) v. IEPA
97-37	People of the State of Illinois v. Touhy Mobile Homes Park, Inc.
97-38	People of the State of Illinois v. Amsted Industries, Inc., d/b/a Griffin Wheel Company; L.E. Swiderski, d/b/a Griffin Wheel Company; Hellman Trucking Company, Inc.; and Horsehead Resource Development Company, Inc.
97-39	City of Moline v. IEPA
97-40	People of the State of Illinois v. James R. Womack, d/b/a Womack Brothers Excavating
97-41	Cabot Corporation v. IEPA
97-42	Cabot Corporation v. IEPA
97-43	People of the State of Illinois v. The Estate of Walter a. Brandys formerly d/b/a A & D Auto Service, Barbara A. (Brandys) Mandal, Christine M. (Brandys) Douglas, Robert A. Brandys, and Vincent W. Brandys, Sr.
97-44	Wayne County Landfill v. IEPA
97-45	Village of Fayetteville v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR THE FIRST HALF OF FY97

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

CASE TYPE CODES:

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist	RCRA Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S0 ₂	S0 ₂ Alternative Standards (35 IL) ADM. CODE 302.211(f)
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		