

## ILLINOIS POLLUTION CONTROL BOARD

### MINUTES OF REGULAR BOARD MEETING MAY 15, 1997 CHICAGO, ILLINOIS - 10:30 A.M.

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

Minutes of the May 1, 1997 Board Meeting were approved by a vote of 6-0.

Minutes of the May 9, 1997 Emergency Board Meeting were approved by a vote of 6-0.

In R97-15(A), Livestock Waste Regulations, 35 Ill. Adm. Code 506, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 4-2. Messrs. R.C. Flemal and G. Tanner Girard dissented. **(CAM)**

In R97-17, Exemptions from the Definition of VOM, USEPA Amendments (July 1, 1996 through December 31, 1996; HFC 43-10mee and HCFC 225ca and cb), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 6-0. **(GTG)**

An Order granting in part and denying in part the Agency's motion to accelerate the hearing schedule, was adopted in R97-25, Conforming Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code Part 302.101, 302.105, 302.Subpart E, 303.443 and 304.222, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(GTG)(CAM)(JY)**

An Order granting the petitioner's motion to waive the 200 signature requirement and allowing the petitioner to file four copies of its exhibits instead of the required nine, was adopted in R97-28, Site-Specific Petition of Mobil Oil Corporation for Relief from 35 Ill. Adm. Code 304.122, Ammonia Nitrogen Effluent Standards, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(RCF)**

An Order granting the petitioner's motion to file a response to the Agency's motion to strike its motion to amend its requested relief, accepting the petitioner's response, denying the Agency's motion to strike the petitioner's motion to amend requested relief, and granting the Agency's request for additional time until June 13, 1997, to respond to the substantive issues raised by the petitioner's motion to amend requested relief, was adopted in #AS 94-20, The Galesburg Sanitary District Petition for an Adjusted Standard from 35 Ill. Adm. Code 304.105, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(JY)**

An Order granting the petitioner's motion to reconsider a June 6, 1996 order, and upon reconsideration, extending the adjusted standard to June 16, 1997, was adopted in #AS 95-1, Petition of Tommy House Tire Company, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 848.202(b)(1), (b)(2) and (b)(5), by a vote of 6-0. **(McF)**

An Order denying the petitioner's motion for leave to supplement the record and sending the matter back to hearing, was adopted in #AS 97-2, Petition of Chemetco Company, Inc. for an Adjusted from 35 Ill. Adm. Code 720.131(a) and (c), by a vote of 6-0. **(KMH)**

An Opinion and Order was adopted in #AS 97-3, Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321, by a vote of 6-0. **(JY)**

An Opinion and Order was adopted in #96-118, People of the State of Illinois v. Dennis Fults, d/b/a St. Clair Construction and Paving, by a vote of 6-0. **(KMH)**

An Opinion and Order granting the complainant's motion requesting relief from the Illinois Environmental Protection Act's hearing requirement, and accepting the Stipulation and Settlement Agreement in the amount of \$12,500.00, was adopted in #96-245, People of the State of Illinois v. Pamarco, Inc., by a vote of 6-0. **(KMH)**

An Order granting the petitioner's request to incorporate the record of its prior variance in the matter, denying the petitioner's motion for expedited review due to the unique issues presented in the case, and directing the parties to file briefs on or before May 29, 1997, on whether R96-18, Amendments to 35 Ill. Adm. Code Subtitle F alleviates the rules' arbitrary or unreasonable hardship on petitioner, and thereby gives the petitioner the relief it requests, was adopted in #97-137, City of Joliet v. IEPA, by a vote of 5-1. Board Member R.C. Flemal dissented. **(KMH)**

An Opinion and Order was adopted in #AC 97-57, County of Jackson v. Southern Illinois Regional Landfill, by a vote of 6-0. **(KMH)**

An Opinion and Order was adopted in #AC 97-58, County of Jackson v. Gary Easton, by a vote of 6-0. **(KMH)**

An Interim Opinion and Order was adopted in #AC 97-17, County of Will v. Mitch Pinnick, by a vote of 6-0. Chairman C.A. Manning concurred. **(KMH)**

A Default Order finding that the respondent violated Sections 21(p)(1) and 21(p)(3) of the Illinois Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 97-53, County of Will v. Ernest Angelina, by a vote of 6-0. **(CAM)**

A Default Order finding that the respondent violated Sections 21(p)(1) and 21(p)(3) of the Illinois Environmental Protection Act, and assessing a \$1,000.00 penalty, was adopted in #AC 97-54, County of Will v. Space Available Corporation, by a vote of 6-0. **(CAM)**

These Administrative Citations were accepted by the Board: ##97-62, County of Will v. Crown-Trygg Corporation; 97-63, County of Will v. Derrick Craig; 97-64, Wayne County Health Department v. John Barnes; 97-65, IEPA v. Peter Gomez and Teri Wakeland.

Respondents' Motion to Dismiss filed in #96-53, David and Susi Shelton v. Steven and Nancy Crown, will be taken with the case-in-chief.

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of an agreed motion for relief from hearing requirement, was adopted in #96-144, People of the State of Illinois v. Coastal Mart, Inc., by a vote of 6-0. **(CAM)**

An Order granting a joint motion to clarify a March 20, 1997 Board order, was adopted in #96-194, The D.B. Hess Company, Inc. v. IEPA, by a vote of 6-0. **(McF)**

An Order lifting the stay granted in an April 3, 1997 Board order, denying the complainant's motion for clarification of the April 3, 1997 Board order, granting the complainant an extension of time until August 13, 1997 to respond to respondent's pending motions, denying complainant's motion for leave to file instant statements in support of its motions for clarification and extension of time, and directing the complainant to address whether Respondents Bicoastal and Singer should remain respondents in the matter, was adopted in #96-265, Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, and Eaton Corporation, by a vote of 6-0. **(JY)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion to request relief from hearing requirement, and granting the complainant until June 16, 1997, to file a reply to respondent Horsehead's objection to complainant's motion for voluntary dismissal without prejudice, was adopted 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, Horsehead Resource Development Company, Inc., and Hellman Trucking Company, Inc., by a vote of 6-0. **(JY)**

An Order denying the petitioner's motion to reconsider its February 6, 1997 opinion and order, and petitioner's motion to supplement, was adopted in #97-58, W.R. Meadows, Inc. v. IEPA, by a vote of 6-0. **(McF)**

An Order granting the petitioner's motion to withdraw, was adopted in #97-86, IMC AgriBusiness (formerly New Beden/Vigoro Industries) v. IEPA, by a vote of 6-0. **(JY)**

An Order accepting the matter for hearing, was adopted in #97-153, D&L Landfill, Inc. v. IEPA, by a vote of 6-0. **(CAM)**

An Order dismissing the docket as unnecessary, was adopted in #97-155, Shell Oil Products Company v. IEPA, by a vote of 6-0. **(CAM)**

An Order dismissing the docket as unnecessary, was adopted in #97-160, Browning-Ferris Industries of Illinois, Inc. v. IEPA, by a vote of 6-0. **(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 June 30, 1997, 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 #97-185, Old Elm Country Club v. IEPA, by a vote of 6-0. **(CAM)**

An Order accepting the matter for hearing, was adopted in #97-186, Elouisa Ferrales v. Office of the Illinois State Fire Marshal, by a vote of 6-0. **(KMH)**

An Order accepting the matter for hearing, was adopted in #97-187, Martin Oil Marketing, Ltd. v. IEPA, by a vote of 6-0. **(RCF)**

An Order granting the petitioner's motion to withdraw its request for a 90-Day extension of the appeal period and closing the docket, was adopted in #97-190, White Cap, Inc. v. IEPA, by a vote of 6-0. **(CAM)**

A mandatory hearing will be held in #97-192, People of the State of Illinois v. Sundale Sewer Corporation.

A mandatory hearing will be held in #97-193, People of the State of Illinois v. Community Landfill Company, Inc.,

An Order accepting the matter for hearing, was adopted in #97-195, W.R. Meadows, Inc. v. IEPA, by a vote of 6-0. **(RCF)**

A mandatory hearing will be held in #97-196, People of the State of Illinois v. Di Mucci Development Corporation of Round Lake, Inc..

An Order requesting additional information, was adopted in #97-199, Tri Star Marketing, Inc. v. IEPA, by a vote of 6-0. **(CAM)**

#### **ADDENDUM**

An Order granting the complainant's motion to dismiss the administrative citation, was adopted in #AC 97-56, County of Will v. Alan Beemsterboer, individually and Alan Beemsterboer d/b/a Dutch Barn Landscaping, by a vote of 6-0. **(CAM)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a request for relief from the hearing requirement, was adopted in #96-220, People of the State of Illinois v. AlliedSignal, Inc., by a vote of 5-0. Board member K.M. Hennessey abstained. **(RCF)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of an agreed motion to request relief from the hearing requirement, was adopted in #97-95, People of the State of Illinois v. City of Sterling, by a vote of 6-0. **(RCF)**

An Order granting the petitioner's motion to dismiss its appeal with prejudice and closing the docket, was adopted in #97-105, Tri Star Marketing, Inc. v. IEPA, by a vote of 6-0. **(McF)**

An Order accepting the matter for hearing, was adopted in #97-162, Swearingen Services, Inc. v. IEPA (Period from May 1, 1995 to July 31, 1995), by a vote of 6-0. **(CAM)**

An Order accepting the matter for hearing, was adopted in #97-163, Swearingen Services, Inc. v. IEPA (Period from November 1, 1994 to April 30, 1995), by a vote of 6-0. **(CAM)**

An Order accepting the matter for hearing, was adopted in #97-164, Swearingen Services, Inc. v. IEPA (Period from May 1, 1995 to May 31, 1995), by a vote of 6-0. **(CAM)**

An Order accepting the matter for hearing, was adopted in #97-165, Swearingen Services, Inc. v. IEPA (Period from May 1, 1995 to June 30, 1995), by a vote of 6-0. **(CAM)**

An Order accepting the matter for hearing, was adopted in #97-166, Swearingen Services, Inc. v. IEPA (Period from October 1, 1995 to October 31, 1995), by a vote of 6-0. **(CAM)**

A provisional variance was granted in #97-200, City of Mattoon v. IEPA, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(CAM)**

A provisional variance was granted in #97-201, Fox Waterway Agency v. IEPA, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(CAM)**

A provisional variance was granted in #97-202, Commonwealth Edison Company (Zion Power Station) v. IEPA, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(CAM)**

A mandatory hearing will be held in #97-203, People of the State of Illinois v. Spirc Environmental, Inc..

### **AGENDA**

These cases were discussed and held for further discussion or possible decision: ##96-47, Joseph Bogacz; 97-131, Central Illinois Public Service Company (Coffeen Power Station) v. IEPA; 97-159, Central Illinois Public Service Company (Newton Lake Thermal Power Station) v. IEPA.

### **ADDENDUM**

These regulatory matters were discussed and held for further discussion or possible decision: R96-17, Exemptions from State Permit Requirements, Amendments to 35 Ill. Adm. Code 201 and 211, Adopted Rule, Final Order, Opinion and Order; R97-11, Site Remediation Program

(Brownfields) and Groundwater Quality (35 Ill. Adm. Code 740 and 35 Ill. Adm. Code 620), Adopted Rule, Final Order, Opinion and Order; R97-12(A), Tiered Approach to Corrective Action (T.A.C.O.) 35 Ill. Adm. Code 742, Adopted Rule, Final Order, Opinion and Order.

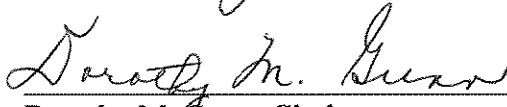
**AGENDA**

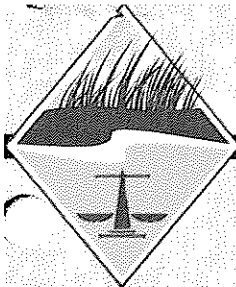
An Opinion and Order was adopted in #97-129, Pinewood Mobile Home Park v. IEPA, by a vote of 6-0. (McF)

All other matters not disposed of as listed were held.

Motioned and seconded, by a vote of 6-0, the meeting was adjourned by Chairman Manning at 11:40 a.m..

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 5<sup>th</sup> day of June, 1997, by a vote of 6-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



# ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph ♦ Suite 11-500 ♦ Chicago, IL 60601 ♦ 312-814-3620 ♦ Fax 312-814-3669

## GOVERNOR

Honorable Jim Edgar



## CHAIRMAN

Claire A. Manning  
Springfield

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DeKalb

G. Tanner Girard  
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## REGULAR BOARD MEETING AGENDA MAY 15, 1997 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

### REVISED ADDENDUM

#### ADMINISTRATIVE CITATIONS

AC 97-56 County of Will v. Alan Beemsterboer, (CAM)  
Individually and Alan Beemsterboer d/b/a Dutch  
Barn Landscaping - Complainant's Motion to  
Dismiss (5/13)

#### MOTIONS AND OTHER MATTERS

96-220 People of the State of Illinois v. AlliedSignal, (CAM)  
Inc. - Request for Relief from the Hearing  
RCRA-E, Requirement (5/8)  
Water

97-95 People of the State of Illinois v. City of Sterling (RCF)  
A&L-E - Agreed Motion to Request Relief from the  
Hearing Requirement (5/13)

97-105 Tri Star Marketing, Inc. v. IEPA - Petitioner's (McF)  
UST-FRD Motion to Dismiss Appeal with Prejudice (5/14)

97-162 Swearingen Services, Inc. v. IEPA (Period from (CAM)  
UST-FRD May 1, 1995 to July 31, 1995) - Accept for  
Hearing Order

**MOTIONS AND OTHER MATTERS (Cont'd)**

97-163 UST-FRD	<u>Swearingen Services, Inc. v. IEPA (Period from November 1, 1994 to April 30, 1995)</u> - Accept for Hearing Order	(CAM)
97-164 UST-FRD	<u>Swearingen Services, Inc. v. IEPA (Period from May 1, 1995 to May 31, 1995)</u> - Accept for Hearing Order	(CAM)
97-165 UST-FRD	<u>Swearingen Services, Inc. v. IEPA (Period from May 1, 1995 to June 30, 1995)</u> - Accept for Hearing Order	(CAM)
97-166 UST-FRD	<u>Swearingen Services, Inc. v. IEPA (Period from October 1, 1995 to October 31, 1995)</u> - Accept for Hearing Order	(CAM)
97-174 A-E, Citizens	<u>Bernice Loschen v. Grist Mill Confections, Inc.</u> - Complainant's Motion to Stay Board Action and to Amend Complaint (5/14)	(JY)
97-198 UST- Appeal, 90-Day Ext.	<u>Gibson Service Station v. IEPA</u> - Agency's Notification Denying the Petitioner's Request for a 90-Day Extension of Appeal Period (5/13)	(CAM)
97-200 W-V	<u>City of Mattoon v. IEPA</u> - Provisional Variance	(CAM)
97-201 W-V	<u>Fox Waterway Agency v. IEPA</u> - Provisional Variance	(CAM)
97-202 W-V	<u>Commonwealth Edison Company v. IEPA</u> - Provisional Variance	(CAM)



**MOTIONS AND OTHER MATTERS (Cont'd)**

97-203      People of the State of Illinois v. Spirco  
A-E          Environmental, Inc. - Hearing Mandatory - No  
                 Order

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**CASES PENDING DECISION**

R96-17      Exemptions from State Permit Requirements,      (GTG)  
R, Air        Amendments to 35 Ill. Adm. Code 201 and 211  
                 - Adopted Rule, Final Order, Opinion and Order

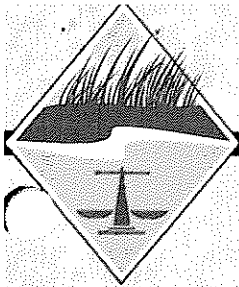
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R97-11      Site Remediation Program (Brownfields) and      (KMH)  
R, Land      Groundwater Quality(35 Ill. Adm. Code 740      (GTG)  
                 and 35 Ill. Adm. Code 620) - Adopted Rule,      (McF)  
                 Final Order, Opinion and Order

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R97-12(A)   Tiered Approach to Corrective Action      (McF)  
R, Land      (T.A.C.O.) 35 Ill. Adm. Code 742 - Adopted  
                 Rule, Final Order, Opinion and Order      (JY)

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## GOVERNOR

Honorable Jim Edgar



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## MEMBERS

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DeKalb

G. Tanner Girard  
Grafton

Kathleen M. Hennessey  
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Marili McFawn  
Inverness

J. Theodore Meyer  
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Joseph C. Yi  
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## AGENDA

**MAY 15, 1997 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

May 1, 1997

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May 9, 1997 (Emergency Board Meeting)

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## REGULATIONS AND ADJUSTED STANDARDS

R97-15(A) R, Land	<u>Livestock Waste Regulations, 35 Ill. Adm. Code 506 - Adopted Rule, Final Order, Opinion and Order</u>	(CAM)
R97-17 R, Air	<u>Exemptions from the Definition of VOM, USEPA Amendments (July 1, 1996 through December 31, 1996); HFC 43-10mee and HCFC 225ca and cb) - Adopted Rule, Final Order, Opinion and Order</u>	(GTG)
R97-25 R, Water	<u>Conforming Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code Part 302.101, 302.105, 302.Subpart E, 303.443 and 304.22 - Agency Motion to Accelerate Hearing Schedule (4/30)</u>	(GTG) (CAM) (JY)
R97-28 R, Water	<u>Site-Specific Petition of Mobil Oil Corporation for Relief from 35 Ill. Adm. Code 304.122, Ammonia Nitrogen Effluent Standards - Petitioner's Motion to Waive Requirement to Submit 200 Signatures and to Allow Less than Nine Copies of Exhibits (4/24)</u>	(RCF)
R97-29 R, Land	<u>Amendments to Location Standards for Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830.203(c) and 811.302</u>	
AS 94-5 Air	<u>Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart RR - Petitioner's Status Report in Response to March 20, 1997 Board Order (5/12)</u>	(JTM)
AS 94-20 Water	<u>Petition of the Galesburg Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 304.105 (Ammonia Nitrogen) - Petitioner's Motion to Amend Requested Relief (3/11), Agency's Motion to Strike Petitioner's Motion to Amend Requested Relief (3/19), Petitioner's Response to Agency's Motion to Strike and Motion to File Instanter (4/1)</u>	(JY)

## REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

AS 95-1 Land	<u>Petition of Tommy House Tire Company, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 848.202(b)(1), (b)(2) and (b)(5)</u> - Petitioner's Motion to Reconsider and Amend Board Order dated June 6, 1996 (4/21), Agency's Response to Petitioner's Motion to Reconsider and Amend Board Order dated June 6, 1996 (4/24)	(McF)
AS 97-2 Land, RCRA	<u>Petition of Chemetco Company, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a) and (c)</u> - Petitioner's Motion for Leave to Supplement the Record (4/23), Agency's Reply to Petitioner's Motion for Leave to Supplement the Record (4/29)	(KMH)
AS 97-3 Land, RCRA	<u>Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321</u>	(JY)
AS 97-8 Land	<u>Petition of Southern Illinois Regional Landfill, Inc. (SIRL) for an Adjusted Standard from 35 Ill. Adm. Code 811.309</u> - Petitioner's Certificate of Publication (5/5)	(McF)
AS 97-9 Land	<u>Petition of Recycle Technologies, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u> - Petitioner's Certificate of Publication (5/12)	(KMH)
<b>DECISIONS</b>		
96-118 A-E	<u>People of the State of Illinois v. Dennis Fults, d/b/a St. Clair Construction and Paving</u>	(KMH)
96-245 RCRA-E	<u>People of the State of Illinois v. Pamarco, Inc.</u> - Stipulation	(KMH)
97-129 PWS-V	<u>Pinewood Mobile Home Park v. IEPA</u> (due 5/30)	(McF)

**DECISIONS (Cont'd)**

97-137      City of Joliet v. IEPA (due 6/14)      (JTM)  
PWS-V

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**ADMINISTRATIVE CITATIONS**

AC 96-57      County of Jackson v. Southern Illinois Regional Landfill      (JTM)

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AC 96-58      County of Jackson v. Gary Easton      (JTM)

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AC 97-13      County of DuPage v. M. Saleem Choudry - Respondent's      (JTM)  
Motion for Reconsideration of March 20, 1997 Board Order  
(4/25)

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AC 97-17      County of Will v. Mitch Pinnick - Order      (KMH)

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AC 97-53      County of Will v. Ernest Angelina - Default Order      (CAM)

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AC 97-54      County of Will v. Space Available Corporation - Default Order      (CAM)

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AC 97-62      County of Will v. Crown-Trygg Corporation - Accept Case - No  
Order

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AC 97-63      County of Will v. Derrick Craig - Accept Case - No Order

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AC 97-64      Wayne County Health Department v. John Barnes - Accept Case  
- No Order

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AC 97-65      IEPA v. Peter Gomez and Teri Wakeland - Accept Case - No  
Order

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**MOTIONS AND OTHER MATTERS**

93-124      Tolles Realty Company v. IEPA - Petitioner's Motion for Ruling      (KMH)  
UST-FRD      on Petitioner's Motion for Summary Judgment (4/7)(see **Board**  
                 **Order of March 17, 1994**), Agency's Motion for Ruling (4/30),  
                 Agency's Response to Petitioner's Motion for Ruling on  
                 Petitioner's Motion for Summary Judgment and Agency's Motion  
                 for Leave to File Instanter (5/12), Petitioner's Response to  
                 Respondent's Motion for Ruling (5/12)

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95-91      People of the State of Illinois v. Waste Hauling Landfill, Inc. and      (CAM)  
RCRA-E      Waste Hauling, Inc. - Complainant's Motion to Allow Offer of  
                 Proof (4/28), Respondents' Response to Complainant's Motion to  
                 Allow Offer of Proof (5/5)

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96-53      David and Susi Shelton v. Steven and Nancy Crown -      (GTG)  
N-E,  
Citizens      Respondents' Motion to Dismiss (5/5)

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96-144      People of the State of Illinois v. Coastal Mart, Inc. - Agreed      (CAM)  
UST-E      Motion for Relief from Hearing Requirement (5/2)

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## MOTIONS AND OTHER MATTERS (Cont'd)

96-180 W-E Citizens	<u>Environmental Site Developers, Inc. v. White &amp; Brewer Trucking, Inc.</u> - Complainant's Motion to Consolidate, Motion for Partial Summary Judgment and Memorandum in Support of Motion for Partial Summary Judgment (12/9), Respondent's Motion for Leave to File Response in Excess of Page Limits, Response to Motion for Partial Summary Judgment, and Response in Opposition to Motion to Consolidate and Motion for Stay of Decision on Consolidation (1/14), Complainant's Response to Respondent's Motion for Stay of Decision on Consolidation and Motion for Leave to File a Reply Regarding Partial Summary Judgment (1/23), Complainant's Motion for Leave to File a Reply Regarding Consolidation (1/27), Motion to Amend Respondent's Response in Opposition to Motion to Consolidate and Motion for Stay of Decision on Consolidation and Response to Motion for Partial Summary Judgment (2/28), Respondent's Motion to Stay Proceedings, Memorandum of Law in Support of Motion to Stay Proceedings, and Motion for Leave to File Memorandum of Law in Support of Motion to Stay Proceedings in Excess of Page Limits (3/31), Complainant's Response and Motion for Leave to File Response in Excess of Page Limit (4/25), Respondent's Motion for Leave to File Reply to Complainant's Response in Opposition to Motion to Stay Proceedings (5/12)	(McF)
96-194 A-V	<u>The D.B. Hess Company, Inc. v. IEPA</u> - Joint Motion to Clarify March 20, 1997 Board Order (4/28)	(McF)
96-265 L,SW, RCRA-E	<u>Edward M. Pearl v Bicoastal Corporation, Singer Corporation, and Eaton Corporation</u> - Respondent Eaton Corporation's Second Motion to Dismiss Based on Changed Circumstances, Motion for Summary Judgment, and Request for Oral Argument (4/21), Complainant's Motion for Clarification of April 3, 1997 Board Order (4/28), Complainant's Motion for Leave to File Instanter Additional Statement in Support of Motion for Clarification and Motion for Extension of Time and the Additional Statement in Support of Motion for Clarification and Motion for Extension of Time (5/7)	(JY)

## MOTIONS AND OTHER MATTERS (Cont'd)

97-38 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> - Complainant's Motion for Voluntary Dismissal (4/24), Motion to Request Relief from Hearing Requirement (4/24), Respondent Horsehead Resource Development Company's Objection to Complainant's Motion for Voluntary Dismissal without Prejudice (5/5), Complainant's Motion for Leave to File Reply to Respondent Horsehead Resource Development Company's Objection to Motion for Voluntary Dismissal (5/8)	(JY)
97-58 A-V	<u>W.R. Meadows, Inc. v. IEPA</u> - Petitioner's Motion to Reconsider February 6, 1997 Order (3/14), Agency's Objection to Petitioner's Motion to Reconsider (3/28), Petitioner's Motion to Strike Agency's Objection to Petitioner's Motion to Reconsider and Motion to Supplement the Motion to Reconsider (4/3), Petitioner's Motion to Withdraw Petitioner's Motion to Strike (4/7), Agency's Objection to Petitioner's Motion to Supplement (4/10)	(McF)
97-84 UST-E	<u>George Casanave v. Amoco Oil Company and Ray L. Pearson</u> - Respondent Amoco Oil Company's Motion to Dismiss (1/21), Complainant's Response to Respondent Amoco Oil Company's Motion to Dismiss (3/18), Respondent Amoco Oil Company's Motion for Leave to File Instantly a Reply to Complainant's Response to its Motion to Dismiss (4/2)	(CAM)
97-86 UST- Appeal	<u>IMC AgriBusiness (formerly New Beden/Vigoro Industries) v. IEPA</u> - Petitioner's Notice of Withdrawal of Appeal (5/9)	(JY)



**MOTIONS AND OTHER MATTERS (Cont'd)**

97-93 A-E	<u>People of the State of Illinois v. Ashland, Inc.</u> - Complainant's Motion to Strike Respondent's Affirmative Defenses and Memorandum of Law in Support of Complainant's Motion to Strike Respondent's Affirmative Defenses (1/13), Respondent's Memorandum of Opposition to Complainant's Motion to Strike Respondent's Affirmative Defenses (1/30)	(GTG)
97-103 L&W-E	<u>People of the State of Illinois v. State Oil Company, William Anest, an individual, f/d/b/a S&amp;S Petroleum Products, Peter Anest, an individual, f/d/b/a S&amp;S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Millstream Service, Inc.</u> - Respondents' William Anest and Peter Anest Motion to Dismiss (4/18), Respondents' William Anest and Peter Anest Amended Memorandum in Support of Motion to Dismiss (5/1)	(CAM)
97-133 EPCRA-E	<u>People of the State of Illinois v. Douglas Furniture of California, Inc.</u> - Complainant's Motion for Leave to File Answer to Respondent's Third Affirmative Defense and Answer to Respondent's Third Affirmative Defense (5/12)	(JTM)
97-134 RCRA-E Citizens	<u>Dayton Hudson Corporation v. Cardinal Industries, Inc., and Daniel E. Cardinal, Jr.</u> - Respondents' Motion to Strike Complaint and Memorandum in Support (3/17), Complainant's Response to Respondents' Motion to Strike (4/7)	(CAM)
97-153 P-A	<u>D&amp;L Landfill, Inc. v. IEPA</u> - Accept for Hearing Order	(CAM)
97-155 UST- Appeal	<u>Shell Oil Products Company v. IEPA</u> - Dismissal Order	(CAM)
97-160 P-A, Land	<u>Browning-Ferris Industries of Illinois, Inc. v. IEPA</u> - Dismissal Order	(CAM)

**MOTIONS AND OTHER MATTERS (Cont'd)**

97-174 A-E, Citizens	<u>Bernice Loschen v. Grist Mill Confections, Inc.</u> - Duplicitous/Frivolous Determination ( <b>See Respondent's Motion to Dismiss Complaint filed 4/11; Complainant's Response to Respondent's Motion to Dismiss Complaint filed 4/21; Complainant's Motion to Stay Proceedings filed 4/28; Complainant's Motion to Withdraw Motion to Stay Proceedings filed 4/30</b> )	(JY)
97-183 UST-E, Citizens	<u>Trust Number 5439, by its Trustee, The Amalgamated Trust and Savings Bank v. Shell Oil Company</u> - Hold for Duplicitous/Frivolous Determination - No Order	(CAM)
97-185 UST-FRD, 90-Day Ext.	<u>Old Elm Country Club v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (4/24), Joint Request for 90-Day Extension of Appeal Period (5/5)	(CAM)
97-186 UST-FRD	<u>Elouisa Ferrales v. Office of the Illinois State Fire Marshal</u> - Accept for Hearing Order	(KMH)
97-187 UST- Appeal	<u>Martin Oil Marketing, Ltd. V. IEPA</u> - Accept for Hearing Order	(RCF)
97-190 P-A, 90- Day Ext.	<u>White Cap, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (4/29), Petitioner's Motion to Withdraw 90-Day Extension Request (5/7)	(CAM)
97-192 W-E	<u>People of the State of Illinois v. Sundale Sewer Corporation</u> - Hearing Mandatory - No Order	(JTM)
97-193 L-E	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> - Hearing Mandatory - No Order	(JTM)

## MOTIONS AND OTHER MATTERS (Cont'd)

97-194 P-A, NPDES, 3 <sup>rd</sup> Party	<u>Department of the Navy, Naval Training Center Great Lakes v. IEPA &amp; R. Lavin &amp; Sons, Inc.</u> - Order	(CAM)
97-195 P-A, Air	<u>W.R. Meadows, Inc. v. IEPA</u> - Accept for Hearing Order	(RCF)
97-196 W-E	<u>People of the State of Illinois v. Di Mucci Development Corporation of Round Lake, Inc.</u> - Hearing Mandatory - No Order	(GTG)
97-198 UST- Appeal, 90-Day Ext.	<u>Gibson Service Station v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (5/9) - Awaiting Agency Notification	
97-199 WWS	<u>Tri Star Marketing, Inc. v. IEPA</u> - Order	(CAM)

## CASES PENDING DECISION

96-47 A-E, Citizens	<u>Joseph Bogacz v. Commonwealth Edison</u>	(RCF)
97-131 W-V, NPDES	<u>Central Illinois Public Service Company (Coffeen Power Station) v. IEPA</u> (due 6/24)	(RCF)
97-159 W-V	<u>Central Illinois Public Service Company (Newton Lake Thermal Power Station) v. IEPA</u> (due 7/15)	

## ADJOURNMENT

**LIST OF NEW CASES FILED SINCE MAY 1, 1997 BOARD MEETING**

AC 97-62	County of Will v. Crown-Trygg Corporation
AC 97-63	County of Will v. Derrick Craig
AC 97-64	Wayne County Health Department v. John Barnes
AC 97-65	IEPA v. Peter Gomez and Teri Wakeland
97-192	People of the State of Illinois v. Sundale Sewer Corporation
97-193	People of the State of Illinois v. Community Landfill Company, Inc.
97-194	Department of the Navy, Naval Training Center Great Lakes v. IEPA & R. Lavin & Sons, Inc.
97-195	W.R. Meadows, Inc. v. IEPA
97-196	People of the State of Illinois v. Di Mucci Development Corporation of Round Lake, Inc.
97-198	Gibson Service Station v. IEPA
97-199	Tri Star Marketing, Inc. v. IEPA

**REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1997**

June 5  
June 19

July 10  
July 24

August 7  
August 21

September 4  
September 18

October 2  
October 16 \*

November 6  
November 20

December 4  
December 18

**NOTE: All Board Meetings will be held in Conference Room 9-040. Those noted with an asterisk will be held in Conference Room 9-031.**

**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)	S02	S02 Alternative Standards (35 ILL. 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		