

## ILLINOIS POLLUTION CONTROL BOARD

### MINUTES OF REGULAR BOARD MEETING JUNE 5, 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.

Minutes of the May 15, 1997 Board Meeting were approved by a vote of 6-0. Board Member J. Theodore Meyer abstained.

In R96-17, Exemptions from State Permit Requirements, Amendments to 35 Ill. Adm. Code 201 and 211, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. **(GTG)**

In R97-11, Site Remediation Programs (Brownfields) and Groundwater Quality (35 Ill. Adm. Code 740 and 35 Ill. Adm. Code 620), an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. **(KMH)(GTG)(McF)**

In R97-12(A), Tiered Approach to Corrective Action (T.A.C.O.) 35 Ill. Adm. Code 742, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. **(McF)(JY)**

In R97-24, 9% ROP Plan Control Measure for VOM Emissions - Tightening Cold Cleaning Requirements: Amendments to 35 Ill. Adm. Code Parts 211, 218 and 219, Subpart E, an Adopted rule, Final order, Opinion and Order was adopted by a vote of 7-0. **(JTM)**

An Order amending the original caption which incorrectly reflected that the proponents also sought to amend 35 Ill. Adm. Code 811.302, denying the City of Lake Forest's request that the Board not issue an order accepting the proposal for hearing, granting the proponents 30 days from the date of the order to file proof of service of the proposal upon the Illinois Environmental Protection Agency, the Illinois Department of Natural Resources, and the Illinois Attorney General with the Board, and directing that all pleadings must include the caption as amended in the order, was adopted in R97-29, Amendments to Location Standards for Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830.203(c), by a vote of 6-1. Board Member J. Theodore Meyer dissented. **(KMH)**

Board Member J. Theodore Meyer orally directed the hearing officer to prepare an order setting R97-30, Amendments to 35 Ill. Adm. Code Part 611 for hearing.

In R97-31, 15% ROP Plan: Wood Furniture Coating Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219, Subpart F, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. **(RCF)**

An Order dismissing the petition and closing the docket, was adopted in #AS 94-5, Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart RR, by a vote of 7-0. **(JTM)**

No action was taken by the Board on Petitioner's fourth amended petition filed in #AS 97-5, Petition of the Louis Berkman Company, d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code Part 215 Subpart F.

No hearing is necessary in AS 97-8, Petition of Southern Illinois Regional Landfill, Inc. (SIRL) for an Adjusted Standard from 35 Ill. Adm. Code 811.309, and petitioner's request for an expedited ruling will be honored consistent with the Board's time and resources.

An Opinion and Order granting the joint motion requesting relief from the Illinois Environmental Protection Act's hearing requirement, and accepting the Stipulation and Settlement Agreement in the amount of \$22,080.00, was adopted in #93-186, People of the State of Illinois v. Emco Chemical Distributors, by a vote of 6-1. Board Member J. Theodore Meyer dissented. **(RCF)**

An Opinion and Order was adopted in #96-47, Joseph Bogacz v. Commonwealth Edison Company, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(RCF)**

An Opinion and Order granting the joint motion requesting relief from the Illinois Environmental Protection Act's hearing requirement, and accepting the Stipulation and Settlement Agreement in the amount of \$5,000.00, was adopted in #96-136, People of the State of Illinois v. Steve Kulovsek d/b/a WSH Management Group and d/b/a Kulovsek Excavating, by a vote of 7-0. **(JY)**

An Opinion and Order granting the joint motion requesting relief from the Illinois Environmental Protection Act's hearing requirement, and accepting the Stipulation and Settlement Agreement in the amount of \$24,000.00, was adopted in #96-144, People of the State of Illinois v. Coastal Mart, Inc., by a vote of 6-1. Board Member J. Theodore Meyer dissented. **(CAM)**

An Opinion and Order was adopted in #97-131, Central Illinois Public Service Company (Coffeen Power Station) v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(RCF)**

An Order granting the petitioner's motion to withdraw its petition for variance, was adopted in #97-137, City of Joliet v. IEPA, by a vote of 7-0. **(JTM)**

An Opinion and Order was adopted in #97-159, Central Illinois Public Service Company (Newton Lake Thermal Power Station) v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(RCF)**

An Order granting the respondent's motion for reconsideration of the Board's March 20, 1997 order, and upon reconsideration, vacating the prior order and reinstating the respondent's petition

for review, directing that the matter proceed to hearing, and reminding the respondent that if the Board finds that the respondent has violated the Illinois Environmental Protection Act as alleged in the administrative citation, he shall pay the civil penalty plus any hearing costs incurred by the Board and DuPage County, was adopted in #AC 97-13, County of DuPage v. M. Saleem Choudry, by a vote of 7-0. **(JTM)**

An Order granting the complainant's motion to dismiss and closing the docket, was adopted in #AC 97-58, County of Will v. Daniel Stokes, by a vote of 7-0. **(CAM)**

A Default Order finding that the respondent violated Section 21(o)(5) of the Illinois Environmental Protection Act, and assessing a \$500.00 penalty, was adopted in #AC 97-59, County of Montgomery v. Envotech Illinois, Inc., by a vote of 7-0. **(CAM)**

Because a Petition for Review was received, a hearing will be held in this Administrative Citation: #97-60, IEPA v. Stacy Hess.

This Administrative Citation was accepted by the Board: #97-66, IEPA v. RCS, Inc. and Rickie L. Laird.

An Opinion and Order granting the petitioner and the Agency motions for ruling, granting the petitioner's motion for summary judgment, denying the Agency's motion for summary judgment, and dismissing and closing the docket, was adopted in #93-124, Tolles Realty Company v. IEPA, by a vote of 7-0. **(KMH)**

An Order granting the petitioner's motion for leave to withdraw its petition for review and closing the docket in the matter, was adopted in #94-225, Amoco Oil Company v. IEPA, by a vote of 7-0. **(JY)**

Complainant's motion to allow offer of proof and respondents' response to complainant's motion to allow offer of proof filed in #95-91, People of the State of Illinois v. Waste Hauling Landfill, Inc. and Waste Hauling, Inc., will be taken with the case-in-chief.

An Order granting respondent Electronic Interconnect, Inc.'s motion for an extension of time until June 30, 1997 to file its response to the complainant's motion for partial summary judgment, was adopted in #95-143, Gordon Krautsack v. Bhogilal Patel, an individual, and Electronic Interconnect, Inc., by a vote of 7-0. **(RCF)**

An Order granting the petitioner's motion for withdrawal of its petition for appeal and closing the docket, was adopted in #96-3, General Motors Corporation (GM Powertrain) v. IEPA, by a vote of 7-0. **(McF)**

An Order granting the parties leave to file the amended stipulation and directing the Clerk of the Board to cause publication of the required newspaper notice of the parties' request for relief from

the hearing requirement, was adopted in #96-147, People of the State of Illinois v. Illinois Cement Company, by a vote of 6-0. Board Member K.M. Hennessey abstained. (CAM)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties' request for relief from the hearing requirement, was adopted in #97-93, People of the State of Illinois v. Ashland, Inc., by a vote of 7-0. (GTG)

An Order dismissing the docket as unnecessary, was adopted in #97-167, Litchfield-Hillsboro Landfill v. IEPA, by a vote of 7-0. (CAM)

An Order accepting the matter for hearing, was adopted in #97-169, Maywood/Phillips 66 v. IEPA, by a vote of 7-0. (CAM)

An Order denying the respondent's motion to dismiss the complaint, finding the complaint to be neither duplicitous nor frivolous, and accepting the matter for hearing, was adopted in #97-174, Bernice Loschen v. Grist Mill Confections, Inc., by a vote of 6-1. Board Member J. Theodore Meyer dissented. (JY)

An Order accepting the matter for hearing, was adopted in #97-180, Atkinson Landfill Company v. IEPA, by a vote of 6-0. Board Member J. Theodore Meyer abstained. (CAM)

An Order finding the complaint to be neither duplicitous nor frivolous, and accepting the matter for hearing, was adopted in #97-183, Trust Number 5439, by its Trustee, The Amalgamated Trust and Savings Bank v. Shell Oil Company, by a vote of 7-0. (CAM)

An Order granting the Agency's request to file only four copies of the Administrative Record, denying the Agency's request that the Board waive its requirement that the Agency submit four copies of documents to be incorporated by reference from Frederick Cooper v. IEPA, PCB 96-158, as required by 35 Ill. Adm. Code 101.106, and directing the Agency to file the required filings pursuant to the order within 30 days of the date of the order, or as otherwise ordered by the hearing officer assigned to the case, was adopted in #97-189, Frederick Cooper Lamps, Inc. v. IEPA, by a vote of 7-0. (McF)

An Order construing the petitioner's letter requesting an extension of the 35-day time period as a petition for review so that the petitioner will not lose its right to file an appeal of the Agency's determination, granting the petitioner ten days to file a proper petition for review and proof of when the request was sent to the Board, advising the petitioner that if the petition for review is not filed within the above time frame, or if no proof of service is provided or the proof of service indicates that the request for an extension was untimely, the matter will be dismissed and the docket closed, advising the petitioner that the 120-day statutory time period in which the Board must render a final decision will begin running as of the date of the filing of the amended petition, and that a \$75.00 filing fee will be required at such time as the petitioner files the amended petition, was adopted in #97-198, Gibson Service Station v. IEPA, by a vote 7-0. (CAM)

An Order accepting the matter for hearing, was adopted in #97-204, Swearingin Services, Inc., by a vote of 7-0. **(RCF)**

An Order denying the Agency's motion to strike, and holding the matter for the Agency's recommendation, was adopted in #97-205, Illinois Landfill, Inc. v. IEPA, by a vote of 7-0. **(GTG)**

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 July 22, 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 #97-206, Sky-View Wholesale Nursery Sales Company v. IEPA, by a vote of 7-0. **(CAM)**

A mandatory hearing will be held in #97-207, People of the State of Illinois v. Inspiration Development Company.

This case was held for the Agency's recommendation: #97-209, Land and Lakes Company v. IEPA.

An Order accepting the matter for hearing, was adopted in #97-210, ESG Watts, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

An Order accepting the matter for hearing, was adopted in #97-211, Gord Leonard Union 76, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

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 #97-212, People of the State of Illinois v. City of Kewanee, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

An Order accepting the matter for hearing, was adopted in #97-213, Ryder Truck Rental, Inc. v. IEPA, by a vote of 7-0. **(CAM)**

A mandatory hearing will be held in #97-214, People of the State of Illinois v. Village of Carpentersville.

A mandatory hearing will be held in #97-215, People of the State of Illinois v. Keyser Industries, Inc. a/k/a Florida Plastics, Inc..

This case was held for the Agency's recommendation: #97-216, The Knapheide Manufacturing Company v. IEPA.

A mandatory hearing will be held in #97-217, People of the State of Illinois v. Bigelow Group, Inc..

A provisional variance was granted in #97-218, Laclede Steel Company v. IEPA, by a vote of 7-0. **(CAM)**

A provisional variance was granted in #97-219, City of Fulton v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

A provisional variance was granted in #97-220, Village of Tonica v. IEPA, by a vote of 6-0. Board Member K.M. Hennessey abstained. **(CAM)**

### ADDENDUM

An Order granting the petitioner's motion for voluntary withdrawal of appeals was granted in ##93-137, - 138, 94-119, - 172, - 209, - 323, - 324 - 330 - 331, Safety-Kleen Corporation v. IEPA, by a vote of 7-0. **(JTM)**

An Order granting the petitioner's motion for voluntary withdrawal of appeal was granted in #93-228, Safety-Kleen Corporation v. IEPA, by a vote of 7-0. **(RCF)**

An Order granting the petitioner's motion for voluntary withdrawal of appeal was granted in #94-97, Safety-Kleen Corporation v. IEPA, by a vote of 7-0. **(McF)**

An Order granting the petitioner's motion for voluntary withdrawal of appeal was granted in #94-166, Safety-Kleen Corporation v. IEPA, by a vote of 7-0. **(GTG)**

An Order granting the Agency's motion for an extension of time until 30 days before hearing to file the Agency records, and upon the Board's own motion consolidating the appeals for purposes of decision, was adopted in ##97-162, - 163, - 164, - 165 - 166, Swearingin Services, Inc. v. IEPA, by a vote of 7-0. **(RCF)**

This regulatory matter was discussed and held for further discussion or possible decision: 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, Proposed Rule, First Notice, Opinion and Order.

### AGENDA

These regulatory matters were discussed and held for further discussion or possible decision: R97-12(B), Tiered Approach to Corrective Action (T.A.C.O.) 35 Ill. Adm. Code 742, Proposed Rule, First Notice, Opinion and Order; R97-13, Emissions Reduction Market System Adoption of 35 Ill. Adm. Code 205 and Amendments to Ill. Adm. Code 106, Proposed Rule, First Notice,

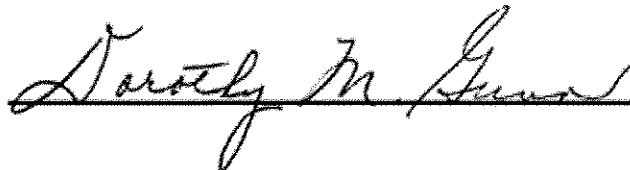
Opinion and Order; AS 97-4, Petition of Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 703.183.

This case was discussed and held for further discussion or possible decision: #97-139, Residents Against A Polluted Environment and The Edmund B. Thornton Foundation v. County of LaSalle and LandComp Corporation.

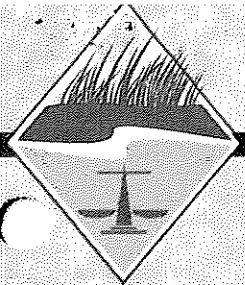
All other matters not disposed of as listed were held.

Motioned and seconded, by a vote of 7-0, the meeting was recessed, and will reconvene 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 19<sup>th</sup> day of June, 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a solid horizontal line.

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

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Springfield

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Inverness

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



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## REGULAR BOARD MEETING AGENDA JUNE 5, 1997 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

### ADDENDUM

#### REGULATIONS AND ADJUSTED STANDARDS

R97-29 R, Land	<u>Amendments to Location Standards for Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830.203(c) and 811.302 - Petitioner's First Response to the City of Lake Forest's Request that the Board not issue an order accepting the rulemaking for hearing (6/4), Petitioner's Second Response to the City of Lake Forest's Request that the Board not issue an order accepting the rulemaking for hearing (6/4)</u>	(KMH)
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#### MOTIONS AND OTHER MATTERS

93-137 93-138 94-119 94-172 94-209 94-323 94-324 94-330 94-331 P-A, RCRA	<u>Safety Kleen Corporation v. IEPA - Petitioner's Motion for Voluntary Withdrawal of Appeals (6/4)</u>	(JTM)
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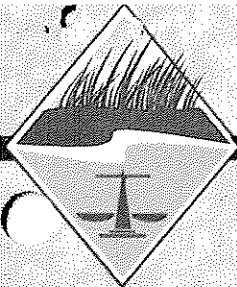
**MOTIONS AND OTHER MATTERS (Cont'd)**

93-228 P-A, RCRA	<u>Safety-Kleen Corporation v. IEPA</u> - Petitioner's Motion for Voluntary Dismissal of Appeal (6/4)	(RCF)
94-97 P-A, RCRA	<u>Safety-Kleen Corporation v. IEPA</u> - Petitioner's Motion for Voluntary Dismissal of Appeal (6/4)	(McF)
94-166 P-A, RCRA	<u>Safety-Kleen Corporation v. IEPA</u> - Petitioner's Motion for Voluntary Dismissal of Appeal (6/4)	(GTG)
95-143 L-E, Citizens	<u>Gordon Krautsack v. Bhogilal Patel, an individua, Subhash Patel, an individual, and Electronic Interconnect, Inc.</u> - Complainant's Response to Respondent Electronic Inerconnect's Motion for Extension of Time (6/3), Respondent Electronic Interconnect's Motion for Extension of Time to Respond to Complainant's Motion for Partial Summary Judgment (6/3)	(RCF)
97-162 97-163 97-164 97-165 97-166 UST-FRD	<u>Swearingin Services, Inc. v. IEPA</u> - Agency's Motions for Extension of Time to File Agency Records (5/20)	(RCF)
97-194 P-A, NPDES, 3 <sup>rd</sup> Party	<u>Department of the Navy, Naval Training Center Great Lakes v. IEPA and R. Lavin &amp; Sons, Inc.</u> - Respondent R. Lavin & Sons, Inc.'s Motion to File Reply to Petitioner's Memorandum in Opposition to Lavin's Motion to Dismiss	(CAM)

**CASES PENDING DECISION**

R97-25	<u>Conforming Amendments for the Great Lakes</u>	(GTG)
R, Water	<u>Initiative: 35 Ill. Adm. Code Part 302.101,</u> <u>302.105, 302.Subpart E, 303.443, and 304.222 -</u> Proposed Rule, First Notice, Opinion and Order	(CAM) (JY)

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# 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  
Grafton

Kathleen M. Hennessey  
Chicago

Marili McFawn  
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J. Theodore Meyer  
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## AGENDA

**JUNE 5, 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 15, 1997

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## REGULATIONS AND ADJUSTED STANDARDS

R96-17 R, Air	<u>Exemptions from State Permit Requirements, Amendments to 35 Ill. Adm. Code 201 and 211</u> - Adopted Rule, Final Order, Opinion and Order	(GTG)
R97-11 R, Land	<u>Site Remediation Program (Brownfields) and Groundwater Quality (35 Ill. Adm. Code 740 and 35 Ill. Adm. Code 620)</u> - Adopted Rule, Final Order, Opinion and Order	(KMH) (GTG) McF)
R97-12A R, Land	<u>Tiered Approach to Corrective Action (T.A.C.O.) 35 Ill. Adm. Code 742</u> - Adopted Rule, Final Order, Opinion and Order	(McF) (JY)
R97-24 R, Air	<u>9% ROP Plan Control Measure for VOM Emissions - Tightening Cold Cleaning Requirements: Amendments to 35 Ill. Adm. Code Parts 211, 218 and 219, Subpart E</u> - Adopted Rule, Final Order, Opinion and Order	(JTM)
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> - Set for Hearing Order	(KMH)
R97-30 R, PWS	<u>Amendments to 35 Ill. Adm. Code Part 611 (Cross Reference to Lab Accreditation Rules at 35 Ill. Adm. Code 186)</u>	
R97-31 R, Land	<u>15% ROP Plan: Wood Furniture Coating Amendments to 35 Ill. Adm. Code Parts 211, 218 and 219, Subpart F</u> - Petitioner's Motion for Waiver of Requirements (6/3) - Proposed Rule, First Notice, Opinion and Order	
AS 94-5 Air	<u>Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart RR</u> - Petitioner's Status Report in Response to March 20, 1997 Board Order (5/12)	(JTM)



## DECISIONS (Cont'd)

97-137      City of Joliet v. IEPA (due 6/14)(See **Petitioner's Motion to**      (JTM)  
PWS-V      **Withdraw its Petition for Variance filed 5/29)**

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97-159      Central Illinois Public Service Company (Newton Lake Thermal      (RCF)  
W-V      Power Station) v. IEPA (due 7/15)

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## ADMINISTRATIVE CITATIONS

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 97-53      County of Will v. Ernest Angelina - Letter - petition for      (CAM)  
review/motion for Reconsideration (6/2)(**Note: A Default**  
**Order was adopted at May 15, 1997 Board Meeting)**

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AC 97-58      County of Will v. Daniel Stokes - Complainant's Motion to      (CAM)  
Dismiss (6/2)

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AC 97-59      Montgomery County v. Envotech-Illinois, Inc. - Default Order      (CAM)

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AC 97-60      IEPA v. Stacy Hess - Accept for Hearing - No Order      (CAM)

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AC 97-66      IEPA v. RCS, Inc. and Rickie L. Laird - Accept Case - No Order

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## MOTIONS AND OTHER MATTERS

93-124 UST-FRD	<u>Tolles Realty Company v. IEPA</u> - Petitioner's Motion for Ruling on Petitioner's Motion for Summary Judgment (4/7)( <b>see Board Order of March 17, 1994</b> ), 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)	(KMH)
94-225 UST-FRD	<u>Amoco Oil Company (Winfield) v. IEPA</u> - Petitioner's Motion for Leave to Withdraw Petition for Review (5/27)	(JY)
95-64 L-E	<u>People of the State of Illinois v. Donald Pointer, Mitchell Holder, and Whiteway Sanitation, Inc.</u> - Complainant's Motion for Partial Summary Judgment and Memorandum in Support of Motion for Partial Summary Judgment (5/28)	(CAM)
95-91 RCRA-E	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc. and Waste Hauling, Inc.</u> - Complainant's Motion to Allow Offer of Proof (4/28), Respondents' Response to Complainant's Motion to Allow Offer of Proof (5/5)	(CAM)
95-143 L-E, Citizens	<u>Gordon Krautsack v. Bhogilal Patel, an individual, Subhash Patel, an individual, and Electronic Interconnect, Inc.</u> - Complainant's Motion for Partial Summary Judgment (5/20)	(RCF)
96-3 P-A, Air	<u>General Motors Corporation (GM Powertrain) v. IEPA</u> - Petitioner's Motion for Withdrawal of Petition (5/30)	(McF)
96-53 N-E, Citizens	<u>David and Susi Shelton v. Steven and Nancy Crown</u> - Respondents' Motion to Strike (6/2)	(GTG)
96-76 RCRA-E	<u>People of the State of Illinois v. Chemetco, Inc.</u> - Complainant's Motion for Summary Judgment (5/19)	(CAM)

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

96-147      People of the State of Illinois v. Illinois Cement Company -      (CAM)  
W-E,      Agreed Motion for Leave to File Amended Stipulation and Agreed  
Mine      Motion to Request Relief from the Hearing Requirement (5/19)

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96-180      Environmental Site Developers, Inc. v. White & Brewer Trucking,      (McF)  
W-E      Inc. - Complainant's Motion to Consolidate, Motion for Partial  
Citizens      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)

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96-265      Edward M. Pearl v Bicoastal Corporation, Singer Corporation, and      (JY)  
L,SW,RC      Eaton Corporation - Respondent Eaton Corporation's Second  
RA-E      Motion to Dismiss Based on Changed Circumstances, Motion for  
Summary Judgment, and Request for Oral Argument (4/21)

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## 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)	(JY)
97-64 EPCRA-E	<u>People of the State of Illinois v. Unique Marble Products, Inc.</u> - Complainant's Motion in Support of Offer of Proof and Motion to Add Exhibit (5/27)	(JTM)
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), Agreed Motion to Request Relief from the Hearing Requirement (5/16)	(GTG)
97-120 UST-FRD	<u>Ingleside Citgo Service, Inc. v. IEPA</u> - Agency Motion to Join Necessary Party (6/2)	(GTG)
97-148 L-E, Citizens	<u>Marilyn J. Richey v. Texaco Refining and Marketing, Inc.</u> - Respondent's Motion to Dismiss or Stay the Proceeding (6/2)	(GTG)
97-167 P-A, Land	<u>Litchfield-Hillsboro Landfill v. IEPA</u> - Dismissal Order	(CAM)
97-169 UST- Reimburse ment	<u>Maywood/Phillips 66 v. IEPA</u> - Accept for Hearing 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; Complainant's Motion to Stay Board Action and to Amend Complaint filed 5/14</b> )	(JY)
97-180 P-A, Land	<u>Atkinson Landfill Company v. IEPA</u> - Accept for Hearing Order	(CAM)
97-183 UST-E, Citizens	<u>Trust Number 5439, by its Trustee, The Amalgamated Trust and Savings Bank v. Shell Oil Company</u> - Duplicitous/Frivolous Determination -Order	(CAM)
97-189 P-A, Air	<u>Frederick Cooper Lamps, Inc. v. IEPA</u> - Agency's Motion to Incorporate Documents from a Prior Proceeding and Motion for Waiver of Requirements (5/21)	(McF)
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> - Respondent R. Lavin & Sons' Motion to Dismiss the Petition for Review (5/16), Agency's Motion to Dismiss (5/22), Petitioner's Memorandum in Opposition to Respondents' Motions to Dismiss (5/27)	(CAM)
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), Agency letters of May 13 and May 15, 1997 - Order	
97-199 WWS	<u>Tri Star Marketing, Inc. v. IEPA</u> - Agency Response and Motion to Dismiss the Petition (6/2)	(JY)

## MOTIONS AND OTHER MATTERS (Cont'd)

97-204 UST-FRD	<u>Swearingin Services, Inc. (Period from May 1, 1995 to September 30, 1995) v. IEPA</u> - Accept for Hearing Order	(RCF)
97-205 L-V	<u>Illinois Landfill, Inc. v. IEPA</u> - (See Agency's Motion to Strike filed 5/27 and Petitioner's Response to Agency's Motion to Strike filed 6/2)	(GTG)
97-206 UST- Appeal, 90-Day Ext.	<u>Sky-View Wholesale Nursery Sales Company v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (5/19), Joint Request for 90-Day Extension of Appeal Period (5/27) - Order	(CAM)
97-207 A & L-E	<u>People of the State of Illinois v. Inspiration Development Company</u> - Hearing Mandatory - No Order	(JY)
97-208 P-A, NPDES	<u>Arco Products Company v. IEPA</u> - (See Petitioner's Request to Consolidate with PCB 94-191 at bottom of page 2 of pleading filed 5/21) - Accept for Hearing Order	(RCF)
97-209 L-V	<u>Land and Lakes Company v. IEPA</u> - Hold for Agency Recommendation - No Order	
97-210 P-A, Land	<u>ESG Watts, Inc. v. IEPA</u> - Accept for Hearing Order	(CAM)
97-211 UST-FRD	<u>Gord Leonard Union 76, Inc. v. IEPA</u> - Accept for Hearing Order	(CAM)
97-212 W-E, NPDES	<u>People of the State of Illinois v. City of Kewanee</u> - Agreed Motion to Request Relief from the Hearing Requirement (5/23)	(CAM)
97-213 UST-FRD	<u>Ryder Truck Rental, Inc. v. IEPA</u> - Accept for Hearing Order	(CAM)

## MOTIONS AND OTHER MATTERS (Cont'd)

97-214 People of the State of Illinois v. Village of Carpentersville -  
W-E Hearing Mandatory - No Order

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97-215 People of the State of Illinois v. Keyser Industries, Inc. a/k/a  
A-E Florida Plastics, Inc. - Hearing Mandatory - No Order

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97-216 The Knapheide Manufacturing Company v. IEPA - Hold for  
A-V Agency Recommendation - No Order

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97-217 People of the State of Illinois v. Bigelow Group, Inc. - Hearing  
W-E Mandatory - No Order

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97-218 Laclede Steel Company v. IEPA - Provisional Variance (CAM)  
RCRA

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97-219 City of Fulton v. IEPA - Provisional Variance (CAM)  
Water

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97-220 Village of Tonica v. IEPA - Provisional Variance (CAM)  
Water

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## CASES PENDING DECISION

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

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R97-13 Emissions Reduction Market System Adoption of 35 Ill. Adm. (JY)  
R, Air Code 205 and Amendments to Ill. Adm. Code 106 - Proposed  
Rule, First Notice, Opinion and Order (McF)  
(KMH)

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AS 97-4 Petition of Ensign-Bickford Company for an Adjusted Standard (GTG)  
Land, from 35 Ill. Adm. Code 703.183  
RCRA

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**CASES PENDING DECISION (Cont'd)**

97-139      Residents Against A Polluted Environment and The Edmund B.  
L-S-R, 3<sup>rd</sup>   Thornton Foundation v. County of LaSalle and LandComp  
Party        Corporation (due 6/19)

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**ADJOURNMENT**

**LIST OF NEW CASES FILED SINCE MAY 15, 1997 BOARD MEETING**

AC 97-66	IEPA v. RCS, Inc. and Rickie L. Laird
97-204	Swearingin Services, Inc. v. IEPA
97-205	Illinois Landfill, Inc. v. IEPA
97-206	Sky-View Wholesale Nursery Sales Company v. IEPA
97-207	People of the State of Illinois v. Inspiration Development Company
97-208	Arco Products Company v. IEPA
97-209	Land and Lakes Company v. IEPA
97-210	ESG Watts, Inc. v. IEPA
97-211	Gord Leonard Union 76, Inc. v. IEPA
97-212	People of the State of Illinois v. City of Kewanee
97-213	KPMG Peat Marwick, LLP/Ryder Truck Rental, Inc. v. IEPA
97-214	People of the State of Illinois v. Village of Carpentersville
97-215	People of the State of Illinois v. Keyser Industries, Inc. a/k/a Florida Plastics, Inc.
97-216	The Knapheide Manufacturing Company v. IEPA
97-217	People of the State of Illinois v. Bigelow Group, Inc.
97-218	Laclede Steel Company v. IEPA
97-219	City of Fulton v. IEPA
97-220	Village of Tonica v. IEPA

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

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 held in Chicago will be held in Conference Room 9-040. Those noted with an asterisk will be held in Conference Room 9-031. The August 7, 1997 Board Meeting will be held in Springfield in the 3<sup>rd</sup> floor Conference Room of the Illinois Police Training Board, 600 South Second Street, Springfield.**

**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		