

## ILLINOIS POLLUTION CONTROL BOARD

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

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting, and introduced and welcomed the Board's new summer employee, David O'Dowd. Thereafter, the Clerk was asked for a roll call, and all Board Members answered present except G. Tanner Girard who was on vacation.

Minutes of the June 19, 1997 Board Meeting were approved by a vote of 5-0. Chairman Manning abstained.

In R97-12(B), Tiered Approach to Corrective Action (T.A.C.O.) 35 Ill. Adm. Code 742, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. **(McF)(JY)**

In R97-13, Emissions Reduction Market System Adoption of 35 Ill. Adm. Code 205 and Amendments to Ill. Adm. Code 106, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. **(JY)(McF)(KMH)**

Dockets were reserved in these regulatory matters: R98-1, Exemptions From Definitions of VOM, USEPA Amendments (January 1, 1997 through June 30, 1997); R98-2, SDWA Update, USEPA Regulations (January 1, 1997 through June 30, 1997); R98-3, UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997); R98-4, RCRA Subtitle D Update, USEPA Regulations (January 1, 1997 through June 30, 1997); R97-5, RCRA Subtitle C Update, USEPA Regulations (January 1, 1997 through June 30, 1997); R98-6, UST Update, USEPA Regulations (January 1, 1997 through June 30, 1997); R98-7, Wastewater Pretreatment Update, USEPA Regulations (January 1, 1997 through June 30, 1997).

In R98-8, Clean Fuel Fleet Program: Amendments to 35 Ill. Am. Code 241, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. **(CAM)**

An Order granting the petitioner's motion for continuance of stay of proceedings until September 8, 1997, was adopted in #AS 97-6, Petition of Granite City Steel for an Adjusted Standard from 35 Ill. Adm. Code 302.212 and 302.213 Water Quality Standards Relating to Ammonia, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(RCF)**

An Opinion and Order was adopted in #AS 97-8, Petition of Southern Illinois Regional Landfill, Inc. (SIRL) for an Adjusted Standard from 35 Ill. Adm. Code 811.309, by a vote of 6-0. **(McF)**

An Order denying the Agency's motion to dismiss, granting the petitioner 45 days from the date of the order to retain an attorney to represent it in the matter and its attorney must file an appearance and an amended petition, granting the Agency 30 days of the date on which the petitioner's attorney files an appearance, to file a response to the petition, and within 14 days of the filing of the Agency's response, the petitioner may file, through an attorney, a response to the

Agency's response, was adopted in #AS 97-9, Petition of Recycle Technologies, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c). by a vote of 5-1. Board Member J. Theodore Meyer dissented and Chairman Claire A. Manning concurred. **(KMH)**

This adjusted standard petition was held for an Agency response: #AS 98-1, Petition of Carus Chemical Company for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D.

An Opinion and Order granting the joint motion for relief from the hearing requirement, accepting the amended stipulation and settlement agreement in the amount of \$20,000.00, was adopted in #96-147, People of the State of Illinois v. Illinois Cement Company, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(CAM)**

An Opinion and Order was adopted in #97-151, Fox Waterway Agency v. IEPA, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(McF)**

An Opinion and Order accepting the stipulation and settlement agreement in the amount of \$3,000.00, was adopted in #97-212, People of the State of Illinois v. City of Kewanee, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(CAM)**

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

A Default Order finding that the respondent violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Illinois Environmental Protection Act, and assessing a \$1,500.00 penalty, was adopted in #AC 97-57, County of Vermilion v. Brickyard Disposal and Recycling, by a vote of 6-0. **(CAM)**

An Order granting the complainant's motion to dismiss and also closing the docket, was adopted in #AC 97-63, County of Will v. Derrick Craig, by a vote of 6-0. **(CAM)**

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 97-64, Wayne County Health Department v. John Barnes, by a vote of 6-0. **(CAM)**

A Default Order finding that the respondents violated Sections 21(o)(5) and 21(o)(12), and assessing a \$1,000.00 penalty, was adopted in #AC 97-66, IEPA v. RCS, Inc. and Rickie L. Laird, by a vote of 6-0. **(CAM)**

These Administrative Citations were accepted by the Board: ##97-71, County of Will v. Michael O'Gradney; 98-1, County of Will v. Edward Fogarty.

An Order granting the petitioner's motion to dismiss, and also closing the docket, was adopted in #94-191, ARCO Products Company v. IEPA, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(RCF)**

An Order granting the respondent's motion for further extension of time until July 7, 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, Subhash Patel, an individual, Electronic Interconnect, Inc., and Electronic Interconnect Corporation, by a vote of 6-0. **(RCF)**

Complainants' motion for hearing on order abatement measures filed in #96-68, Donnetta Gott, Lyndell Chaplin, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc., was referred to the hearing officer for disposition.

An Order granting the petitioner's motion to withdraw its permit appeal, and also closing the docket, was adopted in #96-108, Allied Tube & Conduit Corporation (Harvey Facility) v. IEPA, by a vote of 6-0. **(McF)**

An Order granting the complainant's motion to consolidate, and consolidating the matter with PCB 97-11, granting the respondent's motion for leave to file response in excess of page limits regarding the complainant's motion for partial summary judgment, withdrawing respondent's motion for stay of decision on consolidation, granting the complainant's motion for leave to file its reply regarding motion for partial summary judgment, granting complainant's motion for leave to file reply regarding motion for consolidation, granting the respondent's motion to amend its response in opposition to motion to consolidate and motion for stay of decision on consolidation and response to motion for partial summary judgment, granting the respondent's motion for leave to file memorandum of law in support of motion to stay proceedings in excess of page limits, and denying respondent's motion to stay proceedings, was adopted in #96-180, -97-11, Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc., and People of the State of Illinois v. White & Brewer Trucking, Inc., by a vote of 5-0. Board Member K.M. Hennesey abstained. **(McF)**

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, was adopted in #97-10, People of the State of Illinois v. Allsteel, Inc., by a vote of 5-0. Board Member K.M. Hennesey abstained. **(JTM)**

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, was adopted in #97-110, People of the State of Illinois v. Meto-Grafics, Inc., by a vote of 6-0. **(KMH)**

An Order denying the Agency's motion to join a necessary party, and granting the petitioner's motion for an extension of time to its response to the Agency's motion to join a necessary party, and accepting the response, was adopted in #97-120, Ingleside Citgo Service, Inc. v. IEPA, by a vote of 6-0. **(RCF)**

An Order dismissing the docket as unnecessary, was adopted in #97-176, Schuller International Corporation, a/k/a Manville Corporation, by a vote of 6-0. **(CAM)**

An order granting the petitioner's and the Agency's motions to dismiss, was adopted in #97-194, Department of the Navy, Naval Training Center Great Lakes v. IEPA and R. Lavin & Sons, Inc., by a vote of 5-0. Board Member K.M. Hennessey abstained. **(CAM)**

An Order dismissing the proceedings and closing the docket due to the petitioner's failure to file an amended petition or other filing within ten days of the Board's June 5, 1997 order, was adopted in #97-198, Gibson Service Station v. IEPA, by a vote of 6-0. **(CAM)**

An Order granting the petitioner motion for an extension of time until August 15, 1997 to file an amended petition that supplies the information which was deemed missing by the Board in its May 15, 1997 order, advising the petitioner that failure to file the amended petition on or before August 15, 1997 will subject the proceedings to dismissal, and directing the petitioner to file a response to the Agency's motion to dismiss on or before August 15, 1997, was adopted in #97-199, Tri Star Marketing, Inc. v. IEPA, by a vote of 6-0. **(JY)**

An Order granting the respondent's motion to appear pro hac vice for Ross R. Kinney, was adopted in #97-207, People of the State of Illinois v. Inspiration Development Company, by a vote of 6-0. **(JY)**

An Order granting the petitioner's motion to dismiss, and also closing the docket, was adopted in #97-208, Arco Products Company v. IEPA, by a vote of 5-0. Board Member K.M. Hennessey abstained. **(RCF)**

An Order granting the Agency's motion for an extension of time until July 30, 1997 to file its recommendation, was adopted in #97-216, The Knapheide Manufacturing Company v. IEPA, by a vote of 6-0. **(JTM)**

An Order requesting additional information, was adopted in #97-226, Riverview FS v. IEPA, by a vote of 5-1. Board Member J. Theodore Meyer dissented. **(KMH)**

This case was held for an Agency recommendation: #97-228, Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA.

Mandatory hearings will be held in ##97-229, People of the State of Illinois v. Autorad, Inc.; 97-230, People of the State of Illinois v. Standard T. Chemical Company; 97-231, People of the State of Illinois v. Graftek Press, Inc..

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event that the petitioner fails to file an appeal on or before August 12, 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 #97-232, Frank Shirey Cadillac, Inc. v. IEPA, by a vote of 6-0. **(CAM)**

An Order accepting the matter for hearing, was adopted in #97-233, Citizens Opposed to Additional Landfills and Harvey C. Pitt, individually and as a Member of Citizens Opposed to Additional Landfills v. Greater Egypt Regional Environmental Complex a/k/a Gere Properties, Inc. and the Perry County Board of Commissioners, by a vote of 6-0. (JY)

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 August 18, 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 #97-235, Laidlaw Waste Systems, Inc. v. IEPA, by a vote of 6-0. (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 #97-236, People of the State of Illinois v. Village of Bartlett, by a vote of 5-0. Board Member K.M. Hennessey abstained. (CAM)

A mandatory hearing will be held in #97-237, People of the State of Illinois v. Frank Levato.

An Order accepting the matter for hearing, was adopted in #98-2, ESG Watts, Inc. (Sangamon Valley Landfill) v. Sangamon County, Illinois, 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 August 27, 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 #98-3, Wheelabrator Water Technologies, Inc. v. IEPA, by a vote of 6-0. (CAM)

An Order accepting the matter for hearing, was adopted in #98-4, L. Keller Oil Properties, Inc. and Charles F. Keller (Collinsville/Keller Oil) v. IEPA, by a vote of 6-0. (CAM)

An Order accepting the matter for hearing, was adopted in #98-5, L. Keller Oil Properties, Inc. and Charles F. Keller (Sandoval/Keller Oil) v. IEPA, by a vote of 6-0. (CAM)

An Order accepting the matter for hearing, was adopted in #98-6, L. Keller Oil Properties, Inc. and Charles F. Keller (Centralia/Keller Oil) v. IEPA, by a vote of 6-0. (CAM)

#### ADDENDUM

An Order dismissing the docket as unnecessary, was adopted in #97-185, Old Elm Country Club v. IEPA, by a vote of 6-0. (CAM)

A provisional variance was granted in #98-7, Mobil Oil Corporation v. IEPA, by a vote of 6-0. (CAM)

A provisional variance was granted in #98-8, Ensign-Bickford Company 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 September 1, 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 #98-11, Federal Street Construction Company v. IEPA, by a vote of 6-0. (CAM)

A provisional variance was granted in #98-12, Commonwealth Edison Company (Zion Power Station) v. IEPA, by a vote of 5-0. Board Member K.M. Hennessey abstained. (CAM)

A provisional variance was granted in #98-13, Fox Waterway Agency v. IEPA, by a vote of 5-0. Board Member K.M. Hennessey abstained. (CAM)

This case was held for an Agency recommendation: #98-14, City of Salem, City of Freeport, and Knox County v. IEPA.

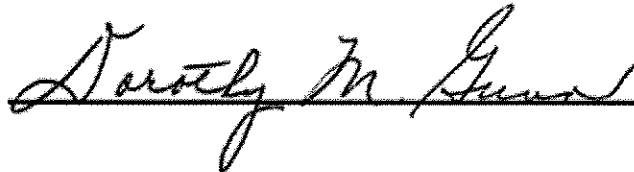
#### AGENDA

These cases were discussed and held for further discussion or possible decision: ##AC 97-41, County of Will v. Utilities Unlimited, Inc., Charles Petrekis, Sr., d/b/a Utilities Unlimited, Inc.; 97-64, People of the State of Illinois v. Unique Marble Products, Inc..

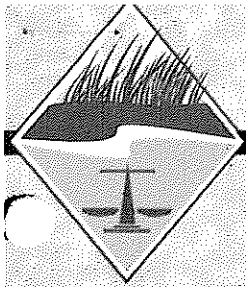
All other matters not disposed of as listed were held.

Motioned and seconded, by a vote of 6-0, the meeting was adjourned to an Executive Session 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 7<sup>th</sup> day of August 1997, by a vote of 5-0.



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

**MEMBERS**

Ronald C. Fernald  
DeKalb

G. Tanner Girard  
Grafton

Cathleen M. Hennessey  
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Marili McFawn  
Inverness

J. Theodore Meyer  
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## REGULAR BOARD MEETING AGENDA JULY 10, 1997 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

### ADDENDUM

#### REGULATIONS AND ADJUSTED STANDARDS

AS 97-6      Petition of Granite City Steel for an Adjusted      (RCF)  
                 Standard from 35 Ill. Adm. Code 302.212 and  
Water,      302.213, Water Quality Standards Relating to  
NPDES      Ammonia - Agency Response to Petitioner's  
                 Supplement to and Motion for Continuance of  
                 Temporary Stay of Proceedings (7/9)

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AS 98-1      Petition of Carus Chemical Company for an  
Land      Adjusted Standard from Ill. Adm. Code Part  
                 814, Subpart D - Petitioner's Certificate of  
                 Publication (7/9)

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#### MOTIONS AND OTHER MATTERS

95-143      Gordon Krautsack v. Bhogilal Patel, an      (RCF)  
L-E,      individual, Subhash Patel, an individual, and  
Citizens      Electronic Interconnect, Inc. - Complainant's  
                 Response to Respondent Electronic  
                 Interconnect's Second Motion for Extension of  
                 Time (7/9)

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96-191      White Cap, Inc. v. IEPA - Petitioner's Response      (JTM)  
A-V      to Agency's Motion to Modify Board Order  
                 dated November 7, 1996 and Motion to  
                 Expedite Board Decision (7/9)

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

97-185 UST- Appeal	<u>Old Elm Country Club v. IEPA</u> - Dismissal Order	(CAM)
97-199 WWS	<u>Tri Star Marketing, Inc. v. IEPA</u> - Agency Response to Petitioner's Motion for Extension of Time (7/8)	(JY)
98-7 A-V	<u>Mobil Oil Corporation v. IEPA</u> - Provisional Variance	(CAM)
98-8 L-V	<u>Ensign-Bickford Company v. IEPA</u> - Provisional Variance	(CAM)
98-9 UST-E, Citizens	<u>Edward Malina v. Emro Marketing Company and Marathon Oil Company</u> - Hold for Duplicitous/Frivolous Determination - No Order	
98-10 UST-E, Citizens	<u>The Village of Niles v. Mobil Oil Company</u> - Hold for Duplicitous/Frivolous Determination - No Order	
98-11 UST- Appeal, 90-Day Ext.	<u>Federal Street Construction Company v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (7/8), Joint Request for 90-Day Extension of Appeal Period (7/9)	(CAM)
98-12 W-V	<u>Commonwealth Edison Company (Zion Power Station) v. IEPA</u> - Provisional Variance	(CAM)
98-13 W-V	<u>Fox Waterway Agency v. IEPA</u> - Provisional Variance	(CAM)



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

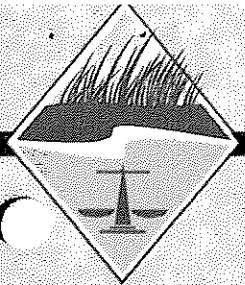
98-14      City of Salem, City of Freeport, and Knox  
L-V        County v. IEPA - Hold for Agency  
             Recommendation - No Order

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**CASES PENDING DECISION**

R96-10      RCRA Update, USEPA Regulations (July 1                      (KMH)  
             through December 31, 1995); UIC Update,  
R97-3        USEPA Regulations (January 1 through June  
R97-5        30, 1996); RCRA Update, USEPA Regulations  
             (January 1 through June 30, 1996) - Proposal for  
             Public Comment

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# ILLINOIS POLLUTION CONTROL BOARD

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## GOVERNOR

Honorable Jim Edgar



## CHAIRMAN

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Chicago

Marili McFawn  
Inverness

J. Theodore Meyer  
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## AGENDA JULY 10, 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

June 19, 1997

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## REGULATIONS AND ADJUSTED STANDARDS

R97-12B R, Land	<u>Tiered Approach to Corrective Action (T.A.C.O.) 35 Ill. Adm. Code 742</u> - Proposed Rule, First Notice, Opinion and Order	(McF) (JY)
R97-13 R, Air	<u>Emissions Reduction Market System Adoption of 35 Ill. Adm. Code 205 and Amendments to Ill. Adm. Code 106</u> - Proposed Rule, First Notice, Opinion and Order	(JY) (McF) (KMH)
R98-1 R, Air	<u>Exemptions From Definitions of VOM, USEPA Amendments (January 1, 1997 through June 30, 1997)</u> - <b>RESERVED</b>	
R98-2 R, PWS	<u>SDWA Update, USEPA Regulations (January 1, 1997 through June 30, 1997) Phase V Rules</u> - <b>RESERVED</b>	
R98-3 R, Land	<u>UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997)</u> - <b>RESERVED</b>	
R98-4 R, Land	<u>RCRA Subtitle D Update, USEPA Regulations (January 1, 1997 through June 30, 1997)</u> - <b>RESERVED</b>	
R98-5 R, Land	<u>RCRA Subtitle C Update, USEPA Regulations (January 1, 1997 through June 30, 1997)</u> - <b>RESERVED</b>	
R98-6 R, Land	<u>UST Update, USEPA Regulations (January 1, 1997 through June 30, 1997)</u> - <b>RESERVED</b>	
R98-7 R, Water	<u>Wastewater Pretreatment Update, USEPA Regulations (January 1, 1997 through June 30, 1997)</u> - <b>RESERVED</b>	
R98-8 R, Air	<u>Clean Fuel Fleet Program: Amendments to 35 Ill. Adm. Code 241</u> - Agency Motion for Waiver of Requirements (7/7)	

## REGULATIONS AND ADJUSTED STANDARDS (Cont'd)

AS 97-6 Water, NPDES	<u>Petition of Granite City Steel for an Adjusted Standards from 35 Ill. Adm. Code 302.212 and 302.213 Water Quality Standards Relating to Ammonia - Petitioner's Motion for Continuance of Temporary Stay of Proceedings (7/3), Petitioner's Supplement to Motion for Continuance of Temporary Stay of Proceedings (7/7)</u>	(RCF)
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>	(McF)
AS 97-9 Land	<u>Petition of Recycle Technologies, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c) - Petitioner's Certificate of Publication (5/12), Agency's Motion to Dismiss (5/20)</u>	(KMH)
AS 97-10 Land	<u>Petition of Waste Professionals, Inc., d/b/a Pekin Landfill for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D - Awaiting Certificate of Publication - No Order</u>	(RCF)
AS 97-11 Land	<u>Petition of the Greater Rockford Airport Authority for an Adjusted Standard from 35 Ill. Adm. Code Part 814 Subpart D - Agency Motion for Extension of Time to File Response to the Petition for an Adjusted Standard (7/3)</u>	(KMH)
AS 98-1 Land	<u>Petition of Carus Chemical Company for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D - Hold for Certificate of Publication - No Order</u>	

## DECISIONS

96-147 W-E, Mine	<u>People of the State of Illinois v. Illinois Cement Company - Amended Stipulation</u>	(CAM)
97-151 W-V, NPDES	<u>Fox Waterway Agency v. IEPA (due 7/25)</u>	(McF)

**DECISIONS (Cont'd)**

97-212 People of the State of Illinois v. City of Kewanee - Stipulation (CAM)  
W-E

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**ADMINISTRATIVE CITATIONS**

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

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AC 97-53 County of Will v. Ernest Angelina - Letter - petition for (GTG)  
review/motion for Reconsideration (6/2), Petition for Review  
(6/12)(**Note: A Default Order was adopted at May 15, 1997  
Board Meeting**)

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AC 97-57 County of Vermilion v. Brickyard Disposal and Recycling, Inc. - (CAM)  
Default Order

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AC 97-60 IEPA v. Stacy Hess - Joint Stipulation of Settlement and Dismissal (JTM)  
of Respondent's Petition for Administrative Review (7/7)

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AC 97-63 County of Will v. Derrick Craig - Complainant's Motion to (CAM)  
Dismiss (6/27)

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AC 97-64 Wayne County Health Department v. John Barnes - Default Order (CAM)

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AC 97-66 IEPA v. RCS, Inc. and Rickie L. Laird - Default Order (CAM)

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AC 97-71 County of Will v. Michael O'Gradney - Accept Case - No Order

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AC 98-1 County of Will v. Edward Fogarty - Accept Case - No Order

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## MOTIONS AND OTHER MATTERS

93-191 UST-E	<u>People of the State of Illinois v. Lloyd Weimann d/b/a Weimann Ice and Fuel, Texaco Refining and Marketing, Inc., and Eugene and Cheryl Halbrooks</u> - Respondent Texaco Refining and Marketing, Inc.'s Motion for Entry of Sanctions Against Respondent Lloyd Weimann d/b/a Weimann Ice & Fuel (6/16)	(CAM)
94-191 P-A NPDES	<u>ARCO Products Company v. IEPA</u> - Petitioner's Motion to Dismiss (6/23)	(RCF)
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)
95-90 A-V	<u>Minnesota Mining &amp; Manufacturing Company v. IEPA</u> - Petitioner's Second Amendment to Petition for Declaration of Compliance or in the Alternative for Variance (7/1)	(McF)
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), Respondent Electronic Interconnect, Inc.'s Motion for Further Extension of Time (6/30)	(RCF)
96-68 A-E Citizens	<u>Donetta Gott, Lyndell Chaplin, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc.</u> - Complainants' Motion for Hearing on Order Abatement Measures (6/17)	(KMH)
96-108 P-A, Air	<u>Allied Tube &amp; Conduit Corporation (Harvey Facility) v. IEPA</u> - Petitioner's Status Report and Motion to Withdraw Permit Appeal (6/20)	(McF)

**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 (12/9), Respondent's Motion for Leave to File Response in Excess of Page Limits (1/14), Respondent's Motion for Stay of Decision on Consolidation (1/14), Complainant's Motion for Leave to File Reply to Motion for Partial Summary Judgment (1/23), Complainant's Motion for Leave to File Reply to Motion for Consolidation (1/27), Respondent's Motion to Amend 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 (3/31), Respondent's Motion for Leave to File Memorandum of Law in Support of Motion to Stay Proceedings in Excess of Page Limits (3/31), Complainant's 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)
96-191 A-V	<u>White Cap, Inc. v. IEPA</u> - Agency Motion to File Motion to Modify Board Order dated November 7, 1996 Instantly, Motion to Expedite Board Decision and Motion to Modify Board Order dated November 7, 1996 (6/30)	(JTM)
97-10 RCRA-E	<u>People of the State of Illinois v. Allsteel, Inc.</u> - Motion to Request Relief from Hearing Requirement (6/25)	(JTM)

## 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, and Horsehead Resource Development Company, Inc.</u> - Complainant's Motion for Voluntary Dismissal Without Prejudice of Respondents Amsted Industries, Inc. and Horsehead Resource Development Company, Inc. (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), Complainant's Response to Respondent's Objection to Complainant's Motion for Voluntary Dismissal (6/16), Respondent Horsehead Resource Development Company's Motion for Leave to File Reply and Reply to Complainant's Response to Horsehead Resource Development Company's Objection to Complainant's Motion for Voluntary Dismissal (6/25), Complainant's Objection to Respondent Horsehead Resource Development Company's Motion for Leave to File Reply (7/3)	(JY)
97-64 EPCRA-E	<u>People of the State of Illinois v. Unique Marble Products, Inc.</u> - Respondent's Motion to Strike Complainant's Reply Brief (7/7)	(JTM)
97-110 RCRA-E	<u>People of the State of Illinois v. Meto-Grafics, Inc.</u> - Agreed Motion to Request Relief from the Hearing Requirement (7/7)	(KMH)
97-120 UST-FRD	<u>Ingleside Citgo Service, Inc. v. IEPA</u> - Agency Motion to Join Necessary Party (6/2), Petitioner's Motion for Extension of Time to File Response to Agency's Motion to Board to Join Necessary Party (6/9), Petitioner's Response in Opposition to Agency's Motion to Board to Join Necessary Party (6/18)	(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)



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

97-176 UST- Appeal, 90-Day Ext.	<u>Schuller International Corporation, a/k/a John Manville Sales Corporation, a/k/a Manville Corporation - Dismissal Order</u>	(CAM)
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), Respondent R. Lavin & Sons, Inc.'s Motion to File Reply to Petitioner's Memorandum in Opposition to its Motion to Dismiss (6/3)	(CAM)
97-198 UST- Appeal, 90-Day Ext.	<u>Gibson Service Station v. IEPA - Dismissal Order</u>	(CAM)
97-199 WWS	<u>Tri Star Marketing, Inc. v. IEPA - Agency's Response and Motion to Dismiss the Petition (6/2), Motion for Extension of Time (6/30)</u>	(JY)
97-207 A&L-E	<u>People of the State of Illinois v. Inspiration Development Company</u> - Respondent's Motion for an Order and Motion to Appear Pro Hac Vice for Ross R. Kinney (6/30), Respondent's Brief in Support of its Motion to Dismiss (7/1), Complainant's Response to Respondent's Motion to Dismiss (7/3)	(JY)
97-208 P-A, NPDES	<u>Arco Products Company v. IEPA - Petitioner's Motion to Dismiss (6/23)</u>	(RCF)
97-210 P-A, Land	<u>ESG Watts, Inc. v. IEPA - Respondent's Motion for Summary Judgment (7/7)</u>	(JY)

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

97-216 A-V	<u>The Knapheide Manufacturing Company v. IEPA</u> - Agency Motion for Extension of Time to File Recommendation (6/27)	(JTM)
97-221 W-E Citizens	<u>Debra Conway v. Edward and Winona Johnson, Sr.</u> - (See <b>Respondents' Response to Complaint filed 6/13 and Respondents' Motion to Dismiss filed 6/20)</b>	(GTG)
97-226 UST-FRD	<u>Riverview FS v. IEPA</u> - Additional Information Request Order	(KMH)
97-228 L-V	<u>Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA</u>	(RCF)
97-229 EPCRA-E	<u>People of the State of Illinois v. Autorad, Inc.</u> - Hearing Mandatory - No Order	(JTM)
97-230 EPCRA-E	<u>People of the State of Illinois v. Standard T. Chemical Company</u> - Hearing Mandatory - No Order	(JTM)
97-231 A-E	<u>People of the State of Illinois v. Graftek Press, Inc.</u> - Hearing Mandatory - No Order	(JTM)
97-232 UST- Appeal, 90-Day Ext.	<u>Frank Shirey Cadillac, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (6/19) - Order	(CAM)
97-233 L-S-R 3 <sup>rd</sup> Party	<u>Citizens Opposed to Additional Landfills and Harvey C. Pitt, Individually and as a Member of Citizens Opposed to Additional Landfills v. Greater Egypt Regional Environmental Complex a/k/a Gere Properties, Inc. and the Perry County Board of Commissioners</u> - Accept for Hearing Order	(JY)
97-234 UST-E Citizens	<u>Antonio D. H. Nam v. Kikon Suh</u> - Hold for Duplicitous/Frivolous Determination - No Order	

## MOTIONS AND OTHER MATTERS (Cont'd)

97-235 P-A, 90- Day Ext.	<u>Laidlaw Waste Systems, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (6/24) - Order	(CAM)
97-236 W-E	<u>People of the State of Illinois v. Village of Bartlett</u> - Agreed Motion to Request Relief from the Hearing Requirement (6/26)	(CAM)
97-237 A-E	<u>People of the State of Illinois v. Frank Levato</u> - Hearing Mandatory - No Order	
98-1 L-V	<u>City of Salem v. IEPA</u> - Hold for Agency Recommendation - No Order ( <b>See also Petitioner's Motion for Expedited Consideration on p. 10 of the Petition</b> )	
98-2 L-S-R	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. Sangamon County, Illinois</u> - Accept for Hearing Order	(CAM)
98-3 UST- Appeal, 90-Day Ext.	<u>Wheelabrator Water Technologies, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/3) - Order	(CAM)
98-4 UST- Appeal	<u>L. Keller Oil Properties, Inc. and Charles F. Keller (Collinsville/Keller Oil) v. IEPA</u> - Accept for Hearing Order	(CAM)
98-5 UST- Appeal	<u>L. Keller Oil Properties, Inc. and Charles F. Keller (Sandoval/Keller Oil) v. IEPA</u> - Accept for Hearing Order	(CAM)
98-6 UST- Appeal	<u>L. Keller Oil Properties, Inc. and Charles F. Keller (Centralia/Keller Oil) v. IEPA</u> - Accept for Hearing Order	(CAM)

## CASES PENDING DECISION

AC 97-41	<u>County of Will v. Utilities Unlimited, Inc., Charles Petrekis, Sr. D/b/a Utilities Unlimited, Inc.</u>	(JTM)
97-64 EPCRA- E	<u>People of the State of Illinois v. Unique Marble Products, Inc.</u>	(JTM)

**ADJOURNMENT**

**LIST OF NEW CASES FILED SINCE JUNE 19, 1997 BOARD MEETING**

R98-1	Exemptions From Definitions of VOM, USEPA Amendments (January 1, 1997 through June 30, 1997) <b>(Reserved)</b>
R98-2	SDWA Update, USEPA Regulations (January 1, 1997 through June 30, 1997) Phase V Rules <b>(Reserved)</b>
R98-3	UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997) <b>(Reserved)</b>
R98-4	RCRA Subtitle D Update, USEPA Regulations (January 1, 1997 through June 30, 1997) <b>(Reserved)</b>
R98-5	RCRA Subtitle C Update, USEPA Regulations (January 1, 1997 through June 30, 1997) <b>(Reserved)</b>
R98-6	UST Update, USEPA Regulations (January 1, 1997 through June 30, 1997) <b>(Reserved)</b>
R98-7	Wastewater Pretreatment Update, USEPA Regulations (January 1, 1997 through June 30, 1997) <b>(Reserved)</b>
R98-8	Clean Fuel Fleet Program: Amendments to 35 Ill. Adm. Code 241
AS 98-1	Petition of Carus Chemical Company for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D
AC 97-71	County of Will v. Michael O'Gradney
AC 98-1	County of Will v. Edward Fogarty
97-229	People of the State of Illinois v. Autorad, Inc.
97-230	People of the State of Illinois v. Standard T. Chemical Company
97-231	People of the State of Illinois v. Graftek Press, Inc.
97-232	Frank Shirey Cadillac, Inc. v. IEPA
97-233	Citizens Opposed to Additional Landfills and Harvey C. Pitt, Individually and as a Member of Citizens Opposed to Additional Landfills v. Greater Egypt Regional Environmental Complex a/k/a Gere Properties, Inc. and the Perry County Board of Commissioners
97-234	Antonio D. H. Nam v. Kikon Suh
97-235	Laidlaw Waste Systems, Inc. v. IEPA
97-236	People of the State of Illinois v. Village of Bartlett
97-237	People of the State of Illinois v. Frank Levato
98-1	City of Salem v. IEPA
98-2	ESG Watts, Inc. (Sangamon Valley Landfill) v. Sangamon County, Illinois
98-3	Wheelabrator Water Technologies, Inc. v. IEPA
98-4	L. Keller Oil Properties, Inc. and Charles F. Keller (Collinsville/Keller Oil) v. IEPA
98-5	L. Keller Oil Properties, Inc. and Charles F. Keller (Sandoval/Keller Oil) v. IEPA
98-6	L. Keller Oil Properties, Inc. and Charles F. Keller (Centralia/Keller Oil) v. IEPA

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

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)	S0 <sub>2</sub>	S0 <sub>2</sub> 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		