

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



JANUARY 22, 1998 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

### ANNOUNCEMENTS

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

### ROLL CALL

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All Board Members answered present.

### APPROVAL OF MINUTES

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Minutes of the January 8, 1998 meeting were approved by a vote of 6-0. Chairman Manning abstained.

### RULEMAKINGS

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<b>R97-28</b>	<u>In the Matter of: Site-Specific Petition of Mobil Oil Corporation for Relief from 35 Ill. Adm. Code 304.122, Ammonia Nitrogen Effluent Standards</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted amendments to the water pollution control regulations.	6-0 Hennessey abstained R, Water
<b>R97-31</b>	<u>In the Matter of: Wood Furniture Coating Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219.Subpart F</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted amendments to the air pollution control regulations.	7-0 R, Air

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## ADJUSTED STANDARDS (CONTINUED)

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**R98-12**      In the Matter of: Amendment of 35 Ill. Adm. Code 703, 720, 721, 724, 728, and 733 (Standards for Universal Waste Management) -  
No action taken.      R, Land

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**R98-24**      In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240 -  
Proposed Rule, First Notice, Opinion and Order. The Board accepted for hearing the Illinois Environmental Protection Agency's proposal to amend the Board's air pollution control regulations.      7-0  
R, Air

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**R98-26**      In the Matter of: Amendments to 35 Ill. Adm. Code 506, Livestock Waste - The Board on its own motion opened a docket to request that the Department of Agriculture submit a rulemaking proposal to the Board to amend the Board's regulations at 35 Ill. Adm. Code 506 to incorporate and implement the recent amendments to the Livestock Management Facilities Act (Livestock Act).      7-0  
R, Land

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**R98-27**      In the Matter of: Review of Remediation costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740) -  
The Board accepted for hearing the Illinois Environmental Protection Agency's proposal to amend the Site Remediation Program (35 Ill. Adm. Code 740).      7-0  
R, Land

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## ADMINISTRATIVE CITATIONS

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**AC 97-71**      County of Will v. Michael O'Gradney - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.      7-0

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## ADMINISTRATIVE CITATIONS (CONTINUED)

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AC 98-13	<u>IEPA v. Mandarin Investment Corporation, Jayne Lien, and Fred Rosenberger</u> - The Board granted complainant's motion to dismiss respondents Jayne Lien and Fred Rosenberger from the administrative citation action, accepted a stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, ordered the remaining respondent to pay a civil penalty of \$500, and dismissed this action. As part of the settlement agreement, respondent admitted violating Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)).	7-0
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## ADJUDICATORY CASES

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### Decisions

### Provisional Variances

*Since the Board must decide provisional variances within forty-two hours of their filing, any provisional variances filed prior to this meeting will be included here.*

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PCB 98-99	<u>Clark Refining &amp; Marketing, Inc. v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Madison County facility.	7-0 RCRA
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### Motions and Other Matters

PCB 95-143	<u>Gordon Krautsack v. Bhogilal Patel, an individual, Subhash Patel, an individual, and Electronic Interconnect, Inc.</u> - No action taken.	L-E, Citizens
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PCB 95-163	<u>People of the State of Illinois v. Clark Refining &amp; Marketing, Inc.</u> - No action taken.	A,W, & RCRA-E
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PCB 96-209	<u>People of the State of Illinois v. Macon County Landfill Corporation</u> - The Board denied complainant's motion to reconsider its November 20, 1997 Board order.	6-0 Manning abstained L-E
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**ADJUDICATORY CASES (CONTINUED)**

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***Other Motions and Matters (Continued)***

<b>PCB 96-222</b>	<u>Koppers Industries, Inc. v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this request for a permit appeal involving a Knox County facility.	6-0 Hennessey abstained  P-A, NPDES
<b>PCB 97-30</b>	<u>People of the State of Illinois v. Shell Oil Company</u> - No action taken.	A-E
<b>PCB 97-81</b>	<u>Millennium Petrochemicals, Inc. (f/k/a Quantum Chemical Corporation) v. IEPA</u> - No action taken.	P-A, Air
<b>PCB 97-121</b>	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - No action taken.	RCRA-E Citizens
<b>PCB 97-229</b>	<u>People of the State of Illinois v. Autorad, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Emergency Planning Community Right to Know Act enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice	7-0 EPCRA-E
<b>PCB 98-54</b>	<u>Edward Malina v. Jean Day</u> - The Board denied respondent's motion to dismiss.	6-1 Flemal dissented, McFawn concurred  UST-E, Citizens
<b>PCB 98-59</b>	<u>Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero</u> - The Board accepted respondent's motion to Take Judicial Notice of the College's United States District Court Complaint for Enforcement and Cost Recovery Under the Illinois Environmental Protection Act.	7-0 RCRA-E, Citizens

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## ADJUDICATORY CASES (CONTINUED)

### Other Motions and Matters (Continued)

<b>PCB 98-81</b>	<u>Charter Hall Homeowner's Association v. Overland Transportation System, Inc., and D.P. Cartage, Inc.</u> - The Board accepted for hearing this citizens' noise enforcement action against a Cook County facility.	Hennessey N-E, Citizens
<b>PCB 98-82</b>	<u>Resurrection Medical Center v. IEPA</u> - No action taken.	Yi UST-FRD
<b>PCB 98-97</b>	<u>Material Service Corporation v. J.W. Peters &amp; Sons, Inc.</u> - Hold for Duplicitous/Frivolous Determination - No action taken.	UST-E, Citizens
<b>PCB 98-98</b>	<u>Environmentally Concerned Citizens Organization (E.C.C.O.) and Beth Finney v. Landfill L.L.C. d/b/a and or a/k/a West End Disposal Facility and the Saline County Board of Commissioners</u> - The Board accepted for hearing this appeal of a pollution control facility (landfill) siting decision involving a Saline County facility.	7-0 L-S-R, Third Party

### CASES PENDING DECISION

<b>R98-9</b>	<u>In the Matter of: Municipal Solid Waste Landfill Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848</u> - Proposed Rule, First Notice, Opinion and Order	Girard Manning Yi R, Land
<b>R98-15</b>	<u>In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code 215 (Emission Standards and Limitations for Stationary Sources Located Outside the Chicago and Metro East Ozone Non-attainment Areas)</u> - Proposed Rule, First Notice, Opinion and Order	Flemal R, Air
<b>PCB 96-107</b>	<u>People of the State of Illinois v. ESG Watts, Inc.</u>	Manning A,L, W-E
<b>PCB 96-233</b>	<u>People of the State of Illinois v. ESG Watts, Inc.</u>	McFawn L&GW-E

**CASES PENDING DECISION (CONTINUED)**

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<b>PCB 98-1</b>	<u>City of Salem v. IEPA</u> (due 4/2)	McFawn L-V
<b>PCB 98-60</b>	<u>CDT Landfill Corporation v. City of Joliet</u> (due 2/20)	Yi L-S-R

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**OTHER ITEMS**

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The Chairman's motion for a Closed Deliberative Session to be held January 29, 1998, at 10:30 a.m., was granted by a vote of 7-0.

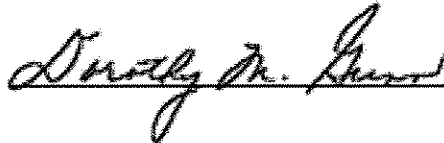
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**ADJOURNMENT**

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Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:00 a.m.

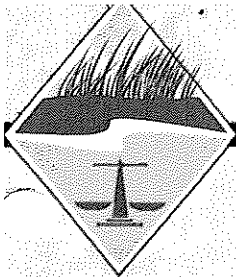
I, Dorothy M. Gunn, Clerk of the Illinois pollution Control Board, hereby certify that the above minutes were approved this 5th day of February 1998, by a vote of 6-0.



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



## REGULAR BOARD MEETING AGENDA JANUARY 22, 1998 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

### GOVERNOR

Honorable Jim Edgar

### CHAIRMAN

Claire A. Manning  
Springfield

### MEMBERS

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

Athleen M. Hennessey  
Chicago

Marili McFawn  
Inverness

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge

## ADDENDUM

### REGULATIONS AND ADJUSTED STANDARDS

R98-27	<u>In the Matter of: Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740) - (See Agency's Motion for Acceptance filed January 21, 1998 with Agency's Proposal) - Accept for Hearing Order</u>	Hennessey Manning McFawn R, Land
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### RINGFIELD OFFICE

100 South Second Street  
Suite 402  
Springfield, IL 62704  
217-524-8500  
Fax 217-524-8508

### SATELLITE OFFICES

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

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

### WEB SITE

<http://www.state.il.us/pcb/>

TDD 312-814-6032

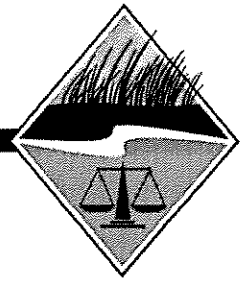


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# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING AGENDA



JANUARY 22, 1998 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

### ANNOUNCEMENTS

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*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. Thank you for your interest.*

### ROLL CALL

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### APPROVAL OF MINUTES

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January 8, 1998

### RULEMAKINGS

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R97-28	<u>In the Matter of: Site-Specific Petition of Mobil Oil Corporation for Relief from 35 Ill. Adm. Code 304.122, Ammonia Nitrogen Effluent Standards - Adopted Rule, Final Order, Opinion and Order</u>	Flema R, Water
R97-31	<u>In the Matter of: Wood Furniture Coating Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219.Subpart F - Adopted Rule, Final Order, Opinion and Order</u>	Flema R, Air

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**RULEMAKINGS (CONTINUED)**

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R98-12      In the Matter of: Amendment of 35 Ill. Adm. Code 703, 720, 721, 724, 728, and 733 (Standards for Universal Waste Management) - Proposed Rule, Second Notice, Opinion and Order      Manning  
R, Land

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R98-24      In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240 - Proposed Rule, First Notice, Opinion and Order      Hennessey  
R, Air

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R98-26      In the Matter of: Amendments to 35 Ill. Adm. Code 506, Livestock Waste - DOCKET RESERVED      R, Land

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**ADJUSTED STANDARDS**

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**ADMINISTRATIVE CITATIONS**

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AC 97-71      County of Will v. Michael O'Gradney - Complainant's Motion to Dismiss the Administrative Citation (1/16)      Meyer

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AC 98-13      IEPA v. Mandarin Investment Corporation, Jayne Lien, and Fred Rosenberger - Petition for Review (12/3), Agency Motion to Dismiss Respondents Jayne Lien and Fred Rosenberger (12/8), Joint Stipulation of Settlement and Dismissal of Respondent's Petition for Administrative Review (1/7)      Yi

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**ADJUDICATORY CASES**

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Decisions

Provisional Variances

*Since the Board must decide provisional variances within forty-eight hours of their filing, any provisional variances filed prior to this meeting will be included here.*

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PCB 98-99      Clark Refining & Marketing, Inc. v. IEPA - Provisional Variance      Manning  
RCRA

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## ADJUDICATORY CASES (CONTINUED)

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### Motions and Other Matters

*Additional motions on the following cases filed prior to this meeting may be included here.*

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<b>PCB 95-143</b>	<u>Gordon Krautsack v. Bhogilal Patel, an individual, Subhash Patel, an individual, and Electronic Interconnect, Inc.</u> - Respondent Electronic Interconnect Corporation's Motion for Extension of Time to Comply with Remediation Order and for Other Relief (1/5), Complainant's Response to Electronic Interconnect Corporation's Motion for an Extension of Time for Compliance with the Remediation Order (1/13)	Flemal L-E, Citizens
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<b>PCB 95-163</b>	<u>People of the State of Illinois v. Clark Refining &amp; Marketing, Inc.</u> - Complainant's Motion for Partial Summary Judgment and Memorandum of Law in Support of Complainant's Motion for Summary Judgment (12/16), Respondent's Motion for Summary Judgment, Memorandum of Law, Motion to File in Excess of Page Limits, and Motion to File Instantly (12/24)	Manning A, W, & RCRA-E
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<b>PCB 96-209</b>	<u>People of the State of Illinois v. Macon County Landfill Corporation</u> - Complainant's Motion to Reconsider November 20, 1997 Board Order Denying Motion for Partial Summary Judgment (12/11)	Flemal L-E
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<b>PCB 96-222</b>	<u>Koppers Industries, Inc. v. IEPA</u> - Petitioner's Motion to Withdraw the Permit Appeal (1/7)	Meyer P-A, NPDES
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<b>PCB 97-30</b>	<u>People of the State of Illinois v. Shell Oil Company</u> - Respondent's Motion to Dismiss, Motion for Leave to File Memorandum of Law in Support of Motion to Dismiss in Excess of Page Limits, and Memorandum of Law in Support of Motion to Dismiss (11/17), Complainant's Response to Respondent's Motion to Dismiss (12/23)	Meyer A-E
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<b>PCB 97-81</b>	<u>Equistar Chemicals, LP f/k/a Millennium Petrochemicals Corporation f/k/a Quantum Chemical Corporation</u> - Joint Motion for Remand (1/16)	Flemal P-A, Air
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## ADJUDICATORY CASES (CONTINUED)

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### Motions and Other Matters (Continued)

<b>PCB 97-121</b>	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - Complainant's Motion for Summary Judgment (12/24), Respondents' Motion to Strike all References in Complainant's Motion for Summary Judgment to Reports Prepared by Pioneer Environmental, Inc. (1/14)	McFawn RCRA-E Citizens
<b>PCB 97-229</b>	<u>People of the State of Illinois v. Autorad, Inc.</u> - Motion to Request Relief from Hearing Requirement (1/15)	Meyer EPCRA-E
<b>PCB 98-54</b>	<u>Edward Malina v. Jean Day</u> - (See Respondent's Motion to Dismiss filed 11/6, Complainant's Response to Respondent's Motion to Dismiss and Motion to Stay filed 11/17, and Respondent's Motion to Dismiss filed 12/5) - Duplicitous/Frivolous Determination Order	Yi UST-E, Citizens
<b>PCB 98-59</b>	<u>Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero</u> - Respondent's Motion that the Illinois Pollution Control Board Take Judicial Notice of the College's United States District Court Complaint for Enforcement and Cost Recovery Under the Illinois Environmental Protection Act (1/7), Complainant's Response to Respondent's Motion to Take Judicial Notice of Federal Court Complaint (1/14)	Girard RCRA-E, Citizens
<b>PCB 98-81</b>	<u>Charter Hall Homeowner's Association v. Overland Transportation System, Inc., and D.P. Cartage, Inc.</u> - Duplicitous/Determination Order	Hennessey N-E, Citizens
<b>PCB 98-82</b>	<u>Resurrection Medical Center v. IEPA</u> - Petitioner's Motion for Substitution of Attorneys (1/15)	Yi UST-FRD
<b>PCB 98-97</b>	<u>Material Service Corporation v. J.W. Peters &amp; Sons, Inc.</u> - Hold for Duplicitous/Frivolous Determination - No Order	UST-E, Citizens

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## ADJUDICATORY CASES (CONTINUED)

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### Motions and Other Matters (Continued)

PCB 98-98	<u>Environmentally Concerned Citizens Organization (E.C.C.O.) and Beth Finney v. Landfill L.L.C. d/b/a and or a/k/a West End Disposal Facility and the Saline County Board of Commissioners - Accept for Hearing Order</u>	Manning L-S-R, Third Party
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### CASES PENDING DECISION

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R98-9	<u>In the Matter of: Municipal Solid Waste Landfill Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848 - Proposed Rule, First Notice, Opinion and Order</u>	Girard Manning Yi R, Land
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R98-15	<u>In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code 215 (Emission Standards and Limitations for Stationary Sources Located Outside the Chicago and Metro East Ozone Non-attainment Areas) - Proposed Rule, First Notice, Opinion and Order</u>	Flemal R, Air
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PCB 96-107	<u>People of the State of Illinois v. ESG Watts, Inc.</u>	Manning A,L, W-E
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PCB 96-233	<u>People of the State of Illinois v. ESG Watts, Inc.</u>	McFawn L&GW-E
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PCB 98-1	<u>City of Salem v. IEPA (due 4/2)</u>	McFawn L-V
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PCB 98-60	<u>CDT Landfill Corporation v. City of Joliet (due 2/20)</u>	Yi L-S-R
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### OTHER ITEMS

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## ADJOURNMENT

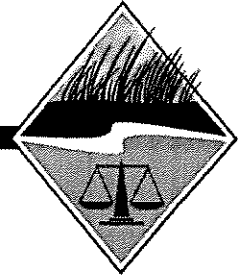
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### CASE TYPE CODES:

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		

# ILLINOIS POLLUTION CONTROL BOARD

## NEW CASE LISTING



### NEW CASES FILED SINCE JANUARY 8, 1998 BOARD MEETING

R98-26	In the Matter of: Amendments to 35 Ill. Adm. Code 506, Livestock Waste
PCB 98-97	Material Service Corporation v. J.W. Peters & Sons, Inc.
PCB 98-98	Environmentally Concerned Citizens Organization (E.C.C.) and Beth Finney v. Landfill L.L.C. d/b/a and or a/k/a West End Disposal Facility and the Saline County Board of Commissioners
PCB 98-99	Clark Refining & Marketing, Inc. v. IEPA