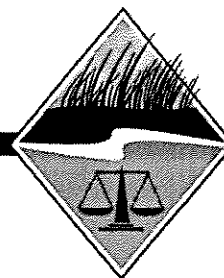


# ILLINOIS POLLUTION CONTROL BOARD

---

## MEETING MINUTES



MAY 7, 1998 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

### ANNOUNCEMENTS

---

After calling the meeting to order, Chairman Manning welcomed members of the public, staff, and former Board Member Joan Anderson to the meeting.

### ROLL CALL

---

The Clerk of the Board called the roll and all Board Members answered present.

### APPROVAL OF MINUTES

---

Minutes of the April 16, 1998 meeting were approved by a vote of 7-0.

### RULEMAKINGS

---

- |               |   |               |
|---------------|---|---------------|
| <b>R98-10</b> | <u>In the Matter of: Amendments to Major Stationary Sources Construction and Modification Rules (New Source Review Rules) 35 Ill. Adm. Code 203 - The Board granted the joint motion of the ERMS Coalition, IEPA, and IERG to reconsider the Board Opinion of March 5, 1998, and modified it by deletion of footnote 6.</u>   | 7-0<br>R, Air |
| <b>R98-16</b> | <u>In the Matter of: Petition of W.R. Grace &amp; Company - Connecticut, and the Illinois Environmental Protection Agency for Site-Specific Air Regulation: 35 Ill. Adm. Code 218.940(h) - Proposed Rule, Second Notice, Opinion and Order. The Board adopted a second notice opinion and order in this proposed rulemaking to amend the Board's air pollution control regulations.</u> | 7-0<br>R, Air |
-

## ADJUSTED STANDARDS

---

AS 97-5      In the Matter of: Petition of the Louis Berkman Company, d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code 215, Subpart F - The Board granted an adjusted standard, with conditions, from 35 Ill. Adm. Code 215.204(j)(2), which limits the amount of volatile organic material (VOM) that may be contained in coatings. This order amends and supplements the Board's interim order of December 19, 1996.

7-0  
Air

---

AS 97-11      In the Matter of: Petition of the Greater Rockford Airport Authority for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D - The Board granted petitioner's motion to dismiss this request for an adjusted standard.

7-0  
Land

---

AS 98-5      In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817 - The Board denied petitioner's request for an adjusted standard, finding it duplicitous of relief previously granted in AS 95-4.

7-0  
Land

---

AS 98-6      In the Matter of: Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321 - No action taken.

Land,  
RCRA

---

AS 98-7      In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 106.705 - The Board acknowledged receipt of this petition for an adjusted standard from certain requirements on behalf of a St. Clair County facility and held it pending receipt of a certificate of publication. No action taken.

Water

---

## ADMINISTRATIVE CITATIONS (CONTINUED)

---

### ADMINISTRATIVE CITATIONS

---

**AC 98-8**      County of Will v. William Hunter - The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (p)(3) (1996)) and assessing a penalty of \$1,000. The Board ordered the Clerk of the Board and the County to file within 14 days a statement of hearing costs, supported by affidavit, with service on Hunter. 7-0

---

**AC 98-19**      County of Jackson v. Gary Easton - No action taken.

---

**AC 98-20**      County of Jackson v. Gary Easton - No action taken.

---

**AC 98-21**      County of Jackson v. Randy McBride - The Board entered an order dismissing this administrative citation for failure to perfect service within 60 days of the date of the observed violation. 7-0

---

**AC 98-22**      IEPA v. Terry Wingert - Upon receipt of respondent's petition for review, the Board accepted for hearing an administrative citation against this Stephenson County respondent.

---

**AC 98-23**      IEPA v. Pike County Landfill, Inc. - The Board entered an order finding that this Pike County respondent violated Sections 21(o)(5) and (o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5), (o)(12) (1996)) and ordered it to pay a civil penalty of \$1,000. 7-0

---

**AC 98-24**      IEPA v. City of Mound City - The Board entered an order finding that this Pulaski County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered it to pay a civil penalty of \$500. 7-0

---

## ADMINISTRATIVE CITATIONS (CONTINUED)

---

AC 98-26     IEPA v. Jay Greer - The Board accepted an administrative citation against this Madison County respondent.

---

AC 98-27     IEPA v. Chris Thompson - The Board accepted an administrative citation against this Rock Island County respondent.

---

AC 98-28     County of Will v. Richard and Kim Guess - The Board accepted an administrative citation against these Will County respondents.

---

---

## ADJUDICATORY CASES

---

### Decisions.

PCB 95-91     People of the State of Illinois v. Waste Hauling Landfill, Inc., and Waste Hauling, Inc.; and Waste Hauling Landfill, Inc. and Waste Hauling, Inc. as Cross-claimants v. Bell Sports, Inc. - No action taken.     RCRA-E

---

PCB 97-52     People of the State of Illinois v. Mutual Asbestos Control Contractors, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this RCRA enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$6,000, and to cease and desist from further violations.     7-0  
A-E

---

PCB 98-98     Environmentally Concerned Citizens Organization (ECCO) and Beth Finney v. Landfill L.L.C., d/b/a West End Disposal Facility and The Saline County Board of Commissioners - The Board affirmed the decision of the Saline County Board of Commissioners which approved the siting for a regional pollution control facility owned by Landfill L.L.C. a/b/a West End Disposal Facility.     7-0  
L-S-R, 3<sup>rd</sup>  
Party

---

## ADJUDICATORY CASES (CONTINUED)

---

### 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.*

---

<b>PCB 98-152</b>	<u>City of Kewanee v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this Henry County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in Special Condition No. 12 of its NPDES Permit No. IL0029343 and in 35 Ill. Adm. Code 305.102(b) and 304.141.	6-0 Hennessey abstained Water
-------------------	--	--

---

### Motions and Other Matters

<b>PCB 95-143</b>	<u>Gordon Krautsack v. Bhogilal Patel, and individual, Subhash Patel, an individual, Electronic Interconnect, Inc., and Electronic Interconnect Corporation</u> - The Board granted respondent's motion for extension of time in part, and found complainant's motion for default moot.	7-0 L-E, Citizens
-------------------	---	-------------------------

---

<b>PCB 96-76</b>	<u>People of the State of Illinois v. Chemetco, Inc.</u> - The Board granted complainant's motion to amend the complaint.	7-0 L-E
------------------	---	------------

---

<b>PCB 96-181</b>	<u>ESG Watts, Inc. v. IEPA</u> - No action taken.	P-A, Land
-------------------	---	-----------

---

<b>PCB 97-8</b>	<u>People of the State of Illinois v. Cyberamerica Corporation, f/k/a Canton Industrial Corporation</u> - No action taken.	L-E
-----------------	--	-----

---

<b>PCB 97-103</b>	<u>People of the State of Illinois v. State Oil Company, William Anest, f/d/b/a S&amp;S Petroleum Products, Peter Anest, f/d/b/a S&amp;S Petroleum Products, Charles Abraham, Josephine Abraham, and Milstream Service, Inc.</u> - No action taken.	L&W-E
-------------------	---	-------

---

## ADJUDICATORY CASES (CONTINUED)

---

### Other Motions and Matters (Continued)

<b>PCB 97-133</b>	<u>People of the State of Illinois v. Douglas Furniture of California, 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 97-140</b>	<u>North Shore Sanitary District v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this permit appeal involving a Lake County facility.	7-0 P-A, Land
<b>PCB 97-186</b>	<u>Elouisa Farrales v. Office of the State Fire Marshal</u> - The Board granted respondent's motion for summary judgment in this appeal of an underground storage tank decision involving a Cook County facility.	7-0 UST-FRD
<b>PCB 97-195</b>	<u>W.R. Meadows, Inc. v. IEPA</u> - The Board granted petitioner's motion for summary judgment in part and ordered this matter to proceed to hearing concerning the remaining permit denial issues.	7-0 P-A, Air
<b>PCB 97-207</b>	<u>People of the State of Illinois v. Inspiration Development Company</u> - No action taken.	A&L-E
<b>PCB 97-210</b>	<u>ESG Watts, Inc. v. IEPA</u> - No action taken.	P-A, Land
<b>PCB 98-22</b>	<u>Village of Matteson v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD

---

## ADJUDICATORY CASES (CONTINUED)

---

### Other Motions and Matters (Continued)

<b>PCB 98-84</b>	<u>Scott and Shelly Behrmann v. Okawville Farmers Elevator - St. Libory</u> - No action taken.	N-E, Citizens
<b>PCB 98-93</b>	<u>People of the State of Illinois v. Salt Creek Drainage Basin Sanitary District</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a DuPage County facility, the Board ordered publication of the required newspaper notice.	6-0 Hennessey abstained W-E
<b>PCB 98-110</b>	<u>Phillips 66 Company v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Will County facility.	7-0 UST-FRD, 90-Day Ext.
<b>PCB 98-111</b>	<u>County of Boone, and the City of Belvidere v. IEPA</u> - The Board granted petitioners' attorney's motion to appear <i>pro hac vice</i> and accepted this appeal of a land permit on behalf of a Boone County facility for hearing.	7-0 P-A, Land
<b>PCB 98-114</b>	<u>David Mulvain, Individually, as a Resident of the Village of Durand and the Durand Sanitary District, and as a Trustee of the Board of Trustees of the Village of Durand v. IEPA, Rockford Blacktop Construction, and the Village of Durand</u> - No action taken.	W-E, Citizens
<b>PCB 98-115</b>	<u>Illinois State Toll Highway Authority v. IEPA</u> - The Board accepted this underground storage tank appeal on behalf of a Boone County facility for hearing.	7-0 UST-Appeal

---

## ADJUDICATORY CASES (CONTINUED)

---

### Other Motions and Matters (Continued)

<b>PCB 98-123</b>	<u>People of the State of Illinois v. Gilster Mary Lee Corporation</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Randolph County facility, the Board ordered publication of the required newspaper notice.	6-0 Hennessey abstained W-E
<b>PCB 98-142</b>	<u>Coastal Mart, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Massac County facility.	7-0 UST-FRD, 90-Day Ext.
<b>PCB 98-143</b>	<u>Accurate Perforating Company, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.	7-0 UST-FRD, 90-Day Ext.
<b>PCB 98-144</b>	<u>People of the State of Illinois v. Edward Van Der Molen and Peter T. Barton, d/b/a Shadow Lakes Resort</u> - The Board accepted for hearing this water enforcement action against a Will County facility.	W-E
<b>PCB 98-145</b>	<u>People of the State of Illinois v. Bodine Electric Company</u> - Hearing Mandatory - The Board accepted for hearing this air enforcement action against a Cook County facility.	A-E
<b>PCB 98-146</b>	<u>Donald Hoing, d/b/a Don's Service v. Office of the State Fire Marshal</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Hancock County facility.	7-0 UST-FRD
<b>PCB 98-147</b>	<u>Jake Seabury v. IEPA</u> - Awaiting Illinois Environmental Protection Agency response. No action taken.	UST-FRD 90-Day Ext.

---



## ADJUDICATORY CASES (CONTINUED)

---

### Other Motions and Matters (Continued)

<b>PCB 98-148</b>	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc., a/k/a Briggs Plumbing Products, Inc.</u> - The Board accepted this land enforcement action against a Knox County facility for hearing.	L-E
<b>PCB 98-149</b>	<u>North Shore Sanitary District v. IEPA</u> - The Board denied petitioner's request for a 90-Day Extension of appeal but accepted petitioner's letter requesting an extension of the 35-day time period as a petition for review, ordering petitioner to file an amended petition or the action would be subject to dismissal.	7-0 P-A, Land
<b>PCB 98-150</b>	<u>Country Care Centers v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Christian County facility.	7-0 UST-FRD 90-Day Ext.
<b>PCB 98-151</b>	<u>John Boos &amp; Company v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Effingham County facility.	7-0 UST-Appeal 90-Day Ext.

### CASES PENDING DECISION

---

<b>R97-15(B)</b>	<u>In the Matter of: Livestock Waste Regulations, 35 Ill Adm. Code 506</u> - Proposed Rule, First Notice, Opinion and Order	McFawn R, Land
<b>R97-21</b> <b>R98-3</b> <b>R98-5</b>	<u>In the Matter of: RCRA Update, USEPA Regulations (July 1, 1996 through December 31, 1996); In the Matter of: UIC Update, USEPA Regulations (January 1, 1997 through June 30, 1997); In the Matter of: RCRA Update, USEPA Regulations (January 1, 1997 through June 30, 1997)</u> - Proposal for Public Comment, Opinion and Order of the Board	Hennessey R, Land
<b>R98-9</b>	<u>In the Matter of: Municipal Solid Waste Landfill (MSWLF) Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848</u> - Proposed Rule, Second Notice, Opinion and Order	Girard Manning Yi R, Land

**CASES PENDING DECISION (CONTINUED)**

---

**R98-14**      In the Matter of: Petition of PDV Midwest Refining, L.L.C. for a Site-Specific Rulemaking Amendment to 35 Ill. Adm. Code 304.213 - Proposed Rule, First Notice, Opinion and Order      Yi  
R, Water

---

**R98-24**      In the Matter of: Enhanced Vehicle Inspection and Maintenance Regulations: Amendments to 35 Ill. Adm. Code 240 - Proposed Rule, Second Notice, Opinion and Order      McFawn  
R, Air

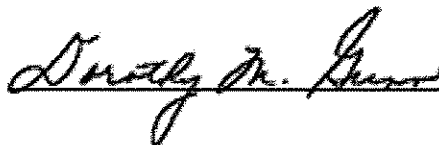
---

**ADJOURNMENT**

---

Moved and seconded, by a vote of 7-0, the Chairman Manning reconvened the meeting in an Executive Session in the Chairman's office 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 21st day of May 1998 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

# ILLINOIS POLLUTION CONTROL BOARD

---

## MEETING AGENDA



MAY 7, 1998 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. Thank you for your interest.*

### ROLL CALL

---

### APPROVAL OF MINUTES

---

April 16, 1998

### RULEMAKINGS

---

- |               |  |                     |
|---------------|--|---------------------|
| <b>R98-10</b> | <u>In the Matter of: Amendments to Major Stationary Sources Construction and Modification Rules (New Source Review Rules) 35 Ill. Adm. Code 203 - Joint Motion of ERMS Coalition, IEPA, and IERG to Reconsider March 5, 1998 Board Opinion (4/9)</u> | Hennessey<br>R, Air |
| <b>R98-16</b> | <u>In the Matter of: Petition of W.R. Grace &amp; Company - Connecticut, and the Illinois Environmental Protection Agency for Site-Specific Air Regulation: 35 Ill. Adm. Code 218.940(h) - Proposed Rule, Second Notice, Opinion and Order</u>       | Yi<br>R, Air        |
-

## ADJUSTED STANDARDS

---

AS 97-5      In the Matter of: Petition of the Louis Berkman Company, d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code 215, Subpart F      Hennessey  
Air

---

AS 97-11      In the Matter of: Petition of the Greater Rockford Airport Authority for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D - Petitioner's Motion for Withdrawal of Petition (5/4)      Hennessey  
Land

---

AS 98-5      In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817 - (See Petitioner's Motion for Expedited Consideration filed 3/13; Agency Motion to Dismiss filed 4/1; and Petitioner's Response to Agency Motion to Dismiss filed 4/8) - Petitioner's Separate Certificates of Publication (3/25)      Girard  
Land

---

AS 98-6      In the Matter of: Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321 - (See Agency's Motion for Extension of Time to File Response filed 4/17) - Awaiting Certificate of Publication      McFawn  
Land,  
RCRA

---

AS 98-7      In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 106.705 - Hold for Certificate of Publication      Water

---

## ADMINISTRATIVE CITATIONS

---

AC 98-8      County of Will v. William Hunter - Interim Opinion and Order      Hennessey

---

AC 98-19      County of Jackson v. Gary Easton - Default Order      Manning

---

AC 98-20      County of Jackson v. Gary Easton - Default Order      Manning

---

## ADMINISTRATIVE CITATIONS (CONTINUED)

---

AC 98-21	<u>County of Jackson v. Randy McBride - Dismissal Order</u>	Manning
AC 98-22	<u>IEPA v. Terry Wingert - Accept for Hearing - No Order</u>	Yi
AC 98-23	<u>IEPA v. Pike County Landfill, Inc. - Default Order</u>	Manning
AC 98-24	<u>IEPA v. City of Mound City - Default Order</u>	Manning
AC 98-26	<u>IEPA v. Jay Greer - Accept Case - No Order</u>	
AC 98-27	<u>IEPA v. Chris Thompson - Accept Case - No Order</u>	
AC 98-28	<u>County of Will v. Richard and Kim Guess - Accept Case - No Order</u>	

---

## ADJUDICATORY CASES

---

### Decisions

PCB 95-91	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., and Waste Hauling, Inc.; and Waste Hauling Landfill, Inc. and Waste Hauling, Inc. as Cross-claimants v. Bell Sports, Inc.</u>	Manning RCRA-E
PCB 97-52	<u>People of the State of Illinois v. Mutual Asbestos Control Contractors, Inc. - Stipulation</u>	Meyer A-E
PCB 98-98	<u>Environmentally Concerned Citizens Organization (ECCO) and Beth Finney v. Landfill L.L.C., d/b/a West End Disposal Facility and The Saline County Board of Commissioners (due 5/16)</u>	Girard L-S-R, 3 <sup>rd</sup> Party

---

## ADJUDICATORY CASES (CONTINUED)

---

### 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.*

---

### Motions and Other Matters

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

---

<b>PCB 95-143</b>	<u>Gordon Krautsack v. Bhogilal Patel, and individual, Subhash Patel, an individual, Electronic Interconnect, Inc., and Electronic Interconnect Corporation</u> - Respondent Electronic Interconnect Corporation's Motion for Extension of Time to Comply with Remediation Order and for Other Relief (4/17), Complainant's Motion for Default of Board Order Dated January 22, 1998 (4/21), Respondent Electronic Interconnect Corporation's Response to Complainant's Motion for Default of Board Order Dated January 22, 1998 (4/23), Complainant's Response to Respondent Electronic Interconnect Corporation's Motion for Extension of Time (4/24)	Flemal L-E, Citizens
<b>PCB 96-76</b>	<u>People of the State of Illinois v. Chemetco, Inc.</u> - Complainant's Motion to Amend the Complaint (4/8)	Hennessey L-E
<b>PCB 96-181</b>	<u>ESG Watts, Inc. v. IEPA</u> - Petitioner's Motion for Summary Judgment (5/4)	McFawn P-A, Land
<b>PCB 97-8</b>	<u>People of the State of Illinois v. Cyberamerica Corporation, f/k/a Canton Industrial Corporation</u> - Complainant's Motion for Modification of February 5, 1998 Final Board Order (4/10), Respondent's Opposition to Motion for Modification of Final Order (4/21), Complainant's Memorandum in Support of Motion for Modification of Final Order (4/27)	Manning L-E

---

## ADJUDICATORY CASES (CONTINUED)

---

### Motions and Other Matters (Continued)

<b>PCB 97-103</b>	<u>People of the State of Illinois v. State Oil Company, William Anest, f/d/b/a S&amp;S Petroleum Products, Peter Anest, f/d/b/a S&amp;S Petroleum Products, Charles Abraham, Josephine Abraham, and Milstream Service, Inc.</u> - Respondents' William and Peter Anest's Motion to Dismiss Cross-Complaint and Memorandum in Support of Motion to Dismiss Cross-Complaint (4/18/97), Cross-Complainants' Charles and Josephine Abraham and Millstream Service, Inc.'s Response to Respondents' Motion to Dismiss (6/20/97), Respondents' William and Peter Anest's Reply to Cross-Complainant's Response to its Motion to Dismiss Cross-Complaint (6/30/97)	Manning L&W-E
<b>PCB 97-133</b>	<u>People of the State of Illinois v. Douglas Furniture of California, Inc.</u> - Motion to Request Relief from Hearing Requirement (4/17)	Meyer EPCRA-E
<b>PCB 97-140</b>	<u>North Shore Sanitary District v. IEPA</u> - Petitioner's Motion to Dismiss (4/27)	Girard P-A, Land
<b>PCB 97-186</b>	<u>Elouisa Farrales v. Office of the State Fire Marshal</u> - Respondent's Motion for Summary Judgment and Memorandum of Law in Support of its Motion for Summary Judgment (4/9)	Hennessey UST-FRD
<b>PCB 97-195</b>	<u>W.R. Meadows, Inc. v. IEPA</u> - Petitioner's Motion for Summary Judgment (2/23), Agency Response in Opposition to Petitioner's Motion for Summary Judgment and Motion for Waiver of Requirements (3/9), Petitioner's Reply to Agency's Response in Opposition to Petitioner's Motion for Summary Judgment (3/16), Agency Motion to Strike, Reply, and Motion for Leave to File Reply Instanter (3/24), Petitioner's Response in Opposition to the Agency's Motion for Leave to File Brief in Excess of 15-Page Limit Nunc Pro Tunc and Petitioner's Response in Opposition to Agency's Motion for Leave to File Reply Instanter (3/26)	Flemlal P-A, Air

---

## ADJUDICATORY CASES (CONTINUED)

---

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

<b>PCB 97-207</b>	<u>People of the State of Illinois v. Inspiration Development Company</u> - Complainant's Motion to Strike Affirmative Defenses (4/22)	Manning A&L-E
<b>PCB 97-210</b>	<u>ESG Watts, Inc. v. IEPA</u> - Petitioner's Motion for Summary Judgment (5/1)	Yi P-A, Land
<b>PCB 98-22</b>	<u>Village of Matteson v. IEPA</u> - Petitioner's Motion for Voluntary Dismissal (4/21)	Girard UST-FRD
<b>PCB 98-84</b>	<u>Scott and Shelly Behrmann v. Okawville Farmers Elevator - St. Libory</u> - Respondent's Motion to Dismiss (4/24), Complainants' Response to Respondent's Motion to Dismiss (4/27)	Yi N-E, Citizens
<b>PCB 98-93</b>	<u>People of the State of Illinois v. Salt Creek Drainage Basin Sanitary District</u> - Agreed Motion to Request Relief from the Hearing Requirement (4/30)	Meyer W-E
<b>PCB 98-110</b>	<u>Phillips 66 Company v. IEPA</u> - Dismissal Order	Manning UST-FRD, 90-Day Ext.
<b>PCB 98-111</b>	<u>County of Boone, and the City of Belvidere v. IEPA</u> - (See <b>Petitioner's Motion to Appear Pro Hac Vice filed 4/15</b> ) - Accept for Hearing Order	Hennessey P-A, Land

---



## ADJUDICATORY CASES (CONTINUED)

---

### Motions and Other Matters (Continued)

<b>PCB 98-114</b>	<u>David Mulvain, Individually, as a Resident of the Village of Durand and the Durand Sanitary District, and as a Trustee of the Board of Trustees of the Village of Durand v. IEPA, Rockford Blacktop Construction, and the Village of Durand - (See Respondent Rockford Blacktop Construction Company's Motion to Dismiss filed 3/24; Agency Motion to Dismiss filed 3/31; Complainant's Answer to Respondent Rockford Blacktop Construction Company's Motion to Dismiss filed 4/2; Complainant's Answer to Agency's Motion to Dismiss filed 4/10; Respondent Rockford Blacktop Construction Company's Response to Complainant's Motion to Amend Formal Complaint filed 4/15; and Complainant's Motion to Amend the Complaint and Answer to Respondent Rockford Blacktop Construction Company's Motion to Dismiss filed 4/23) - Awaiting Duplicitous/Frivolous Determination</u>	Girard W-E, Citizens
<b>PCB 98-115</b>	<u>Illinois State Toll Highway Authority v. IEPA - Accept for Hearing Order</u>	Manning UST-Appeal
<b>PCB 98-123</b>	<u>People of the State of Illinois v. Gilster Mary Lee Corporation - Motion for Relief from Hearing Requirement (5/1)</u>	Girard W-E
<b>PCB 98-142</b>	<u>Coastal Mart, Inc. v. IEPA - Joint Request for 90-Day Extension of Appeal Period (4/15)</u>	Manning UST-FRD, 90-Day Ext.
<b>PCB 98-143</b>	<u>Accurate Perforating Company, Inc. v. IEPA - Joint Request for 90-Day Extension of Appeal Period (4/15)</u>	Manning UST-FRD, 90-Day Ext.
<b>PCB 98-144</b>	<u>People of the State of Illinois v. Edward Van Der Molen and Peter T. Barton, d/b/a Shadow Lakes Resort - (See Respondent Edward Van Der Molen's Agreed Motion for Continuance to File Motion to Dismiss filed 5/4) - Hearing Mandatory - No Order</u>	McFawn W-E

---

## ADJUDICATORY CASES (CONTINUED)

---

### Motions and Other Matters (Continued)

PCB 98-145	<u>People of the State of Illinois v. Bodine Electric Company -</u> Hearing Mandatory - No Order	Yi A-E
PCB 98-146	<u>Donald Hoing, d/b/a Don's Service v. Office of the State Fire</u> <u>Marshal - Accept for Hearing Order</u>	Manning UST-FRD
PCB 98-147	<u>Jake Seabury v. IEPA - Petitioner's Request for 90-Day Extension</u> of Appeal Period (4/23)	Manning UST-FRD
PCB 98-148	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and</u> <u>Briggs Industries, Inc., a/k/a Briggs Plumbing Products, Inc. -</u> Hearing Mandatory - No Order	L-E
PCB 98-149	<u>North Shore Sanitary District v. IEPA - Petitioner's Request for</u> 90-Day Extension of Appeal Period (5/1), Agency Objection (5/5)	Manning P-A, 90-Day Ext.
PCB 98-150	<u>Country Care Centers v. IEPA - Joint Request for 90-Day</u> Extension of Appeal Period (5/4)	Manning UST-FRD 90-Day Ext.
PCB 98-151	<u>John Boos &amp; Company v. IEPA - Joint Request for 90-Day</u> Extension of Appeal Period (5/4)	Manning UST-Appeal 90-Day Ext.

### CASES PENDING DECISION

---

R97-15(B)	<u>In the Matter of: Livestock Waste Regulations, 35 Ill. Adm. Code</u> <u>506 - Proposed Rule, First Notice, Opinion and Order</u>	McFawn R, Land
-----------	--	-------------------

---

**CASES PENDING DECISION (CONTINUED)**

---

**R97-21**      In the Matter of: RCRA Update, USEPA Regulations (July 1, 1996 through December 31, 1996); In the Matter of: UIC Update, USEPA Regulations (January 1, 19978 through June 30, 1997); In the Matter of: RCRA Update, USEPA Regulations (January 1, 1997 through June 30, 1997) - Proposal for Public Comment, Opinion and Order of the Board      Hennessey  
**R98-3**      R, Land  
**R98-5**

---

**R98-9**      In the Matter of: Municipal Solid Waste Landfill (MSWLF) Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848 - Proposed Rule, Second Notice, Opinion and Order      Girard  
Manning  
Yi  
R, Land

---

**R98-14**      In the Matter of: Petition of PDV Midwest Refining, L.L.C. for a Site-Specific Rulemaking Amendment to 35 Ill. Adm. Code 304.213 - Proposed Rule, First Notice, Opinion and Order      Yi  
R, Water

---

**R98-24**      In the Matter of: Enhanced Vehicle Inspection and Maintenance Regulations: Amendments to 35 Ill. Adm. Code 240 - Proposed Rule, Second Notice, Opinion and Order      McFawn  
R, Air

---

---

**OTHER ITEMS**

---

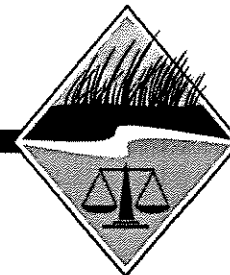
## ADJOURNMENT

### 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 APRIL 16, 1998 BOARD MEETING

AS 98-7	In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 106.705
AC 98-26	IEPA v. Jay Greer
AC 98-27	IEPA v. Chris Thompson
AC 98-28	County of Will v. Richard and Kim Guess
PCB 98-142	Coastal Mart, Inc. v. IEPA
PCB 98-143	Accurate Perforating Company, Inc. v. IEPA
PCB 98-144	People of the State of Illinois v. Edward Van Der Molen and Peter T. Barton, d/b/a Shadow Lakes Resort
PCB 98-145	People of the State of Illinois v. Bodine Electric Company
PCB 98-146	Donald Hoing, d/b/a Don's Service v. Office of the State Fire Marshal
PCB 98-147	Jake Seabury v. IEPA
PCB 98-148	People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc., a/k/a Briggs Plumbing Products, Inc.
PCB 98-149	North Shore Sanitary District v. IEPA
PCB 98-150	Country Care Centers v. IEPA
PCB 98-151	John Boos & Company v. IEPA