ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JULY 23, 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 and staff to the meeting.

ROLL CALL

The Assistant Clerk of the Board called the roll and all Board Members answered present except for Board Member Girard who was absent.

APPROVAL OF MINUTES

Minutes of the July 8, 1998 meeting were approved by a vote of 5-0. Board Member Flemal abstained.

ADJUSTED STANDARDS

AS 97-5	In the Matter of: Petition of Louis Berkman Company, d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code Part 215 Subpart F - The Board denied petitioner's motion for reconsideration of the May 7, 1998 Board order.	6-0 Air
AS 98-5	Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817 (Sludge Application) - No action taken.	Land

AS 99-1	In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 106.705 - No action taken.	Land
DMINISTRATI	ve Citations	
AC 98-15	County of Jackson v. Michael Noscvitsky - The Board entered an order denying complainant's motion for order nunc pro tunc.	6-(
AC 98-34	<u>IEPA v. Jeadon Leasing, Inc.</u> - The Board found that this Saline County respondent violated Sections $21(p)(1)$, $(p)(3)$, and $(p)(4)$ of the Environmental Protection Act and ordered respondent to pay a civil penalty of \$1,500.	6-(
AC 98-35	<u>IEPA v. Richard Henderson, d/b/a Henderson Salvage</u> - The Board found that this Fulton County respondent violated Section 21(p)(1) of the Environmental Protection Act and ordered respondent to pay a civil penalty of \$500.	6-(
AC 98-36	<u>County of Vermilion v. Robert M. Fleming</u> - The Board found that this Vermilion County respondent violated Section 21(0)(12) of the Environmental Protection Act and ordered respondent to pay a civil penalty of \$500.	6-(
AC 98-37	<u>IEPA v. James Harris</u> - The Board accepted for hearing this petition for review of an administrative citation against this Knox County respondent.	

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ADJUDICATORY CASES

Decisions

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PCB 94-369	People of the State of Illinois v. Landfill 33 Ltd The Board	6-0
	granted relief from the hearing requirement of Section 31(c)(2) of	L-E
	the Environmental Protection Act, accepted a stipulation and	1 7 -17
	settlement agreement in this land enforcement action involving a	
	facility in Effingham County, ordered respondent to pay a civil	
	penalty of \$27,500, and to cease and desist from further violations.	

Provisional Variances

PCB 99-15	<u>Village of Malta v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this DeKalb County facility a 45-day provisional variance, subject to conditions, from certain conditions and effluent discharge limits, as set forth in 35 Ill. Adm. Code 304.141(a), 35 Ill. Adm. Code 304.120(c), and National Pollutant Discharge Elimination System Permit No. ILG580030.	5-0 Hennessey abstained Water
PCB 99-16	<u>Waubonsee Community College v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this facility, located in Kane County, a 45-day provisional variance, subject to conditions, from certain conditions and effluent discharge limits, as set forth in 35 Ill. Adm. Code 302.212, 304.120(c), 304.141(a), and National Pollutant Discharge Elimination Permit No. IL0038229.	5-0 Hennessey abstained Water
PCB 99-17	<u>Commonwealth Edison Company (Dresden Power Station) v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.211, 304.141(b) of the Board's water regulations and in the Board's order, <u>In the Matter of: 410 (c)</u> <u>Petition for Dresden Nuclear Generating Station</u> (July 8, 1981), PCB 79-134.	5-0 Hennessey abstained Water

Motions and Other Matters

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PCB 94-288	People of the State of Illinois v. Grayslake Gelatin Company, Blidco, Inc., Acme Construction Company, Inc., Diversified Abatement Contractors, Inc., and John Nordigan, Individually and as President of Diversified Abatement Contractors, Inc No action taken.	A-E
PCB 95-78	<u>Vogue Tyre & Rubber Company v. Office of the State Fire Marshal</u> - The Board referred petitioner's motion for stay to the hearing officer for disposition.	UST-FRD
PCB 95-143	Gordon Krautsack v. Bhogilal Patel, Subhash Patel, Electronic Interconnect, Inc., and Electronic Interconnect Corporation - No action taken.	L-E, Citizens
PCB 96-10	<u>Vogue Tyre & Rubber Company v. IEPA</u> - The Board referred petitioner's motion for stay to the hearing officer for disposition.	UST-Appeal
PCB 96-180	Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc No action taken.	W-E Citizens
PCB 96-181	ESG Watts, Inc. v. IEPA - The Board denied petitioner's motion for summary judgment.	6-0 P-A, Land
PCB 96-189	<u>Lucent Technologies, Inc. (for and in place of AT&T Corporation)</u> <u>v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a DuPage County facility.	6-0 UST-Appeal
PCB 97-50	Lionel P. Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya - No action taken.	A-E, Citizens

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PCB 97-121	Matteson WHP Partnership v. James W. Martin and Eva D. Martin, Individually and d/b/a Martin's Of Matteson - The Board referred parties' agreed motion to extend time to respond to the motion for summary judgment to the hearing officer for disposition.	RCRA-E, Citizens
PCB 97-168	People of the State of Illinois v. Old World Industries, Inc., and Specialty Sealant Tapes, Inc No action taken.	L-E
PCB 97-193	People of the State of Illinois v. Community Landfill Company, Inc No action taken.	L-E
PCB 97-210	ESG Watts, Inc. v. IEPA - The Board denied petitioner's motion for summary judgment.	6-0 P-A, Land
PCB 97-214	<u>People of the State of Illinois v. Village of Carpentersville</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 Kane County facility, the Board ordered publication of the required newspaper notice.	5-0 Hennessey abstained W-E
PCB 97-234	Antonio D.H. Nam v. Kikon Suh - No action taken.	UST-E, Citizens
PCB 98-21	Rohrman Midwest Motors, Inc. v. Office of the State Fire Marshal - No action taken.	UST-FRD
PCB 98-114	David Mulvain v. Village of Durand, Rockford Blacktop Construction Company, Ind., and the IEPA - The Board granted complainant's motion to file instanter complainant's motion to reconsider the Board's May 21, 1998 order.	5-0 Hennessey abstained W-E, Citizens

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PCB 98-156	<u>Dick's Phillips Service v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a	6-0
	DuPage County facility.	UST-FRD
PCB 98-157	Illinois State Toll Highway Authority v. IEPA - The Board	5-0
	accepted for hearing and consolidated with twelve other cases this appeal of an underground storage tank decision involving a Boone	Melas
	County facility.	abstained
		UST- Appeal
PCB 98-160	Devro-Teepak, Inc. v. IEPA - The Board granted parties agreed	6-0
	motion to postpone the date by which petitioner must file a motion for in camera hearing.	T-S
PCB 98-161	Devro-Teepak, Inc. v. IEPA - The Board granted parties agreed	6-0
	motion to postpone the date by which petitioner must file a motion for in camera hearing.	T-S
PCB 98-169	Union Oil Company of California, d/b/a Unocal v. Barge-Way Oil	UST-E,
	Company, Inc., Bargeway Systems, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen, Robert F. Atkins, and Mobil Oil Company - No action taken.	Citizens
PCB 98-173	McHenry County Defenders, Inc. v. IEPA - No action taken.	P-A,
		NPDES, Third Party
PCB 99-7	L. Keller Oil Properties, Inc. and Charles F. Keller v. IEPA - The	6-0
	Board accepted for hearing this appeal of an underground storage tank decision involving an Effingham County facility.	UST-Appeal

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PCB 99-8	Maple Investments, L.C. v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Macon County facility.	6-0 UST-FRD
РСВ 99-9	<u>Meade Electric 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 Will County facility.	6-0 UST-Appeal 90-Day Ext.
PCB 99-10	<u>Ted Pilson 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 Gallatin County facility.	6-0 UST-FRD 90-Day Ext.
PCB 99-11	<u>Freightliner of Chicago 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 DuPage County facility.	6-0 UST-Appeal 90-Day Ext.
PCB 99-12	<u>Chemetco, Inc. v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Madison County facility.	6-0 P-A, RCRA
PCB 99-13	<u>International Mills Services 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 Madison County facility.	6-0 P-A 90-Day Ext.
PCB 99-14	Bridgestone/Firestone, Inc 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.	Manning UST-FRD 90-Day Ext.

CASES PENDING DECISION

AS 94-18	In the Matter of: Petition of Central Can Company for an Adjusted	McFawn
	Standard from 35 Ill. Adm. Code 218	Air

ADJOURNMENT

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Upon a motion for adjournment, moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:05 a.m.

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

Torally Mr.

Dorothy M. Gunn, Clerk Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



JULY 23, 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

July 8, 1998

RULEMAKINGS

ADJUSTED STANDARDS

AS 97-5	In the Matter of: Petition of Louis Berkman Company, d/b/a The	Hennessey
	Swenson Spreader Company for an Adjusted Standard from 35 Ill.	Air
	Adm. Code Part 215.Subpart F - Agency's Motion to Reconsider	Ап
	May 7, 1998 Final Opinion and Order (6/12), Petitioner's Response	
	to Agency's Motion for Reconsideration (6/29)	

ADJUSTED STANDARDS (CONTINUED)

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AS 98-5	Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817 (Sludge Application) - Petitioner's Motion for Modification of May 7, 1998 Board Order (6/2), Agency Response to Petitioner's Motion for Modification of May 7, 1998 Board Order (6/19), Petitioner's Motion for Leave to File a Reply and Reply of the Metropolitan Water Reclamation District of Greater Chicago to the Agency's Response to Its Motion for Modification of May 7, 1998 Board Order (6/26), Agency Response to Petitioner's Motion for Leave to File a Reply (7/2)	Girard Land
AS 99-1	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 - No Order	Water

AC 98-15	<u>County of Jackson v. Michael Nosovitsky</u> - Complainant's Motion for Order Nunc Pro Tunc (7/7)	Flemal
AC 98-34	IEPA v. Jeadon Leasing, Inc Default Order	Manning
AC 98-35	IEPA v. Richard Henderson, d/b/a Henderson Salvage - Default Order	Manning
AC 98-36	County of Vermilion v. Brickyard Disposal and Recycling - Default Order	Manning
AC 98-37	IEPA v. James Harris - Accept for Hearing - No Order	

ADJUDICATORY CASES

<u>Decisions</u>		
PCB 94-369	People of the State of Illinois v. Landfill 33 Ltd Stipulation	Flemal
		L-E

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.

PCB 99-15	Village of Malta v. IEPA - Provisional Variance	
		W-V
PCB 99-16	Waubonsee Community College v. IEPA - Provisional Variance	Manning W-V
PCB 99-17	Commonwealth Edison Company (Dresden Power Station) v. IEPA - Provisional Variance	Manning W-V

Motions and Other Matters

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

PCB 94-288	People of the State of Illinois v. Grayslake Gelatin Company, Blidco, Inc., Acme Construction Company, Inc., Diversified Abatement Contractors, Inc., and John Nordigan, Individually and as President of Diversified Abatement Contractors, Inc Complainant's Motion for Summary Judgment (7/2)	Hennessey A-E
PCB 95-78	<u>Vogue Tyre & Rubber Company v. Office of the State Fire Marshal</u> - Petitioner's Motion for Stay (7/17)	Girard UST-FRD

ADJUDICATORY CASES (CONTINUED)

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Motions and Other Matters (Continued)

PCB 95-143	Gordon Krautsack v. Bhogilal Patel, Subhash Patel, Electronic Interconnect, Inc., and Electronic Interconnect Corporation - Respondent Electronic Interconnect Corporation's Motion for Reconsideration of the Board's July 8, 1998 Order (7/16)	Flemal L-E, Citizens
PCB 96-10	<u>Vogue Tyre & Rubber Company v. IEPA</u> - Petitioner's Motion for Stay (7/17)	Girard UST-Appeal
PCB 96-180	Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc Respondent's Motion for Partial Summary Judgment (6/19)	McFawn W-E Citizens
PCB 96-181	ESG Watts, Inc. v. IEPA - Petitioner's Motion for Summary Judgment (5/4), Respondent's Response to Petitioner's Motion for Summary Judgment (5/18)	McFawn P-A, Land
PCB 96-189	Lucent Technologies, Inc. (for and in place of AT&T Corporation) <u>v. IEPA</u> - Petitioner's Motion to Dismiss (7/13)	Yi UST-Appeal
PCB 97-50	Lionel P. Trepanier, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya - Respondents' Joint Motion for Summary Judgment and Respondents' Memorandum in Support of Joint Motion for Summary Judgment (6/22), Complainants' Motion To Strike Respondents' Affidavits and Motion for Summary Judgment (7/13), Respondents' Joint Memorandum in Opposition to Certain Complainants' Motion to Strike (7/20)	Hennessey A-E, Citizens
PCB 97-121	Matteson WHP Partnership v. James W. Martin and Eva D. Martin, Individually and d/b/a Martin's Of Matteson - Complainant's Motion for Summary Judgment (7/2), Agreed Motion to Extend Time to Respond (7/6)	McFawn RCRA-E, Citizens

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 97-168	<u>People of the State of Illinois v. Old World Industries, Inc., and</u> <u>Specialty Sealant Tapes, Inc.</u> - Respondent Old World Industries, Inc.'s Motion to Dismiss Complaint and Memorandum of Law in Support of its Motion to Dismiss (6/22), Complainant's Response to Respondent Old World Industries, Inc.'s Motion to Dismiss (7/6)	Manning L-E
PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company.</u> <u>Inc.</u> - Complainant's Motion to Strike Respondent's First, Third, and Fourth Affirmative Defenses and Memorandum of Law in Support of Complainant's Motion to Strike Respondent's First, Third and Fourth Affirmative Defenses (6/26), Respondent's Response in Opposition to Petitioner's Motion to Strike Affirmative Defenses (7/6)	Melas L-E
PCB 97-210	ESG Watts, Inc. v. IEPA - Petitioner's Motion for Summary Judgment (5/1), Respondent's Response to Petitioner's Motion for Summary Judgment (5/18)	Yi P-A, Land
PCB 97-214	People of the State of Illinois v. Village of Carpentersville - Motion to Request Relief from the Hearing Requirement (7/8)	McFawn W-E
PCB 97-234	Antonio D.H. Nam v. Kikon Suh - Complainant's Motion for Summary Judgment and Memorandum in Support of Complainant's Motion for Summary Judgment (7/16)	Manning UST-E, Citizens
PCB 98-21	Rohrman Midwest Motors, Inc. v. Office of the State Fire Marshal - Respondent's Motion for Summary Judgment (6/29)	Flemal UST-FRD
PCB 98-114	David Mulvain v. Village of Durand, Rockford Blacktop Construction Company, Ind., and the IEPA - Complainant's Request for Extension of Time to File a Motion to Reconsider the Board's May 21, 1998 Order (6/22), Complainant's Motion to Reconsider May 21, 1998 Board Order (7/13)	Girard W-E, Citizens



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<u>lotions and</u>	Other Matters (Continued)	
PCB 98-156	Dick's Phillips Service v. IEPA - Accept for Hearing Order	Y UST-FRI
PCB 98-157	<u>Illinois State Toll Highway Authority v. IEPA</u> - Accept for Hearing and Consolidation Order	Flema UST Appea
PCB 98-160	<u>Devro-Teepak, Inc. v. IEPA</u> - Agreed Motion to Postpone Date by Which Petitioner Must File a Motion for In Camera Hearing in Response to June 17, 1998 Board Order (7/7)	Manning T-S
PCB 98-161	<u>Devro-Teepak, Inc. v. IEPA</u> - Agreed Motion to Postpone Date by Which Petitioner Must File a Motion for In Camera Hearing in Response to June 17, 1998 Board Order (7/7)	Manning T-S
PCB 98-169	Union Oil Company of California, d/b/a Unocal v. Barge-Way Oil Company, Inc., Bargeway Systems, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen, Robert F. Atkins, and Mobil Oil Company - (See Respondent Mobil Oil Company's Motion to Dismiss Complaint filed 7/6; Respondent Gertrude Kellogg's Motion to Dismiss filed 7/16; and Complainant's Motion for Extension of Time Within Which to Respond to Motion to Dismiss filed 7/16)	Manning UST-E Citizens
PCB 98-173	<u>McHenry County Defenders, Inc. v. IEPA</u> - (See Agency Motion to Dismiss Petition for Hearing to Contest Issuance of NPDES Permit filed 7/8 and Petitioner's Response to Agency Motion to Dismiss and Motion for Leave to Amend Appeal to Add Applicant filed 7/15)	Girard P-A NPDES Third Party
PCB 99-7	L. Keller Oil Properties, Inc. and Charles F. Keller v. IEPA - Accept for Hearing Order	Manning UST-Appea



ADJUDICATORY CASES (CONTINUED)

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PCB 99-8	Maple Investments, L.C. v. IEPA - Accept for Hearing Order	Mannin
		UST-FRI
PCB 99-9	Meade Electric Company, Inc. v. IEPA - Joint Request for 90-Day	Mannin
	Extension of Appeal Period (7/14) - Order	UST-Appea
		90-Day Ex
PCB 99-10	Ted Pilson v. IEPA - Joint Request for 90-Day Extension of Appeal	Mannin
	Period (7/14) - Order	UST-FR
		90-Day Ex
PCB 99-11	Freightliner of Chicago v. IEPA - Joint Request for 90-Day	Mannin
	Extension of Appeal Period (7/14) - Order	UST-Appe
		90-Day Ex
PCB 99-12	Chemetco, Inc. v. IEPA - Accept for Hearing Order	Mannin
		P-A, RCR.
PCB 99-13	International Mills Services v. IEPA - Joint Request for 90-Day	Manning
	Extension of Appeal Period (7/15) - Order	P
		90-Day Ex
PCB 99-14	Bridgestone/Firestone, Inc Joint Request for 90-Day Extension of Appeal Period (7/20) - Order	Mannin
		UST-FRI
		90-Day Ex

CASES PENDING DECISION

AS 94-18 In the Matter of: Petition of Central Can Company for an Adjusted McFawn Standard from 35 Ill. Adm. Code 218 Air

OTHER ITEMS

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ADJOURNMENT

CASE TYPE CODES:

WWS	Water-Well Setback Exception		
W-E	Water Enforcement	W-V	Water Variance
	Enforcement		Fund Reimbursement Determination
UST-E	Underground Storage Tank	UST-FRD	Underground Storage Tank
T-S	Trade Secrets	UST-Appea	l Underground Storage Tank Corrective Action Appeal
Т	Thermal Demonstration Rule	T-C	Tax Certifications
	Enforcement		Special Waste Hauling Variance
SWH-E	Recovery Act proceeding (hazardous waste only) Special Waste Hauling	SWH-V	ILL. ADM. CODE 302.211(f))
RCRA	Resource Conservation and	S02	S0 ₂ Alternative Standards (35
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
r-A	Permit Appeal	rws-E	Public Water Supply Enforcement
N-E P-A	Noise Enforcement	N-V PWS-E	Noise Variance
			Materials)
L-V	Land Variance	MW	Medical Waste (Biological
L-E	Land Enforcement	L-S-R	Landfill Siting Review
GW	Groundwater	HW Delist I	Exception RCRA Hazardous Waste Delisting
A-V	Air Variance	CSO	Combined Sewer Overflow
A-E	Air Enforcement	A-S	Adjusted Standard
3d P	Third Party Action	A-C	Administrative Citation

ILLINOIS POLLUTION CONTROL BOARD

NEW CASE LISTING



NEW CASES FILED SINCE JULY 8, 1998 BOARD MEETING

AS 99-1	In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 106.705
PCB 99-7	L. Keller Oil Properties, Inc. and Charles F. Keller v. IEPA
PCB 99-8	Maple Investments, L.C. v. IEPA
PCB 99-9	Meade Electric Company, Inc. v. IEPA
PCB 99-10	Ted Pilson v. IEPA
PCB 99-11	Freightliner of Chicago v. IEPA
PCB 99-12	Chemetco, Inc. v. IEPA
PCB 99-13	International Mills Services v. IEPA
PCB 99-14	Bridgestone/Firestone, Inc. v. IEPA
PCB 99-15	Village of Malta v. IEPA
PCB 99-16	Waubonsee Community College v. IEPA
PCB 99-17	Commonwealth Edison Company (Dresden Power Station) v. IEPA