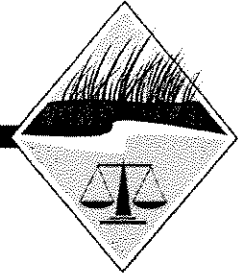


ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



SEPTEMBER 23, 1999 CONFERENCE ROOM N-801
STATE OF ILLINOIS BUILDING
160 N. LaSalle Street
10:30 A.M.

ANNOUNCEMENTS

After calling the meeting to order by video conference, Chairman Manning welcomed members of the public and staff to the meeting.

ROLL CALL

The Clerk of the Board called the roll. Board members answered as follows: Chairman Manning, Board Members Girard, and Kezelis from Springfield, Board Members Flemal, McFawn, and Melas from Chicago.

APPROVAL OF MINUTES

Minutes of the September 9, 1999 meeting were approved by a vote of 6-0.

RULEMAKINGS

R97-30	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 611 (Cross Reference to Laboratory Accreditation Rules at 35 Ill. Adm. Code 186)</u> - The Board on its own motion dismissed this matter.	6-0 R, PWS
R00-5	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 1999 through June 30, 1999)</u> - The Board adopted a proposal for public comment in this "identical-in-substance" rulemaking to amend the Board's hazardous waste disposal regulations.	6-0 R, Land

R00-8 In the Matter of: SDWA Update (Correction of February 4, 1999 Order in SDWA Update Docket R99-6) - The Board adopted a proposal for public comment in this "identical-in-substance" rulemaking to amend the Board's public water supply regulations. 6-0
R, PWS

ADJUSTED STANDARDS

AS 00-3 In the Matter of: Petition of The Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103 - The Board dismissed petitioner's request for an adjusted standard involving a Union County facility for failure to cause the required publication in accordance with Section 28.1(d)(1) (415 ILCS 5/28.1(d)(1) (1998)) of the Illinois Environmental Protection Act of newspaper notice of the petition's timely filing. 6-0
Air

AS 00-4 In the Matter of: Petition of Takasago International Corporation (U.S.A.) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - The Board acknowledged receipt of this petition for an adjusted standard from certain requirements on behalf of a Will County facility and held it pending receipt of certificate of publication. Water

ADMINISTRATIVE CITATIONS

AC 00-16 IEPA v. Olen G. Parkhill, Jr. - The Board accepted an administrative citation against this Champaign County respondent.

AC 00-17 IEPA v. Bruce Isaacs - The Board accepted an administrative citation against this DeWitt County respondent.

AC 00-18 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-19 County of Will v. Kevin B. Dixon - The Board accepted an administrative citation against this Will County respondent.

AC 00-20 County of Will v. Dorothy V. Fisch - The Board accepted an administrative citation against this Will County respondent.

AC 00-21 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

ADJUDICATORY CASES

Decisions

PCB 99-114 Minnesota Mining & Manufacturing Company v. IEPA The Board granted this Cook County facility an extension to the variance granted in Minnesota Mining & Manufacturing Co. v. Illinois Environmental Protection Agency (February 18, 1998), PCB 95-90, which granted petitioner a variance, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.Subpart QQ. 6-0
A-V

Provisional Variances

PCB 00-47 City of Granite City v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Madison County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.121(a), 304.125(a), and 304.141(a) and National Pollutant Discharge Elimination System Permit Number IL0033481. 6-0
W-V

PCB 00-48 Commonwealth Edison Company (Dresden Power Station) v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from: 35 Ill. Adm. Code 302.211(d); special conditions 2A, 2D, and 2G of petitioner's National Pollutant Discharge Elimination System Permit Number IL0002224; and the Board's order In the Matter of: 410(c) Petition for Dresden Nuclear Generating Station (July 9, 1981), PCB 79-134. 6-0
W-V

Motions and Other Matters

PCB 93-191	<u>People of the State of Illinois v. Lloyd Weimann d/b/a Weimann Ice and Fuel and Lloyd Weimann d/b/a Weimann Ice and Fuel v. Texaco Refining and Marketing, Inc., and Eugene & Cheryl Halbrooks</u> - The Board granted complainant's motion to amend the complaint and denied respondent Cheryl Halbrook's motion to dismiss.	6-0 UST-E
PCB 97-50	<u>Lionel P. Trepanier, Wes Wager, Maureen Minnick, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois</u> - Matter to be taken with the case-in-chief.	A-E, Citizens
PCB 97-102	<u>Borden Chemicals and Plastics Operating Limited Partnership v. IEPA</u> - No action taken.	W-V, NPDES
PCB 98-18	<u>James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate</u> - Board granted, in part, and denied in part, both motions for summary judgment.	6-0 N-E, Citizens
PCB 98-52	<u>Commonwealth Edison Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this National Pollutant Discharge Elimination System permit appeal involving a Mason County facility.	Flemal P-A, NPDES
PCB 99-112	<u>People of the State of Illinois v. Bi-Petro, Inc. and Timberlake Transportation and Transfer, Inc.</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 Christian County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> - No action taken.	UST-FRD

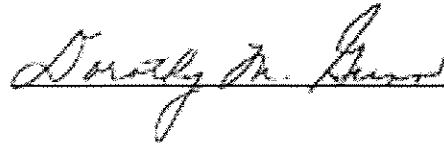
PCB 99-136	<u>Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois, and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc.</u> - The Board denied petitioners' motion for reconsideration.	5-0 Girard abstained P-C-F-S-R
PCB 99-160	<u>People of the State of Illinois v. Renu Casual Furniture Renovators, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation Recovery Act enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.	6-0 RCRA -E
PCB 99-136	<u>Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc.</u> - No action taken.	P-C-F-S-R
PCB 99-180	<u>Mullermist Irrigation Company v. Office of the State Fire Marshal</u> - The Board granted respondent's motions to substitute attorneys and for leave to file motion to dismiss instanter.	6-0 UST-FRD
PCB 99-187	<u>Gina Pattermann, and Lisa Collins and Deen Collins v. Boughton Trucking and Materials</u> - The Board granted both complainants' motion for leave to file a late response and respondent's motion for leave to file reply. The Board found that, pursuant to 35 Ill. Adm. Code 103.124(a) of the Board's rules, the alleged violations of Sections 3.02 and 23(415 ILCS 5/3.02, 23, (1998)) of the Environmental Protection Act (Act) and 35 Ill. Adm. Code 201.102 of the Board's rules are frivolous. Those allegations were dismissed. The Board found that the remaining alleged violations of the Act and the Board's rules were neither duplicitous nor frivolous, and accepted this matter for hearing.	6-0 A&N-E Citizens
PCB 00-10	<u>Lampkin Leather v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.	6-0 UST- Appeal

PCB 00-11	<u>Bulkoa, Inc. v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal on behalf of a Cook County facility.	6-0 UST-FRD
PCB 00-12	<u>Tenneco Packaging Service and Consumer Products, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.	6-0 UST- Appeal
PCB 00-35	<u>Austin Walsh and Lisa Walsh v. Max Kolpas and Betty Kolpas</u> - The Board accepted for hearing this citizens' noise enforcement action against a Cook County facility.	N-E, Citizens
PCB 00-43	<u>Casey's General Store 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 Jo Daviess County facility.	6-0 UST- Appeal 90-Day Ext.
PCB 00-44	<u>People of the State of Illinois v. Wallace, Inc.</u> - The Board accepted for hearing this Resource Conservation Recovery Act enforcement action against a Jackson County facility.	RCRA-E
PCB 00-45	<u>D&R Service 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 Randolph County facility.	6-0 UST- Appeal 90-Day Ext.
PCB 00-46	<u>People of the State of Illinois v. PPG Industries, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action against a Macon County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:15 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 7th day of October 1999 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



SEPTEMBER 23, 1999
CHICAGO OFFICE
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

September 9, 1999

RULEMAKINGS

R97-30	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 611 (Cross Reference to Laboratory Accreditation Rules at 35 Ill. Adm. Code 186) - Board Order</u>	Kezelis R, PWS
R00-5	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - Proposed Rule, Proposal for Public Comment, Opinion and Order</u>	Kezelis R, Land

RULEMAKINGS (CONTINUED)

R00-8	<u>In the Matter of: SDWA Update (Correction of February 4, 1999 Order in SDWA Update Docket R99-6) - Proposed Rule, Proposal for Public Comment, Proposed Opinion and Order</u>	Flemal R, PWS
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ADJUSTED STANDARDS

AS 00-3	<u>In the Matter of: Petition of The Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103 - (See Agency Motion for Extension of Time to file Response filed 9/3) - Order</u>	Melas Air
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AS 00-4	<u>In the Matter of: Petition of Takasago International Corporation (U.S.A.) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - Hold for Certificate of Publication - No Order</u>	McFawn Water
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ADMINISTRATIVE CITATIONS

AC 00-16	<u>IEPA v. Olen G. Parkhill, Jr. - Accept Case - No Order</u>	Manning
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AC 00-17	<u>IEPA v. Bruce Isaacs - Accept Case - No Order</u>	Manning
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AC 00-18	<u>County of Sangamon v. ESG Watts, Inc. - Accept Case - No Order</u>	Manning
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AC 00-19	<u>County of Will v. Kevin B. Dixon - Accept Case - No Order</u>	Manning
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AC 00-20	<u>County of Will v. Dorothy V. Fisch - Accept Case - No Order</u>	Manning
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AC 00-21	<u>County of Sangamon v. ESG Watts, Inc. - Accept Case- No Order</u>	Manning
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ADJUDICATORY CASES

Decisions

PCB 99-114 Minnesota Mining & Manufacturing Company v. IEPA (due 10/31) McFawn
A-V

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 00-47 City of Granite City v. IEPA - Provisional Variance Manning
W-V

PCB 00-48 Commonwealth Edison Company (Dresden Power Station) v. IEPA Manning
- Provisional Variance W-V,
NPDES

Motions and Other Matters

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

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 93-191	<u>People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice & Fuel; Lloyd Wiemann d/b/a Wiemann Ice and Fuel, Cross-complainant v. Texaco Refining and Marketing, Inc. and Eugene and Cheryl Halbrooks, Cross-respondents</u> - Cross-respondent Cheryl Halbrooks' Motion to Dismiss (7/12), Cross-respondent Texaco Refining and Marketing, Inc.'s Response to Cross-respondent Cheryl Halbrooks' Motion to Dismiss (8/9), Cross-respondent Texaco Refining and Marketing, Inc.'s Motion to Allow it to File a Reply in Support of its Motion to Compel Cross-respondent Cheryl Halbrooks to Respond to Outstanding Discovery Requests (8/9), Complainant's Motion for Leave to File Amended Complaint and Amended Complaint (8/10), Response of Cross-complainant Lloyd Wiemann to Cross-respondent Cheryl Halbrooks' Motion to Dismiss (8/16), Cross-respondent Cheryl Halbrooks' Reply to Cross-respondent Texaco Refining and Marketing, Inc.'s Response to Cross-respondent Cheryl Halbrooks Motion to Dismiss (8/25), Cross-respondent Cheryl Halbrooks' Motion for Leave to File Instant Reply to Cross-complainant Lloyd Wiemann's Response to Cross-respondent Cheryl Halbrooks' Motion to Dismiss (8/25), Cross-respondent Cheryl Halbrooks' Reply to Cross-complainant Lloyd Wiemann's Response to Cross-respondent Cheryl Halbrooks' Motion to Dismiss (8/25)	Manning UST-E Citizens
PCB 97-50	<u>Lionel P. Trepanier, Wes Wager, Maureen Minnick, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois</u> - Respondent Board of Trustees of the University of Illinois' Motion to Strike (9/13)	McFawn A-E, Citizens
PCB 97-102	<u>Borden Chemicals and Plastics Operating Limited Partnership v. IEPA</u> - Petitioner's Motion to Amend Order and Opinion of the Board to Modify Variance Schedule (9/10), Agency Response to Petitioner's Motion to Amend Order and Opinion of the Board to Modify Variance Schedule (9/15)	McFawn W-V, NPDES

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-18	<u>James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate</u> - Respondent Bradley Real Estate's Motion for Summary Judgment (7/28), Respondent United States Postal Service's Motion for Summary Judgment (8/9)	Girard N-E, Citizens
PCB 98-52	<u>Commonwealth Edison Company v. IEPA</u> - Petitioner's Motion to Withdraw Appeal (9/8)	Flemal P-A, NPDES
PCB 99-112	<u>People of the State of Illinois v. Bi-Petro, Inc. and Timberlake Transportation and Transfer, Inc.</u> - Motion for Relief from Hearing Requirement (9/20)	Melas W-E
PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> - Petitioner's Motion to Refile Petition to Supplement the Record Instanter (9/7)	Girard UST-FRD
PCB 99-136	<u>Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois, and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc.</u> - Petitioners' Motion for Reconsideration (8/19), Response of Will County Board in Opposition to Petitioners' Motion for Reconsideration (8/30), Response of Waste Management of Illinois, Inc. to Petitioners' Motion for Reconsideration (9/1)	Flemal P-C-F-S-R
PCB 99-160	<u>People of the State of Illinois v. Renu Casual Furniture Renovators, Inc.</u> - Agreed Motion to Request Relief from the Hearing Requirement (9/17)	Flemal RCRA-E
PCB 99-180	<u>Mullermist Irrigation Company v. Office of the State Fire Marshal</u> - Respondent's Motion to Substitute Attorneys and for Leave to File Motion to Dismiss Instanter (9/9)	McFawn UST-FRD

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-187	<u>Gina Pattermann, Lisa Collins, and Deen Collins v. Boughton Trucking and Materials</u> - (See Respondent's Motion to Dismiss Complaint as Frivolous and Memorandum of Law in Support of Motion to Dismiss filed 8/3, and Complainants' Amended Complaint in Response to July 22, 1999 Board Order filed 8/13) - Duplicitous Frivolous Determination Order	Melas A&N-E, Citizens
PCB 00-10	<u>Lampkin Leather v. IEPA</u> -Dismissal Order	Manning UST- Appeal
PCB 00-11	<u>Bulkoa, Inc. v. IEPA</u> - Accept for Hearing Order	Melas UST-FRD
PCB 00-12	<u>Tenneco Packaging Service and Consumer Products, Inc. v. IEPA</u> - Dismissal Order	Manning UST- Appeal
PCB 00-35	<u>Austin Walsh and Lisa Walsh v. Max Kolpas and Betty Kolpas</u> - Duplicitous/Frivolous Determination Order	Kezelis N-E, Citizens
PCB 00-43	<u>Casey's General Store v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (9/8) - Order	Manning UST- Appeal 90-Day Ext.
PCB 00-44	<u>People of the State of Illinois v. Wallace, Inc.</u> - Hearing Mandatory - No Order	Kezelis RCRA-E

CASES PENDING DECISION

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 ₂	S0 ₂ 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 SEPTEMBER 9, 1999 BOARD MEETING

AS 00-4	In the Matter of: Petition of Takasago International Corporation (U.S.A.) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105
AC 00-16	IEPA v. Olen G. Parkhill, Jr.
AC 00-17	IEPA v. Bruce Isaacs
AC 00-18	County of Sangamon v. ESG Watts, Inc.
AC 00-19	County of Will v. Kevin B. Dixon
AC 00-20	County of Will v. Dorothy V. Fisch
AC 00-21	County of Sangamon v. ESG Watts, Inc.
PCB 00-43	Casey's General Store v. IEPA
PCB 00-44	People of the State of Illinois v. Wallace, Inc.
PCB 00-45	D&R Service Company v. IEPA
PCB 00-46	People of the State of Illinois v. PPG Industries, Inc.
PCB 00-47	City of Granite City v. IEPA
PCB 00-48	Commonwealth Edison Company (Dresden Power Station) v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999

September 9
September 23

November 4 *
November 18

October 7 **
October 21

December 2
December 16

* This Board Meeting will be in the Board's Springfield Office
600 S. Second Street, Suite 403, Hearing Room

** This Board Meeting will be in Conference Room 2-025. All other
Board Meetings in Chicago will be in Conference Room 9-040

ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph ♦ Suite 11-500 ♦ Chicago, IL 60601 ♦ 312-814-3620 ♦ Fax 312-814-3669

GOVERNOR

Honorable George Ryan

CHAIRMAN

Claire A. Manning
Springfield

MEMBERS

Ronald C. Flemaal
DeKalb

G. Tanner Girard
Godfrey

Kathleen M. Hennessey
Western Springs

Elena Z. Kezelis
Springfield

Marili McFawn
Inverness

Nicholas J. Melas
Chicago

NOTICE OF CHANGE IN LOCATION OF SEPTEMBER 23, 1999 MEETING OF THE ILLINOIS POLLUTION CONTROL BOARD

**PUBLIC NOTICE IS HEREBY GIVEN that the Illinois
Pollution Control Board meeting originally scheduled to be
held at 10:30 a.m. on Thursday, September 23, 1999, in
Conference Room 9-040, in the James R. Thompson
Center, will instead be held at 10:30 a.m., at the State of
Illinois Building, 160 N. LaSalle Street, Illinois Commerce
Commission Office, 8th Floor.**

CLAIRE A. MANNING
Chairman

SPRINGFIELD OFFICE

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

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110 South State
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Fax 618-498-5934

148 North Third St.
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DeKalb, IL 60115
815-753-1904
Fax 815-753-1970

WEB SITE

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

Posted and circulated September 23, 1999

