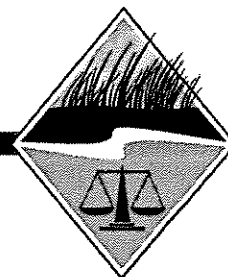


# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



MARCH 4, 1999 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

### ANNOUNCEMENTS

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Chairman Manning welcomed members of the public and staff to the meeting. Chairman Manning announced that her attorney assistant Cynthia Ervin has accepted the position of General Counsel at the Illinois Department of Agriculture. The Chairman and Board Members acknowledged her valuable contributions to the work of the Board and bade her a fond farewell.

### ROLL CALL

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The Assistant Clerk of the Board called the roll. All Board Members were present.

### APPROVAL OF MINUTES

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Minutes of the February 18, 1999 meeting were approved by a vote of 7-0.

### RULEMAKINGS

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<b>R99-8</b>	<u>In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141</u> - The Board adopted a first-notice opinion and order in this proposed rulemaking to amend the Board's water regulations.	7-0 R, Water
<b>R99-19</b>	<u>In the Matter of: Regulated Recharge Area Designation, Durand, Winnebago County</u> - The Board denied petitioner's motion to reconsider.	5-1 R, PWS Kezelis abstained, McFawn dissented

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## ADJUSTED STANDARDS

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**AS 99-5**      In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - The Board held this request for an adjusted standard involving a Lake County facility for the Illinois Environmental Protection Agency response.      Water, NPDES

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## ADMINISTRATIVE CITATIONS

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**AC 99-20**      IEPA v. Lawrence County Disposal Centre, Inc., S&S Grading of Illinois, Inc., and Gary McLaren - The Board by its own motion reconsidered and vacated its February 18, 1999 order in this matter. The Board issued a new order which incorporated portions of the previous order and dismissed all allegations against Lawrence County Disposal Centre, Inc.      7-0

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**AC 99-29**      IEPA v. BFI Waste Systems of North America, Inc. - The Board found that this Rock Island County respondent violated Sections 21(o)(5) and 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5), 21(o)(12) (1996)) and ordered respondent to pay a civil penalty of \$1,000.      7-0

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**AC 99-30**      IEPA v. Streator Area Landfill, Inc. - The Board found that this Livingston County respondent violated Section 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(12) (1996)) and ordered respondent to pay a civil penalty of \$500.      7-0

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**AC 99-31**      County of Will v. Leonard Kubinski - No action taken.

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**AC 99-32**      IEPA v. Roland Ransom III - The Board granted the Illinois Environmental Protection Agency's motion to withdraw this administrative citation.      7-0

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**AC 99-34**      Montgomery County v. Envotech-Illinois, Inc. - The Board accepted an administrative citation against this Montgomery County respondent.

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## ADMINISTRATIVE CITATIONS (CONTINUED)

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AC 99-35 IEPA v. Laidlaw Waste Systems, Inc. and Carl Ball III - The Board accepted an administrative citation against these Coles County respondents.

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## ADJUDICATORY CASES

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### Decisions

PCB 99-65 People of the State of Illinois v. Cheetah Cartage, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this land enforcement action involving a Kane County facility, ordered respondent to pay a civil penalty of \$500, and to cease and desist from further violations. 7-0  
L-E

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### Motions and Other Matters

PCB 95-143 Gordon Krautsack v. Bhogilal Patel, an individual, Subhash Patel, an individual, Electronic Interconnect, Inc., and Electronic Interconnect Corporation - The Board granted the joint motions for waiver from hearing requirement and for voluntary dismissal. 7-0  
L-E,  
Citizens

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PCB 98-2 ESG Watts, Inc. v. Sangamon County Board - Petitioner's motion to strike and exclude respondent's post-hearing brief will be decided with the case in chief. 7-0  
P-C-F-S-R

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PCB 98-90 People of the State of Illinois v. Marathon Oil Company - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action against a Crawford County facility, the Board ordered publication of the required newspaper notice. 7-0  
L, W-E

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PCB 98-102 Panhandle Eastern Pipe Line Company v. IEPA - No action taken. P-A, Air

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**ADJUDICATORY CASES (CONTINUED)**  
**MOTIONS AND OTHER MATTERS (CONTINUED)**

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<b>PCB 98-114</b>	<u>David Mulvain v. Village of Durand</u> - No action taken.	W-E, Citizens
<b>PCB 98-116</b>	<u>L. Keller Oil Properties, Inc. v. Office of the State Fire Marshal</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving an Effingham County facility.	7-0 UST-Appeal
<b>PCB 99-27</b>	<u>People of the State of Illinois v. James and Carol Gilmer; James and Carol Gilmer v. CL Industries, Inc., Kraft Foods Corporation and AC HUMKO Corporation</u> - No action taken.	RCRA, W-E
<b>PCB 99-69</b>	<u>Land and Lakes Company v. Randolph County Board of Commissioners</u> - The Board granted petitioner's motion to supplement the record. No action was taken on the petition to intervene by Kenneth Heine and Dora Spinney.	7-0 P-C-F-S-R
<b>PCB 99-84</b>	<u>Yesley Service 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 Randolph County facility.	7-0 UST-Appeal
<b>PCB 99-86</b>	<u>McWane, Inc. v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a DuPage County facility.	7-0 UST-FRD
<b>PCB 99-112</b>	<u>People of the State of Illinois v. Bi-Petro and Timberlake Transportation and Transfer, Inc.</u> - The Board granted respondent's motion for extension of time.	7-0 W-E
<b>PCB 99-113</b>	<u>Midwest Illinois Auto Truck Plaza v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Bond County facility.	7-0 UST-Appeal

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**ADJUDICATORY CASES (CONTINUED)**  
**MOTIONS AND OTHER MATTERS (CONTINUED)**

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<b>PCB 99-114</b>	<u>Minnesota Mining and Manufacturing Company v. IEPA</u> - The Board accepted for hearing this petition requesting a variance involving a Cook County facility.	7-0 A-V
<b>PCB 99-115</b>	<u>General Electric Company v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a LaSalle County facility.	7-0 P-A, Air 90-Day Ext.
<b>PCB 99-116</b>	<u>Rivinius Inc. v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Woodford County facility.	7-0 UST-Appeal
<b>PCB 99-117</b>	<u>Aramark Services, 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 Kane County facility.	7-0 UST-FRD 90-Day Ext.
<b>PCB 99-118</b>	<u>Becks Auto Sales 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 Fayette County facility.	7-0 UST-Appeal 90-Day Ext.
<b>PCB 99-119</b>	<u>Gold Coast Oil Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Morgan County facility.	7-0 UST-FRD
<b>PCB 99-120</b>	<u>People of the State of Illinois v. Wood River Refining Company, a division of Equilon Enterprises L.L.C.</u> - The Board accepted for hearing this air enforcement action against a Madison County facility.	A-E
<b>PCB 99-121</b>	<u>Loewen Group International, 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-Appeal 90-Day Ext.

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**ADJUDICATORY CASES (CONTINUED)**  
**MOTIONS AND OTHER MATTERS (CONTINUED)**

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<b>PCB 99-122</b>	<u>Central C&amp; D Recycling, Inc. v. IEPA</u> - The Board accepted for hearing this permit appeal involving a St. Clair County facility.	7-0 P-A, Land
<b>PCB 99-123</b>	<u>Commonwealth Edison Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Will County facility.	7-0 UST-Appeal
<b>PCB 99-124</b>	<u>Commonwealth Edison Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a DuPage County facility.	7-0 UST-Appeal
<b>PCB 99-125</b>	<u>Terrence G. Graf, Joe and Marcella Graf v. Valiquet, Inc., Emerald Landscaping and CPK Landscaping</u> - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Cook County facility.	N-E, Citizens
<b>PCB 99-126</b>	<u>477, 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 99-127</b>	<u>Ted Harrison Oil 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 Cass County facility.	7-0 UST-FRD 90-Day Ext.
<b>PCB 99-128</b>	<u>Mecon Industries, 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 99-129</b>	<u>Montgomery Ward &amp; Company, Inc. v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST-Appeal

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## CASES PENDING DECISION

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<b>R99-4</b>	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - Adopted Rule, Final Opinion and Order</u>	Melas R, Water
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<b>AS 98-6</b>	<u>In the Matter of: Petition of Wood River Refining Company, a Division of Equilon Enterprises LLC, f/k/a Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321</u>	McFawn Land, RCRA
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<b>PCB 94-373</b>	<u>People of the State of Illinois v. Wayne Berger and Berger Waste Management - Interim Opinion and Order</u>	McFawn L-E
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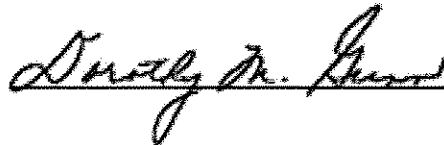
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## ADJOURNMENT

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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 18th day of March 1999 by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING AGENDA



MARCH 4, 1999 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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February 18, 1999

### RULEMAKINGS

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R99-8	<u>In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141 - Proposed Rule, First Notice, Opinion and Order</u>	Girard Manning Melas R, Water
R99-19	<u>In the Matter of: Regulated Recharge Area Designation, Durand, Winnebago County - Petitioner's Motion for Reconsideration of January 7, 1999 Order (2/1)</u>	Girard R, PWS

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**RULEMAKINGS (CONTINUED)**

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**ADJUSTED STANDARDS**

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AS 99-5	<u>In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - Amended Petition in Response to January 21, 1999 Board Order</u>	Melas Water, NPDES
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**ADMINISTRATIVE CITATIONS**

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AC 99-20	<u>IEPA v. Lawrence County Disposal Centre, Inc., S&amp;S Grading of Illinois, Inc., and Gary McLaren - Board Order</u>	Melas
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AC 99-29	<u>IEPA v. BFI Waste Systems of North America, Inc. - Default Order</u>	Manning
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AC 99-30	<u>IEPA v. Streator Area Landfill, Inc. - Default Order</u>	Manning
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AC <del>99</del> -31	<u>County of Will v. Leonard Kubinski - Complainant's Motion to Amend Administrative Citation (2/25)</u>	Manning
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AC 99-32	<u>IEPA v. Roland Ransom III - Agency Motion to Withdraw (3/1) - Order</u>	Manning
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AC 99-34	<u>Montgomery County v. Envotech-Illinois, Inc. - Accept Case - No Order</u>	
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AC 99-35	<u>IEPA v. Laidlaw Waste Systems, Inc. and Carl Ball III - Accept Case - No Order</u>	
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## ADJUDICATORY CASES

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### Decisions

PCB 99-65	<u>People of the State of Illinois v. Cheetah Cartage, Inc.</u> - Stipulation	Girard L-E
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### 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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### Motions and Other Matters

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

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PCB 95-143	<u>Gordon Krautsack v. Bhogilal Patel, an individual, Subhash Patel, an individual, Electronic Interconnect, Inc., and Electronic Interconnect Corporation</u> - Notice of Settlement Agreement, Agreed Motion for Voluntary Dismissal, and Joint Motion for Waiver from Hearing Requirement (2/26)	Flemal L-E, Citizens
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PCB 98-2	<u>ESG Watts, Inc. v. Sangamon County Board</u> - Petitioner's Motion to Strike and Exclude Respondent's Post-Hearing Brief (2/22)	Hennessey P-C-F-S-R
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PCB 98-90	<u>People of the State of Illinois v. Marathon Oil Company</u> - Motion for Relief from Hearing Requirement (2/24)	Girard W-E
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PCB 98-102	<u>Panhandle Eastern Pipe Line Company v. IEPA</u> - Petitioner's Motion for Reconsideration of January 21, 1999 Board Order (2/25)	Hennessey P-A, Air
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PCB 98-114	<u>David Mulvain v. Village of Durand</u> - Complainant's Motion for Summary Judgment (2/1), Respondent's Response to Complainant's Motion for Summary Judgment (2/26)	Girard W-E, Citizens
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## ADJUDICATORY CASES (CONTINUED)

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### Motions and Other Matters (Continued)

<b>PCB 98-116</b>	<u>L. Keller Oil Properties, Inc. v. Office of the State Fire Marshal - Petitioner's Motion for Voluntary Withdrawal (2/17)</u>	Hennessey UST-Appeal
<b>PCB 99-27</b>	<u>People of the State of Illinois v. James and Carol Gilmer; James and Carol Gilmer v. CL Industries, Inc., Kraft Foods Corporation and AC HUMKO Corporation - Third Party Respondents Kraft Foods, Inc. and AC HUMKO Corporation's Motion to Dismiss the Third Party Complaint of Carol and James Gilmer (2/26)</u>	Girard W-E, RCRA
<b>PCB 99-69</b>	<u>Land and Lakes Company v. Randolph County Board of Commissioners - Petitioner's Motion to Supplement Record (2/16), Petition to Intervene by Kenneth Heine and Dora Spinney (2/24)</u>	Girard P-C-F-S-R
<b>PCB 99-84</b>	<u>Yesley Service Company v. IEPA - Dismissal Order</u>	Manning UST-Appeal
<b>PCB 99-86</b>	<u>McWane, Inc. v. IEPA - Accept for Hearing Order</u>	Girard UST-FRD
<b>PCB 99-112</b>	<u>People of the State of Illinois v. Bi-Petro and Timberlake Transportation and Transfer, Inc. - Respondent's Motion for Extension of Time (2/23)</u>	Melas L-E
<b>PCB 99-113</b>	<u>Midwest Illinois Auto Truck Plaza v. IEPA - Accept for Hearing Order</u>	Hennessey UST-Appeal
<b>PCB 99-114</b>	<u>Minnesota Mining and Manufacturing Company v. IEPA - Accept for Hearing Order</u>	McFawn A-V
<b>PCB 99-115</b>	<u>General Electric Company v. IEPA - Joint Request for Extension of 90-Day Appeal Period (2/22) - Order</u>	Manning P-A, Air 90-Day Ext.

**ADJUDICATORY CASES (CONTINUED)**

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

<b>PCB 99-116</b>	<b><u>Rivinius Inc. v. IEPA</u> - Accept for Hearing Order</b>	Melas UST-Appeal
<b>PCB 99-117</b>	<b><u>Aramark Services, Inc. v. IEPA</u> - Joint Request for Extension of 90-Day Appeal Period (2/22) - Order</b>	Manning UST-Appeal 90-Day Ext.
<b>PCB 99-118</b>	<b><u>Becks Auto Sales v. IEPA</u> - Joint Request for Extension of 90-Day Appeal Period (2/22) - Order</b>	Manning UST-Appeal 90-Day Ext.
<b>PCB 99-119</b>	<b><u>Gold Coast Oil Company v. IEPA</u> - Petitioner's Motion to Withdraw (3/1) - Order</b>	Kezelis UST-FRD
<b>PCB 99-120</b>	<b><u>People of the State of Illinois v. Wood River Refining Company, a division of Equilon Enterprises L.L.C.</u> - Hearing Mandatory - No Order</b>	Flemal A-E
<b>PCB 99-121</b>	<b><u>Loewen Group International, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (2/25) - Order</b>	Manning UST-Appeal 90-Day Ext.
<b>PCB 99-122</b>	<b><u>Central C&amp; D Recycling, Inc. v. IEPA</u> - Accept for Hearing Order</b>	Manning P-A, Land
<b>PCB 99-123</b>	<b><u>Commonwealth Edison Company v. IEPA</u> - Accept for Hearing Order</b>	Manning UST-Appeal
<b>PCB 99-124</b>	<b><u>Commonwealth Edison Company v. IEPA</u> - Accept for Hearing Order</b>	Manning UST-Appeal

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## ADJUDICATORY CASES (CONTINUED)

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### Motions and Other Matters (Continued)

PCB 99-125	<u>Terrence G. Graf, Joe and Marcella Graf v. Valiquet, Inc., Emerald Landscaping and CPK Landscaping - Hold for Duplicitous/Frivolous Determination - No Order</u>	N-E, Citizens
PCB 99-126	<u>477, Inc. v. IEPA - Joint Request for 90-Day Extension of Appeal Period (3/1) - Order</u>	Manning UST-FRD 90-Day Ext.
PCB 99-127	<u>Ted Harrison Oil Company v. IEPA - Joint Request for 90-Day Extension of Appeal Period (3/1) - Order</u>	Manning UST-FRD 90-Day Ext.
PCB 99-128	<u>Mecon Industries, Inc. v. IEPA - Joint Request for 90-Day Extension of Appeal Period (3/1) - Order</u>	Manning UST-FRD 90-Day Ext.
PCB 99-129	<u>Montgomery Ward &amp; Company, Inc. v. IEPA - Accept for Hearing Order</u>	Manning UST-Appeal

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### **CASES PENDING DECISION**

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R99-4	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - Adopted Rule, Final Opinion and Order</u>	Melas R, Water
AS 98-6	<u>In the Matter of: Petition of Wood River Refining Company, a Division of Equilon Enterprises LLC, f/k/a Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321</u>	McFawn Land, RCRA
PCB 94-373	<u>People of the State of Illinois v. Wayne Berger and Berger Waste Management - Interim Opinion and Order</u>	McFawn L-E

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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 FEBRUARY 18, 1999 BOARD MEETING

AC 99-34	Montgomery County v. Envotech-Illinois, Inc.
AC 99-35	IEPA v. Laidlaw Waste Systems, Inc. and Carl Ball III
PCB 99-113	Midwest Illinois Auto Truck Plaza v. IEPA
PCB 99-114	Minnesota Mining and Manufacturing Company v. IEPA
PCB 99-115	General Electric Company v. IEPA
PCB 99-116	Rivinius Inc. v. IEPA
PCB 99-117	Aramark Services, Inc. v. IEPA
PCB 99-118	Becks Auto Sales v. IEPA
PCB 99-119	Gold Coast Oil Company v. IEPA
PCB 99-120	People of the State of Illinois v. Wood River Refining Company, a Division of Equilon Enterprises L.L.C.
PCB 99-121	Loewen Group International, Inc. v. IEPA
PCB 99-122	Central C&D Recycling, Inc. v. IEPA
PCB 99-123	Commonwealth Edison Company v. IEPA
PCB 99-124	Commonwealth Edison Company v. IEPA
PCB 99-125	Terrence G. Graf, Joe and Marcella Graf v. Valiquet, Inc., Emerald Landscaping, and CPK Landscaping
PCB 99-126	477, Inc. v. IEPA
PCB 99-127	Ted Harrison Oil Company v. IEPA
PCB 99-128	Meccon Industries, Inc. v. IEPA
PCB 99-129	Montgomery Ward & Company, Inc. v. IEPA

**REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999**

January 7 \*  
January 21

July 8  
July 22

February 4 \*  
February 18

August 5 \*  
August 19

March 4  
March 18

September 9  
September 23

April 1  
April 15

October 7 \*\*  
October 21

May 6 \*  
May 20

November 4 \*  
November 18

June 3  
June 17

December 2  
December 16

\* These Board Meetings 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