ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



MARCH 5, 1998 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

ANNOUNCEMENTS

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After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting, and introduced and welcomed Catherine Glenn, the new attorney assistant to Board Member Flemal.

ROLL CALL

The Clerk of the Board called the roll and all Board Members answered present except for Board Member Yi who was absent due to illness.

Approval of Minutes

Minutes of the February 19, 1998 meeting were approved by a vote of 6-0.

RULEMAKINGS

R98-10	In the Matter of: Amendments to Major Stationary Sources	6-0
	Construction and Modification Rules (New Source Review Rules)	R, Air
	35 Ill. Adm. Code 203 - Adopted Rule, Final Order, Opinion and	к, лп
	Order. The Board adopted amendments to the air pollution control	
	regulations.	

ADMINISTRATIVE CITATIONS

AC 98-15 County of Jackson v. Michael Nosovitsky - The Board accepted an administrative citation against this Jackson County respondent.

ADMINISTRATIVE CITATIONS (CONTINUED)

AC 98-16	<u>County of Jackson v. James Qualls</u> - The Board accepted an administrative citation against this Jackson County respondent.	
AC 98-17	IEPA v. John Provenzano, d/b/a Blackstone Auto Salvage - The Board accepted an administrative citation against this Livingston County respondent.	
AC 98-18	IEPA v. Michael Howell - The Board accepted an administrative citation against this Williamson County respondent.	*******
AC 98-19	<u>County of Jackson v. Gary Easton</u> - The Board accepted an administrative citation against this Jackson County respondent.	
AC 98-20	<u>County of Jackson v. Gary Easton</u> , d/b/a Easton Automotive- The Board accepted an administrative citation against this Jackson County respondent.	

ADJUDICATORY CASES

Decisions.

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PCB 96-97	People of the State of Illinois v. The Village of Thompsonville -	6-0
	The Board granted the joint motion requesting relief from the requirement of Section $31(c)(2)$ of the Environmental Protection Act and accepted a stipulation and settlement agreement in this water enforcement action involving a Franklin County facility, ordered respondent to pay a civil penalty of \$1,000, and to cease and desist from further violations.	Hennessey abstained W-E

Provisional Variances (Continued)

PCB 97-8	People of the State of Illinois v. Cyber America Corporation, <u>f/k/a Canton Industrial Corporation</u> - The Board found complainant is entitled to recover costs for monies expended by the Illinois Environmental Protection Agency in removing used and waste tires from the facility owned and operated by respondent. Respondent was ordered to pay \$326,153.74 in corrective action costs, and the \$10,000, plus accrued interest, previously paid by respondent into the Used Tire Management Fund shall be applied toward the total monetary judgment.	6-0 L-E
PCB 97-229	People of the State of Illinois v. Autorad, Inc The Board granted the joint motion requesting relief from the requirement of Section 31(c)(2) of the Environmental Protection Act and accepted a stipulation and settlement agreement in this Emergency Planning Community Right to Know Act enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$8,700, and to cease and desist from further violations.	6-0 EPRCA-E
PCB 98-60	<u>CDT Landfill Corporation v. City of Joliet</u> - The Board affirmed the October 7, 1997, denying siting approval to respondent, CDT Landfill Corporation.	5-1 Meyer dissented L-S-R
PCB 98-94	People of the State of Illinois v. Material Service Corporation - The Board granted the joint motion requesting relief from the requirement of Section 31(c)(2) of the Environmental Protection Act and accepted a stipulation and settlement agreement in this Emergency Planning Community Right to Know Act enforcement action involving a Vermilion County facility, ordered respondent to pay a civil penalty of \$8,500, and to cease and desist from further violations.	6-0 EPCRA -E

Motions and Other Matters		
PCB 94-329	Billy and Martin Turner v. Donald Jordon, d/b/a Donald Jordon Trucking Service - The Board granted petitioner's motion for withdrawal of this noise enforcement action involving a Pulaski County facility.	6-0 N-E
PCB 95-163	People of the State of Illinois v. Clark Refining & Marketing, Inc No action taken.	A,W, & RCRA-E
PCB 95-170	<u>People of the State of Illinois v. Environmental Control &</u> <u>Abatement, Inc.</u> - Respondent's motion for substitution of attorney referred to hearing officer for disposition.	6-0 А-Е,
PCB 96-21	<u>People of the State of Illinois v. Diamond Plating Company</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 Madison County facility, the Board ordered publication of the required newspaper notice.	6-0 Air-E
PCB 96-84	Forest Preserve District of DuPage County, Illinois v. Mineral Land Resources Corporation, Southwind Financial, Ltd., f/k/a Abbott Contractors, Inc., Bluff City Materials, Inc. as Assignee of Abbott Contractors, Inc No action taken.	L&W-E, Citizens
PCB 96-107	People of the State of Illinois v. ESG Watts, Inc No action taken.	A,L&W-E,
PCB 96-148	<u>People of the State of Illinois v. U.S. Dismantlement Corporation</u> - The Board granted complainant's motion for withdrawal of this noise enforcement action involving a Cook County facility.	6-0 A - E

Other Motions and Matters (Continued) PCB 96-207 People of the State of Illinois v. Piece Work Specialists, Inc. -6-0 Upon receipt of a proposed stipulation and settlement agreement RCRA - E and an agreed motion to request relief from the hearing requirement in this air enforcement action against a Tazewell County facility, the Board ordered publication of the required newspaper notice. PCB 96-261 People of the State of Illinois v. G.M. Demolition Corporation - No A-E action taken. PCB 97-30 People of the State of Illinois v. Shell Oil Company - No action taken. A-E PCB 97-62 People of the State of Illinois v. Geon Company - The Board A-E granted complainant's motion to withdraw the second amended complaint and motion for leave to file a second amended complaint. PCB 97-81 Equistar, Inc. (f/k/a Millennium Petrochemicals, Inc.) v. IEPA -P-A, Air The Board granted petitioner's motion for withdrawal of this air permit appeal involving a Douglas County facility. Matteson WHP Partnership v. James W. Martin and Eva D. Martin, PCB 97-121 6-0 individually and d/b/a Martin's of Matteson - The Board granted RCRA-E respondent's motion to strike. Citizens PCB 97-195 W.R. Meadow, Inc. v. IEPA - No action taken. P-A, Air PCB 98-37 People of the State of Illinois v. American Waste Processing- No action taken. RCRA-E

Other Motions and Matters (Continued)

PCB 98-43	Sierra Club and Jim Bensman v. City of Wood River and Norton Environmental - The Board denied petitioner's motion to reconsider it's January 8, 1998, order.	L-S-R, 3 rd Party
PCB 98-59	Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero - The Board denied petitioner's motion to reconsider it's January 8, 1998, order.	RCRA-E Citizens
PCB 98-71	Brickyard Disposal & Recycling, Inc. v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this Vermilion County facility.	6-0 P-A, Land
PCB 98-78	<u>Champion Gas & Oil 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 Sangamon County facility.	6-0 UST-FRD
PCB 98-79	Lincoln Correctional Center v. IEPA - 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 Logan County facility.	6-0 UST-FRD
PCB 98-98	Environmentally Concerned Citizens Organization and Beth Finney, individually and as a member of the Environmentally Concerned Citizens Organization v. Landfill L.L.C., d/b/a and/or a/k/a West End Disposal Facility and Saline County Board of Commissioners - No action taken.	L-S-R, 3 rd Party
PCB 98-104	<u>Village of Addison v. City of Wood Dale</u> - The Board found this matter duplicitous, dismissed the complaint, and closed the docket.	6-0 Hennessey abstained W-E, Citizens

Other Motions and Matters (Continued)

PCB 98-107	Rogers O'Hare Motor Terminal, Limited v. ABF Freight Systems, Inc No action taken.	UST-E, Citizens
PCB 98-108	<u>City of Freeport v. IEPA</u> - The Board accepted for hearing this land permit appeal involving a Stephenson County facility.	6-0 P-A, Land
PCB 98-109	Brandt Truck Line, Inc. v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a McLean County facility.	6-0 UST-FRD
PCB 98-110	<u>Phillips 66 Company v. IEPA</u> - The Board accepted 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 98-111	<u>County of Boone and the City of Belvidere v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file a land permit appeal on behalf of a Boone County facility.	6-0 P-A, Land 90-Day Ext.
PCB 98-112	Ronald R. & Melody L. Kanaverskis v. M.A. Ghalayini No action taken	N-E, Citizens
PCB 98-113	<u>Clayton Chemical Acquisition Limited Liability Company, d/b/a</u> <u>Resource Recovery Group, L.L.C. v. IEPA</u> - The Board granted petitioner's motion for admission <i>pro hac vice</i> and accepted for hearing this land permit appeal involving a St. Clair County facility.	6-0 P-A, RCRA

CASES PENDING DECISION

AS 97-2	In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a) and (c)	Hennessey Land, RCRA
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
PCB 97-199	Tri Star Marketing, Inc. v. IEPA	Flemal WWS

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning recessed the meeting to an Executive Session to be held in the Chairman's office at 11:02 a.m.

I, Dorothy M. Gunn, Clerk of the Illinois pollution Control Board, hereby certify that the above Minutes were approved this 19th day of March 1998, by a vote of 6-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



MARCH 5, 1998 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 A.M.

ANNOUNCEMENTS

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The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.

Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Thank you for your interest.

ROLL CALL

APPROVAL OF MINUTES

February 19, 1998

RULEMAKINGS

R98-10	In the Matter of: Amendments to Major Stationary Sources	Hennessey
	Construction and Modification Rules (New Source Review Rules)	R, Air
	35 Ill. Adm. Code 203 - Adopted Rule, Final Order, Opinion and	х, Ан
	Order	

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

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AC 98-15	<u>County of Jackson v. Michael Nosovitsky</u> - Accept Case - No Order
AC 98-16	County of Jackson v. James Qualls - Accept Case - No Order
AC 98-17	IEPA v. John Provenzano, d/b/a Blackstone Auto Salvage - Accept Case - No Order
AC 98-18	IEPA v. Michael Howell - Accept Case - No Order
AC 98-19	County of Jackson v. Gary Easton - Accept Case - No Order
AC 98-20	County of Jackson v. Gary Easton, d/b/a Easton Automotive - Accept Case - No Order

ADJUDICATORY CASES

Decisions

PCB 96-97	<u>People of the State of Illinois v. Village of Thompsonville</u> - Stipulation	Manning W-E
PCB 97-8	People of the State of Illinois v. Cyber America Corporation, f/k/a Canton Industrial Corporation	Manning L-E, Tires
PCB 97-229	People of the State of Illinois v. Autorad, Inc Stipulation	Meyer EPCRA-E
PCB 98-60	CDT Landfill Corporation v. City of Joliet (due 3/5)	Manning L-S-R

Decisions (Continued)

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PCB 98-94	People of the State of Illinois v. Material Service Corporation -	Girard
	Stipulation	A-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.

Motions and Other Matters

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

94-329	Billy and Marilyn Turner v. Golden Cat Corporation and Donald Jordan, d/b/a Donald Jordan Trucking Service - Complainants' Motion to Voluntarily Dismiss (3/2)	Girard N-E, Citizens
PCB 95-163	People of the State of Illinois v. Clark Refining & Marketing, Inc Complainant's Motion for Partial Summary Judgment and Memorandum of Law in Support of Complainant's Motion for Partial Summary Judgment (12/16), Respondent's Motion for Summary Judgment, Memorandum of Law, Motion to File in Excess of Page Limits, and Motion to File Instanter (12/24), Respondent's Response to Complainant's Motion for Summary Judgment (1/20)	Manning A,W, & RCRA-E
PCB 95-170	People of the State of Illinois v. Environmental Control & Abatement, Inc Respondent's Motion for Substitution of Counsel (2/23)	McFawn A-E
PCB 96-21	People of the State of Illinois v. Diamond Plating Company - Motion for Relief from Hearing Requirement (2/20)	Hennessey A-E

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Motions and Other Matters (Continued)

PCB 96-84	PCB 96-84Forest Preserve District of DuPage County, Illinois v. Mineral Land Resources Corporation, Southwind Financial, Ltd., f/k/a Abbott Contractors, Inc., Bluff City Materials, Inc. as Assignee of Abbott Contractors, Inc., - Complainant's Motion for Reconsideration of December 18, 1997 Board Order (1/21), Respondent Mineral and Land Resources' Response to Complainant's Motion to Reconsider (2/4)	
PCB 96-107	<u>People of the State of Illinois v. ESG Watts, Inc.</u> - Respondent's Motion to Stay (2/23), Complainant's Response to Respondent's Motion to Stay (2/25), Respondent's Motion for Rehearing, Modification or Vacation (3/2), Respondent's Motion to Reset Order of Pending Motions or in the Alternative to Consolidate Motions for Purposes of Hearing (3/2)	Manning A,W&L-E
PCB 96-148	<u>People of the State of Illinois v. U.S. Dismantlement Corporation</u> <u>and USDC Environmental, Inc.</u> - Complainant's Motion to Voluntarily Dismiss Without Prejudice (3/2)	Meyer A-E
PCB 96-207	People of the State of Illinois v. Piece Work Specialists, Inc Agreed Motion to Request Relief from the Hearing Requirement (3/2)	McFawn RCRA-E
PCB 96-261	People of the State of Illinois v. G.M. Demolition Corporation - Complainant's Motion for Summary Judgment (1/27)	Meyer A-E
PCB 97-30	<u>People of the State of Illinois v. Shell Oil Company</u> - Respondent's Motion to Dismiss, Motion for Leave to File Memorandum of Law in Support of Motion to Dismiss in Excess of Page Limits, and Memorandum of Law in Support of Motion to Dismiss (11/17), Complainant's Response to Respondent's Motion to Dismiss (12/23), Respondent's Reply to Complainant's Response to Respondent's Motion to Dismiss (1/23)	Meyer A-E



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Motions and Other Matters (Continued)

PCB 97-62	<u>People of the State of Illinois v. Geon Company</u> - Complainant's Motion for Leave to Withdraw Second Amended Complaint Currently Pending before the Board and Motion for Leave to File Second Amended Complaint and Second Amended Complaint (2/17)	Meyer A-E
PCB 97-81	Equistar, Inc. f/k/a Millennium Petrochemical Corporation v. IEPA USEPA's Motion for Leave to File Brief as Amicus Curiae (2/13), Petitioner's Motion to Dismiss Appeal (2/13), Petitioner's Motion to Continue its Motion to Dismiss Appeal (2/19), Petitioner's Response to USEPA's Motion for Leave to File Amicus Brief (2/19)	Flemal P-A, Air
PCB 97-121	21 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 (12/24), Respondents' Motion to Strike all References in Complainant's Motion for Summary Judgment to Reports Prepared by Pioneer Environmental, Inc. (1/14), Complainant's Response to Respondent's Motion to Strike (1/21)	
PCB 97-195	<u>W.R. Meadows, Inc. v. IEPA</u> - Petitioner's Motion for Summary Judgment (2/23)	Flemal P-A, Air
PCB 98-37	People of the State of Illinois v. American Waste Processing, Ltd Complainant's Motion to Strike Affidavit and/or Dismiss Respondent's Affirmative Defenses and Memorandum of Law in Support Thereof (2/20)	Flemal RCRA-E

Motions and Other Matters (Continued) PCB 98-43 Sierra Club and Jim Bensman v. City of Wood River and Norton Flemal Environmental - Petitioner Sierra Club's Motion to Reconsider L-S-R, 3rd January 8, 1998 Order (2/13), Petitioner Jim Bensman Motion for Party Reconsideration (2/18), Respondent City of Wood River's Response to Motions to Reconsider (2/20), Respondent Norton Environmental's Response to Motions to Reconsider and Motion to Strike Certain Portions Thereof (2/24) PCB 98-59 Morton College Board of Trustees of Illinois Community College Girard District No. 527 v. Town of Cicero - Respondent's Motion for RCRA-E Reconsideration (2/9), Complainant's Response to Respondent's Citizens Motion for Reconsideration (2/23)PCB 98-71 Brickyard Disposal & Recycling, Inc. v. IEPA - Dismissal Order Manning P-A, Land PCB 98-78 Champion Gas & Oil v. IPA - Dismissal Order Manning **UST-Appeal** 90-Day Ext. PCB 98-79 Lincoln Correctional Center v. IEPA - Dismissal Order Manning **UST-Appeal** 90-Day Ext. PCB 98-98 Environmentally Concerned Citizens Organization and Beth Girard Finney, individually and as a member of the Environmentally L-S-R, 3rd Concerned Citizens Organization v. Landfill L.L.C., d/b/a and/or Party a/k/a West End Disposal Facility and Saline County Board of Commissioners - Respondent's Motion for Partial Summary Judgment and for any Necessary Leave to File Motion (3/2)

PCB 98-104	Village of Addison v. City of Wood Dale - (See Respondent's	Girard
	Motion to Dismiss filed 2/18 and Complainant's Response to	W-E,
	Respondent's Motion to Dismiss filed 2/27) - Awaiting Duplicitous/Frivolous Determination	Citizens



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Motions and Other Matters (Continued)

PCB 98-107	Rogers O'Hare Motor Terminal, Limited v. ABF Freight Systems,	Girard
	Inc Hold for Duplicitous/Frivolous Determination - No Order	
		Citizens
PCB 98-108	City of Freeport v. IEPA - Accept for Hearing Order	Hennessey
		P-A, Land
PCB 98-109	Brandt Truck Line, Inc. v. IEPA - Accept for Hearing Order	McFawn
		UST-FRD
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PCB 98-110	Phillips 66 Company v. IEPA - Joint Request for 90-Day	Manning
	Extension of Appeal Period (2/23)	UST-Appeal
		90-Day Ext.
PCB 98-111	County of Boone and the City of Belvidere v. IEPA - Joint Request	Manning
	for 90-Day Extension of Appeal Period (2/23)	P-A, Land
		90-Day Ext.
PCB 98-112	Ronald R. & Melody L. Kanaverskis v. M.A. Ghalayini - (See also	
	Respondent's Response to Formal Complaint filed 2/25 and	Citizens
	Complainants' Response to Respondent's Response to Complaint filed 3/2) - Hold for Duplicitous/Frivolous	
	Determination - No Order	
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PCB 98-113	Clayton Chemical Acquisition Limited Liability Company, d/b/a	Manning
	Resource Recovery Group, L.L.C. v. IEPA - (See Petitioner's Motion for Admission Pro Hac Vice filed 3/3) - Accept for Hearing Order	P-A, RCRA

CASES PENDING DECISION

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AS 97-2	In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a) and (c)	Hennessey Land, RCRA
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
PCB 97-199	Tri Star Marketing, Inc. v. IEPA	Flemal WWS

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OTHER ITEMS

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ADJOURNMENT

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Contraction 1

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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 I	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	S02	S0 ₂ Alternative Standards (35
	Recovery Act proceeding		ILL. ADM. CODE 302.211(f))
	(hazardous waste only)		~~~
SWH-E	Special Waste Hauling	SWH-V	Special Waste Hauling
	Enforcement		Variance
Т	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appea	I Underground Storage Tank
			Corrective Action Appeal
UST-E	Underground Storage Tank	UST-FRD	Underground Storage Tank
	Enforcement		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 19, 1998 BOARD MEETING

AC 98-15	County of Jackson v. Michael Nosovitsky	
AC 98-16	County of Jackson v. James Qualls	
AC 98-17	IEPA v. John Provenzano, d/b/a Blackstone Auto Salvage	
AC 98-18	IEPA v. Michael Howell	
AC 98-19	County of Jackson v. Gary Easton	
AC 98-20	County of Jackson v. Gary Easton, d/b/a Easton Automotive	
PCB 98-107	Rogers O'Hare Motor Terminal, Limited v. ABF Freight Systems, Inc.	
PCB 98-108	City of Freeport v. IEPA	
PCB 98-109	Brandt Truck Line, Inc. v. IEPA	
PCB 98-110	Phillips 66 Company v. IEPA	
PCB 98-111	County of Boone and the City of Belevidere	
PCB 98-112	Ronald R. & Melody L. Kanaverskis v. M.A. Ghalayini	
PCB 98-113	Clayton Chemical Acquisition Limited Liability Company, d/b/a Resource Recovery Group, L.L.C.	