

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JUNE 4, 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 Clerk of the Board called the roll and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the May 21, 1998 meeting were approved by a vote of 7-0.

RULEMAKINGS

R97-12(C)	<u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO): Amendments to 35 Ill. Adm. Code 742.505 and 742.900 - Adopted Rule, Final Order, Opinion and Order.</u> The Board adopted a final opinion and order amending the standards for tiered approach to corrective action objectives (35 Ill. Adm. Code 742).	7-0 R, Land
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ADMINISTRATIVE CITATIONS (CONTINUED)

R98-15	<u>In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code Part 215 (Emission Standards and Limitations for Stationary Sources Located Outside the Chicago and Metro East Ozone Non-Attainment Areas)</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted a final opinion and order amending Subparts A (General Provisions), F (Coating Operations), and Z (Dry Cleaners) of 35 Ill. Adm. Code 215 to achieve consistency between these subparts and other Board regulations dealing with volatile organic material emissions from stationary emission sources.	7-0 R, Air
R98-28	<u>In the Matter of: Municipal Solid Waste Landfills - Non-Methane Organic Compounds 35 Ill. Adm. Code 201.103, 201.146, and Part 220</u> - Proposed Rule, Second Notice, Opinion and Order. The Board adopted a second notice opinion and order in this proposed rulemaking to amend the Board's air pollution control regulations.	7-0 R, Air

ADJUSTED STANDARDS

AS 98-7	<u>In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 106.705</u> - The Board directed petitioner to file its proof of publication for this request for an adjusted standard by June 11, 1998, or this matter will be dismissed.	6-0 Hennessey abstained Water
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ADMINISTRATIVE CITATIONS

AC 98-15	<u>County of Jackson v. Michael Nosovitsky</u> - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Jackson County facility, the Board dismissed the alleged violation against respondent for causing or allowing open burning in violation of 415 ILCS 5/21(p)(3) (1996), found this Jackson County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)), and ordered respondent to pay a civil penalty of \$500.	7-0
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ADMINISTRATIVE CITATIONS (CONTINUED)

- AC 98-25** IEPA v. Melvin C. Dyer - The Board found that this Coles County respondent violated Sections 21(p)(1), (p)(3), and (p)(4) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4)(1996)) and ordered respondent to pay a civil penalty of \$1,500. 7-0
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- AC 98-26** IEPA v. Jay Greer - The Board found that this Madison County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered respondent to pay a civil penalty of \$500. 7-0
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- AC 98-32** County of LaSalle v. Tom Dickey - The Board accepted an administrative citation against this LaSalle County respondent.
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- AC 98-33** County of LaSalle v. Mike and Janet Brown - The Board accepted an administrative citation against these LaSalle County respondents.
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- AC 98-34** IEPA v. Jeadon Leasing, Inc. - The Board accepted an administrative citation against this Saline County respondent.
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ADJUDICATORY CASES

Decisions

- PCB 98-93** People of the State of Illinois v. Salt Creek Drainage Basin Sanitary District - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this water enforcement action involving a DuPage County facility, ordered respondent to pay a civil penalty of \$30,000, and to cease and desist from further violations. 6-0
Hennessey
abstained
W-E
-

ADJUDICATORY CASES (CONTINUED)

PCB 98-123 People of the State of Illinois v. Gilster Mary Lee Corporation - 6-0
The Board granted relief from the hearing requirement of Section Hennessey
31(c)(2) of the Environmental Protection Act, accepted a abstained
stipulation and settlement agreement in this water enforcement W-E
action involving a Randolph County facility, ordered respondent to
pay a civil penalty of \$20,000, and to cease and desist from further
violations.

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 98-163 Caterpillar, Inc. (Mapleton Plant)v. IEPA - Upon receipt of an 6-0
IEPA recommendation, the Board granted this Peoria County Hennessey
facility a 45-day provisional variance, subject to conditions, from abstained
certain conditions and effluent discharge limits, as set forth in Water
NPDES permit No. IL0001830 and in 35 Ill. Adm. Code
309.102(a) and 304.141(b).

Motions and Other Matters

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

PCB 93-191 People of the State of Illinois v. Lloyd Wiemann, d/b/a Wiemann 7-0
Ice and Fuel and Lloyd Wiemann, d/b/a Wiemann Ice and Fuel v. UST-E
Texaco Refining and Marketing, Inc., and Eugene & Cheryl
Halbrooks as Cross-Respondents - The Board granted cross-
respondent's motion for entry of appearance.

PCB 94-163 Richard E. Gaunt, Sr. V. IEPA - The Board granted petitioner's 7-0
motion for withdrawal of this underground storage tank appeal UST-FRD
involving a Tazewell County facility.

PCB 95-143 Gordon Krautsack v. Bhogilal Patel, Subhash Patel, and Electronic 7-0
Interconnect, Inc., and Electronic Interconnect Corporation - The L-E,
Board granted respondent Electronic Interconnect, Inc.'s motion to Citizens
correct its May 7, 1998 order.

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

PCB 96-181	<u>ESG Watts, Inc. v. IEPA</u> - The Board granted respondent's motion for leave to file instanter its response to petitioner's motion for summary judgment. No action was taken on petitioner's motion for summary judgment.	7-0 P-A, Land
PCB 97-62	<u>People of the State of Illinois v. Geon 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 Marshall County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 97-207	<u>People of the State of Illinois v. Inspiration Development Company</u> - No action taken.	A&L-E
PCB 97-210	<u>ESG Watts, Inc. v. IEPA</u> - The Board granted respondent's motion for leave to file instanter its response to petitioner's motion for summary judgment. No action was taken on petitioner's motion for summary judgment.	7-0 P-A, Land
PCB 98-84	<u>Scott and Shelly Behrmann v. Okawville Farmers Elevator - St. Libory</u> - The Board granted complainant's motion for leave to file and accepted its second amended complaint.	7-0 N-E, Citizens
PCB 98-120	<u>Autotime/Bob Macas, Inc. v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0 UST-Appeal
PCB 98-121	<u>John Deere Harvester Works 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 Rock Island County facility.	7-0 UST-Appeal

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

PCB 98-128	<u>SSCI Joint Venture, and The Coca-Cola 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 Cook County facility.	7-0 UST-Appeal
PCB 98-132	<u>Illinois State Toll Highway Authority (O'Hare-East-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0 UST-Appeal
PCB 98-133	<u>Illinois State Toll Highway Authority (Des Plaines-South-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0 UST-Appeal
PCB 98-134	<u>Illinois State Toll Highway Authority (Hinsdale-West-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0 UST-Appeal
PCB 98-135	<u>Illinois State Toll Highway Authority (Lake Forest-West-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Lake County facility.	7-0 UST-Appeal
PCB 98-136	<u>Illinois State Toll Highway Authority (Lake Forest-East-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Lake County facility.	7-0 UST-Appeal
PCB 98-137	<u>Illinois State Toll Highway Authority (Des Plaines-North-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0 UST-Appeal

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

PCB 98-138	<u>Illinois State Toll Highway Authority (Lincoln-North-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0 UST-Appeal
PCB 98-139	<u>Illinois State Toll Highway Authority (O'Hare-West-Oasis) v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility.	7-0 UST-Appeal
PCB 98-147	<u>Jake Seabury v. IEPA</u> - No action taken.	UST-FRD 90-Day Ext.
PCB 98-155	<u>Leyden High Schools v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this request for a 90-day extension involving a Cook County facility.	7-0 UST-FRD 90-Day Ext.
PCB 98-159	<u>Massac County School Unit District #1 v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Massac County facility.	7-0 UST-FRD 90-Day Ext.
PCB 98-160	<u>Devro-Teepak, Inc. v. IEPA</u> - No action taken.	T-S-Appeal
PCB 98-161	<u>Devro-Teepak, Inc. v. IEPA</u> - No action taken.	T-S- Appeal
PCB 98-162	<u>People of the State of Illinois v. Judy Davis</u> - The Board accepted for hearing this land enforcement action against a Henry County facility.	L-E

CASES PENDING DECISION

R97-29 In the Matter of: Amendments to Location Standards for Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830.203(c) Hennessey
R, Land

R98-17 In the Matter of: Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1997 through April 9, 1998) - Adopted Rule, Final Order, Opinion and Order Girard
R, Air

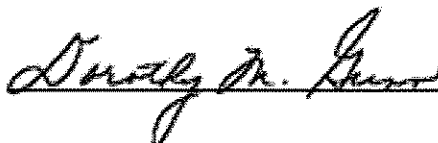
R98-23 In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1997 through December 31, 1997) - Adopted Rule, Final Order, Opinion and Order Yi
R, Water

PCB 97-31 People of the State of Illinois v. Johnnie Mae Hendricks McFawn
L-E, Tires

ADJOURNMENT

Moved and seconded, by a vote of 7-0, 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 17th day of June 1998 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



JUNE 4, 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

May 21, 1998

RULEMAKINGS

R97-12(C)	<u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO): Amendments to 35 Ill. Adm. Code 742.505 and 742.900</u> Adopted Rule, Final Order, Opinion and Order	McFawn Yi R, Land
R98-15	<u>In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code Part 215 (Emission Standards and Limitations for Stationary Sources Located Outside the Chicago and Metro East Ozone Non-Attainment Areas) - Adopted Rule, Final Order, Opinion and Order</u>	Flemal R, Air

RULEMAKINGS (CONTINUED)

R98-28	<u>In the Matter of: Municipal Solid Waste Landfills - Non-Methane Organic Compounds 35 Ill. Adm. Code 201.103, 201.146, and Part 220 - Proposed Rule, Second Notice, Opinion and Order</u>	Flemal R, Air
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ADJUSTED STANDARDS

AS 98-7	<u>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</u>	Girard Water
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ADMINISTRATIVE CITATIONS

AC 98-15	<u>County of Jackson v. Michael Nosovitsky - Stipulation and Joint Motion for Final Board Order (5/26)</u>	Flemal
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AC 98-25	<u>IEPA v. Melvin C. Dyer - Default Order</u>	Manning
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AC 98-26	<u>IEPA v. Jay Greer - Default Order</u>	Manning
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AC 98-32	<u>County of LaSalle v. Tom Dickey - Accept Case - No Order</u>	
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AC 98-33	<u>County of LaSalle v. Mike and Janet Brown - Accept Case - No Order</u>	
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AC 98-34	<u>IEPA v. Jeadon Leasing, Inc. - Accept Case - No Order</u>	
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ADJUDICATORY CASES

Decisions

ADJUDICATORY CASES (CONTINUED)

Decisions (Continued)

PCB 98-93	<u>People of the State of Illinois v. Salt Creek Drainage Basin Sanitary District - Stipulation</u>	Meyer W-E
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PCB 98-123	<u>People of the State of Illinois v. Gilster Mary Lee Corporation - Stipulation</u>	Girard W-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.

Motions and Other Matters

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

PCB 93-191	<u>People of the State of Illinois v. Lloyd Wiemann, d/b/a Wiemann Ice and Fuel and Lloyd Wiemann, d/b/a Wiemann Ice and Fuel v. Texaco Refining and Marketing, Inc., and Eugene & Cheryl Halbrooks as Cross-Respondents - Motion for Entry of Appearance (5/11)</u>	Manning UST-E
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PCB 94-163	<u>Richard E. Gaunt, Sr. V. IEPA - Petitioner's Motion to Dismiss (5/28)</u>	Flemal UST-FRD
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PCB 95-143	<u>Gordon Krautsack v. Bhogilal Patel, Subhash Patel, and Electronic Interconnect, Inc., and Electronic Interconnect Corporation - Respondent Electronic Interconnect, Inc.'s Motion to Correct May 7, 1998 Board Order (6/1)</u>	Flemal L-E, Citizens
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PCB 96-181	<u>ESG Watts, Inc. v. IEPA - Petitioner's Motion for Summary Judgment (5/4), Respondent's Motion for Leave to File Instantly its Response to Petitioner's Motion for Summary Judgment (5/18)</u>	McFawn P-A, Land
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ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 97-62	<u>People of the State of Illinois v. Geon Company</u> - Motion for Relief from Hearing Requirement (5/19)	Meyer A-E
PCB 97-207	<u>People of the State of Illinois v. Inspiration Development Company</u> Complainant's Motion to Strike Affirmative Defenses (4/22)	Manning A&L-E
PCB 97-210	<u>ESG Watts, Inc. v. IEPA</u> - Petitioner's Motion for Summary Judgment (5/1), Respondent's Motion for Leave to File Instantly its Response to Petitioner's Motion for Summary Judgment (5/18)	Yi P-A, Land
PCB 98-84	<u>Scott and Shelly Behrmann v. Okawville Farmers Elevator - St. Libory</u> - Respondent's Motion to Dismiss (4/24), Complainants' Response to Respondent's Motion to Dismiss (4/27), Complainants' Motion for Leave to File Second Amended Complaint (5/6)	Yi N-E, Citizens
PCB 98-120	<u>Autotime/Bob Macas, Inc. v. IEPA</u> - Accept for Hearing Order	McFawn UST-FRD
PCB 98-121	<u>John Deere Harvester Works v. IEPA</u> - Dismissal Order	Manning UST-FRD 90-Day Ext.
PCB 98-128	<u>SSCI Joint Venture, and The Coca-Cola Company v. IEPA</u> - Dismissal Order	Manning UST-FRD 90-Day Ext.
PCB 98-132	<u>Illinois State Toll Highway Authority (O'Hare-East-Oasis) v. IEPA</u> Accept for Hearing Order	Flemal UST-Appeal
PCB 98-133	<u>Illinois State Toll Highway Authority (Des Plaines-South-Oasis) v. IEPA</u> - Accept for Hearing Order	Manning UST-Appeal

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-134	<u>Illinois State Toll Highway Authority (Hinsdale-West-Oasis) v. IEPA</u> - Accept for Hearing Order	Flemal UST-Appeal
PCB 98-135	<u>Illinois State Toll Highway Authority (Lake Forest-West-Oasis) v. IEPA</u> - Accept for Hearing Order	Manning UST-Appeal
PCB 98-136	<u>Illinois State Toll Highway Authority (Lake Forest-East-Oasis) v. IEPA</u> - Accept for Hearing Order	Manning UST-Appeal
PCB 98-137	<u>Illinois State Toll Highway Authority (Des Plaines-North-Oasis) v. IEPA</u> - Accept for Hearing Order	Manning UST-Appeal
PCB 98-138	<u>Illinois State Toll Highway Authority (Lincoln-North-Oasis) v. IEPA</u> - Accept for Hearing Order	Manning UST-Appeal
PCB 98-139	<u>Illinois State Toll Highway Authority (O'Hare-West-Oasis) v. IEPA</u> - Accept for Hearing Order	Manning UST-Appeal
PCB 98-147	<u>Jake Seabury v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (4/23) - Awaiting Agency Response	Manning UST-FRD
PCB 98-155	<u>Leyden High Schools v. IEPA</u> - Dismissal Order	Manning UST-FRD 90-Day Ext.
PCB 98-159	<u>Massac County School Unit District #1 v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (5/26) - Order	Manning UST-Appeal
PCB 98-160	<u>Devro-Teepak, Inc. v. IEPA</u> - Accept for Hearing Order	Manning T-S-Appeal

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-161	<u>Devro-Teepak, Inc. v. IEPA - Accept for Hearing Order</u>	Manning T-S- Appeal
PCB 98-162	<u>People of the State of Illinois v. Judy Davis - Hearing Mandatory - No Order</u>	

CASES PENDING DECISION

R97-29	<u>In the Matter of: Amendments to Location Standards for Landscape Waste Compost Facilities, 35 Ill. Adm. Code 830.203(c)</u>	Hennessey R, Land
R98-9	<u>In the Matter of: Municipal Solid Waste Landfill (MSWLF) Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848 - Adopted Rule, Final Order, Opinion and Order</u>	Girard R, Land
R98-17	<u>In the Matter of: Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1997 through April 9, 1998) - Adopted Rule, Final Order, Opinion and Order</u>	Girard R, Air
R98-23	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1997 through December 31, 1997) - Adopted Rule, Final Order, Opinion and Order</u>	Yi R, Water
PCB 97-31	<u>People of the State of Illinois v. Johnnie Mae Hendricks</u>	McFawn L-E, Tires

OTHER ITEMS

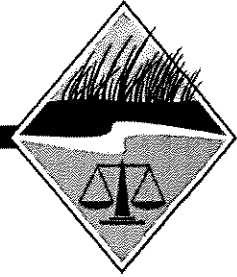
ADJOURNMENT

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 MAY 21, 1998 BOARD MEETING

AC 98-32	County of LaSalle v. Tom Dickey
AC 98-33	County of LaSalle v. Mike and Janet Brown
AC 98-34	IEPA v. Jeadon Leasing, Inc.
PCB 98-159	Massac County School Unit District #1 v. IEPA
PCB 98-160	Devro-Teepak, Inc. v. IEPA
PCB 98-161	Devro-Teepak, Inc. v. IEPA
PCB 98-162	People of the State of Illinois v. Judy Davis