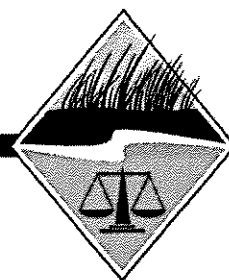


ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



DECEMBER 17, 1998 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Assistant Clerk of the Board called the roll. All Board Members were present except for Board Member Yi.

APPROVAL OF MINUTES

Minutes of the December 3, 1998 meeting were approved by a vote of 6-0.

RULEMAKINGS

R97-16	<u>In the Matter of: Proportionate Share Liability (35 Ill. Adm. Code 741)</u> - The Board adopted a final opinion and order in this rulemaking to establish procedures for determining proportionate share liability in environmental actions.	6-0 R, Land
---------------	---	----------------

R98-14	<u>In the Matter of: Petition of PDV Midwest Refining, L.L.C. for a Site-Specific Rulemaking Amendment to 35 Ill. Adm. Code 304.213</u> - The Board adopted a final opinion and order in this rulemaking to amend the Board's water pollution control regulations.	6-0 R, Water
---------------	--	-----------------

ADJUSTED STANDARDS (CONTINUED)

R98-21)	<u>In the Matter of: RCRA Update, USEPA Regulations (July 1, 1997, through December 31, 1997); RCRA Update, USEPA</u>	6-0
R99-2)	<u>Regulations (January 1, 1998, through June 30, 1998); UIC Update,</u>	R, Land
R99-7)	<u>USEPA Regulations (January 1, 1998, through June 30, 1998) - The Board adopted a final opinion and order, in this "identical-in-substance" rulemaking to amend the Board's hazardous waste disposal regulations.</u>	
<hr/>		
R98-29	<u>In the Matter of: Non-Hazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) -</u> The Board granted the Illinois Environmental Protection Agency's motion to sever and established a docket R99-18, to handle the issues of used oil transportation and used oil management facilities. The Board adopted a first notice opinion and order, in this rulemaking to amend the Board's non-hazardous special waste hauling regulations.	6-0 R, Land
<hr/>		
R99-4	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998, through June 30, 1998) -</u> The Board adopted a proposal for public comments, in this "identical-in-substance" rulemaking to amend the Board's wastewater pretreatment regulations.	6-0 R, Water
<hr/>		
R99-8	<u>In the Matter of: Permitting Procedures for the Lake Michigan Basin 35 Ill. Adm. Code 301 and 309.141 -</u> The Board denied the Illinois Environmental Regulatory Group's motion to dismiss.	6-0 R, Water
<hr/>		
R99-9	<u>In the Matter of: Hearings Pursuant to Specific Rules, Proposed New Subpart K, Involuntary Termination of Environmental Management System Agreements, 35 Ill. Adm. Code 106, Subpart K -</u> The Board adopted a second-notice opinion and order in this proposed rulemaking to establish procedures for the involuntary termination of Environmental Management System Agreements.	6-0 R, Proc. Rule
<hr/>		

ADJUSTED STANDARDS (CONTINUED)

R99-11	<u>In the Matter of: Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1998, through December 31, 1998)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1998, through December 31, 1998.	R, Air
R99-12	<u>In the Matter of SDWA Update, USEPA Regulations (July 1, 1998, through December 31, 1998)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1998, through December 31, 1998.	R, PWS
R99-13	<u>In the Matter of: UIC Update, USEPA Regulations (July 1, 1998, through December 31, 1998)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1998, through December 31, 1998.	R, Land
R99-14	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 1998, through December 31, 1998)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1998, through December 31, 1998.	R, Land
R99-15	<u>In the Matter of: RCRA Subtitle C Update, USEPA Regulations (July 1, 1998, through December 31, 1998)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1998, through December 31, 1998.	R, Land
R99-16	<u>In the Matter of: UST Update, USEPA Regulations (July 1, 1998, through December 31, 1998)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1998, through December 31, 1998.	R, Land

ADJUSTED STANDARDS (CONTINUED)

R99-17	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1998, through December 31, 1998) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1998, through December 31, 1998.</u>	R, Water
R99-18	<u>In the Matter of: Amendments to Permitting for Used Oil Management and Used Oil Transport: 35 Ill. Adm. Code 807 and 809 - The Board granted the Illinois Environmental Protection Agency's motion to sever in R98-29, and opened docket R99-18, to handle the issues of used oil transportation and used oil management facilities.</u>	6-0 R, Land
R99-19	<u>In the Matter of: Regulated Recharge Area Designation, Durand, Winnebago County - No action taken.</u>	R, PWS

ADJUSTED STANDARDS

AS 90-5	<u>In the Matter of: Petition of R. Lavin & Sons, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 302.102, 302.208, 302.210, and Subpart F, Procedures for Determining Water Quality Criteria - The Board granted petitioner's motion for withdrawal of this petition for an adjusted standard involving a Lake County facility.</u>	6-0 Water
AS 92-1	<u>In the Matter of: Petition of the Stiffel Company for an Adjusted Standard from 35 Ill. Adm. Code Part 218 Subpart F - The Board granted petitioner's motion for withdrawal of this petition for an adjusted standard involving a Cook County facility.</u>	6-0 Air
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 - The Board ordered petitioner to file an amended petition January 15, 1999, or this matter would be subject to dismissal.</u>	6-0 Water, NPDES

ADMINISTRATIVE CITATIONS (CONTINUED)

ADMINISTRATIVE CITATIONS

- | | | |
|----------|--|-----|
| AC 99-15 | <u>IEPA v. Donald Bauser</u> - The Board found that this Cass 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. | 6-0 |
| AC 99-16 | <u>IEPA v. Jack Smothers d/b/a American Iron & Metal Company</u> - The Board found that this Williamson 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. | 6-0 |
| AC 99-17 | <u>IEPA v. Lawrence E. Smith, Jr. and Marilyn J. Smith</u> - The Board found that these Morgan County respondents 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. | 6-0 |
| AC 99-18 | <u>IEPA v. Lawrence Griffith</u> - The Board found that this Macoupin 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. | 6-0 |
| AC 99-20 | <u>IEPA v. Lawrence County Disposal Centre, Inc., S&S Grading of Illinois, Inc., and Gary McLaren</u> - The Board accepted an administrative citation against these Lawrence County respondents. | |
| AC 99-21 | <u>IEPA v. Charles Trammell d/b/a Trammell Trucking</u> - The Board accepted an administrative citation against this Cook County respondent. | |
| AC 99-22 | <u>IEPA v. William Cagle</u> - The Board accepted an administrative citation against this Macoupin County respondent. | |
-

ADMINISTRATIVE CITATIONS (CONTINUED)

AC 99-23 IEPA v. Ed Kuresten d/b/a Greenland Tree & Lawn - The Board accepted an administrative citation against this Cook County respondent.

ADJUDICATORY CASES

Decisions

PCB 98-61	<u>People of the State of Illinois v. James Patton, an individual d/b/a A&J Manufacturing</u> - 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 Resource Conservation and Recovery Act enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$8,500, and to cease and desist from further violations.	6-0 RCRA-E
PCB 98-83	<u>People of the State of Illinois v. Donald Swinson d/b/a Rock View Stone Company</u> - 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 air enforcement action concerning asbestos demolition and renovation activity performed at various sites located in Rockford, Winnebago County, Illinois, ordered respondent to pay a civil penalty of \$10,000, and to cease and desist from further violations.	6-0 A-E
PCB 98-89	<u>People of the State of Illinois v. Fischer Crane Company</u> - 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 Resource Conservation and Recovery Act enforcement action involving a Will County facility, ordered respondent to pay a civil penalty of \$3,000, and to cease and desist from further violations.	6-0 RCRA-E

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

PCB 99-21	<u>Central Illinois Light Company (Duck Creek Station) v. IEPA</u> - The Board granted this Fulton County facility a variance, subject to conditions, from the Board's June 20, 1996 order in AS 96-8 which granted CILCO an adjusted water quality standard for boron.	6-0 W-V, NPDES
------------------	---	----------------------

Motions and Other Matters

PCB 90-31	<u>R. Lavin & Sons, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this petition for variance involving a Lake County facility.	6-0 W-V, NPDES
------------------	--	----------------------

PCB 91-139	<u>R. Lavin & Sons, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this National Pollutant Discharge Elimination System permit appeal involving a Lake County facility.	6-0 P-A, NPDES
-------------------	--	----------------------

PCB 94-288	<u>People of the State of Illinois v. Diversified Abatement Contractors, Inc., an Illinois corporation, and John Nordigian individually and as president of and Diversified Abatement Contractors, Inc.</u> - The Board granted complainant's motion to dismiss respondent Diversified Abatement Contractors.	6-0 A-E,
-------------------	---	-------------

PCB 94-391	<u>America's Carwash-HP, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	6-0 UST-Appeal
-------------------	---	-------------------

PCB 96-48	<u>Shell Oil Company (Orland Park Facility) v. IEPA</u> - The Board granted the parties' joint motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST-Appeal
------------------	---	-------------------

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

PCB 96-84	<u>Forest Preserve District of DuPage County, Illinois v. Mineral and Land Resources Corporation, Southwind Financial, Ltd. f/k/a Abbott Contractors, Inc., Bluff City Materials, Inc. as Assignee of Abbott Contractors, Inc.</u> - The Board granted complainant's motion for voluntary dismissal in this citizen's land and water enforcement action involving a DuPage County facility.	6-0 L&W-E, Citizens
PCB 96-180	<u>Environmental Site Developers, Inc., Complainant/Counter-Respondent v. White & Brewer Trucking, Inc., Respondent/Counter-Complainant</u> - The Board denied complainant/counter-respondent's motion for extension of briefing schedule as moot.	6-0 W-E, Citizens
PCB 96-261	<u>People of the State of Illinois v. G.M. Demolition Corporation</u> - The Board granted complainant's motion for additional time to file a reply in this air enforcement action involving a facility located in Cook and Kankakee Counties.	6-0 A-E
PCB 97-66	<u>People of the State of Illinois v. D'Angelo Enterprises, Inc.</u> - The Board referred complainant's motion for additional time to the hearing officer for disposition in this Resource Conservation and Recovery Act enforcement action involving a Cook County facility.	RCRA-E
PCB 97-168	<u>People of the State of Illinois v. Old World Industries, Inc. and Specialty Sealant Tapes, Inc.</u> - No action taken.	L-E
PCB 98-18	<u>James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate</u> - No action taken.	N-E, Citizens
PCB 98-31	<u>Roy K. Johnson v. Archer Daniel Midland-Demeter Hoopston Division</u> - No action taken.	A&N-E, Citizens
PCB 98-54	<u>Edward Malina v. Jean Day</u> - No action taken.	UST-E, Citizens

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

PCB 98-120	<u>Autotime/Bob Macas, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST-FRD
PCB 98-169	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Bargeway Systems, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen, Robert F. Atkins, and Mobil Oil Company</u> - No action taken.	UST-E, Citizens
PCB 99-27	<u>People of the State of Illinois v. James and Carol Gilmer</u> - No action taken.	RCRA, W-E
PCB 99-38	<u>Lawrence C. Sweda v. Outboard Marine Corporation and the City of Waukegan</u> - The Board granted respondent's Outboard Marine Corporation's motion to correct the September 17, 1998 order.	6-0 N-E, Citizens
PCB 99-50	<u>Steven Tucker 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.	6-0 UST-Appeal 90-Day Ext.
PCB 99-52	<u>Central Illinois Light Company v. IEPA</u> - The Board accepted for hearing this land permit siting appeal involving a Tazewell County facility.	6-0 P-A, Land
PCB 99-53	<u>Deer Creek Mackinaw Community Unit School District #701 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 Tazewell County facility.	6-0 UST-FRD 90-Day Ext.

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

PCB 99-54	<u>Sullivan Community Unit School District #300 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 Moultrie County facility.	6-0 UST-FRD 90-Day Ext.
PCB 99-64	<u>Jean S. Dixon v. Joseph Behr & Sons, Inc.</u> - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Winnebago County facility.	N-E, Citizens
PCB 99-69	<u>Land and Lakes Company v. Randolph County Board of Commissioners</u> - The Board granted respondent's motion for extension of time to file the county record.	6-0 P-C-F-S-R
PCB 99-71	<u>Carl and Nina Brunson v. MCI WorldCom, Inc. and IXC Carrier, Inc.</u> - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Jasper County facility.	N-E, Citizens
PCB 99-72	<u>People of the State of Illinois v. Lake of Egypt Water District, Willis Dale Shadowens, and Gary R. Rhodes</u> - The Board accepted for hearing this public water supply enforcement action against a Williamson County facility.	PWS-E
PCB 99-73	<u>People of the State of Illinois v. J.L. Clark, 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 DuPage County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 99-74	<u>General Mills Operations, Inc. v. IEPA</u> - The Board accepted this trade secret appeal involving a Kane County facility.	6-0 T-S

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

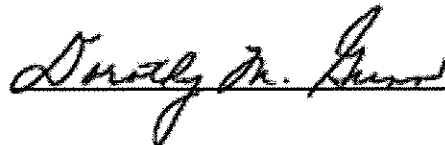
PCB 99-75	<u>General Electric Company v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an air permit appeal on behalf of a LaSalle County facility.	6-0 P-A, Air 90-Day Ext.
<hr/>		
PCB 99-76	<u>Northrup Oil Company v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Peoria County facility.	6-0 UST-Appeal 90-Day Ext.
<hr/>		
PCB 99-77	<u>Howard Warsaw 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 Tazewell County facility.	6-0 UST-Appeal 90-Day Ext.
<hr/>		
PCB 99-78	<u>Kiehl Engineering Company, Inc. v. IEPA</u> - The Board accepted this petition for air variance involving a DuPage County facility for hearing.	6-0 A-V

CASES PENDING DECISION

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:10 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 January 1999 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



DECEMBER 17, 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

December 3, 1998

RULEMAKINGS

R97-16	<u>In the Matter of: Proportionate Share Liability (35 Ill. Adm. Code 741) - Adopted Rule, Final Order, Opinion and Order</u>	Manning McFawn Hennessey R, Land
R98-14	<u>In the Matter of: Petition of PDV Midwest Refining, L.L.C. for a Site-Specific Rulemaking Amendment to 35 Ill. Adm. Code 304.213 - Adopted Rule, Final Order, Opinion and Order</u>	Yi R, Water

RULEMAKINGS (CONTINUED)

R98-21)	<u>In the Matter of: RCRA Update, USEPA Regulations (July 1, 1997 through December 31, 1997); In the Matter of: RCRA Update, USEPA Regulations (January 1, 1998 through June 30, 1998); In the Matter of UIC Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - Adopted Rule, Final Order, Opinion and Order</u>	Hennessey R, Land
R99-2)		
R99-7)		
R98-29	<u>In the Matter of: Non-Hazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) - Proposed Rule, First Notice, Opinion and Order (See Agency Motion to Sever Docket and the Proposed Amendments to Parts 809 and 807 filed 11/2)</u>	Melas R, Land
R99-4	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - Proposed Rule, Proposal for Public Comment, Opinion and Order</u>	Melas R, Water
R99-8	<u>In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141 - Illinois Environmental Regulatory Group's Motion to Dismiss (9/29), People's Response to Illinois Environmental Regulatory Group's Motion to Dismiss (11/17), Agency Response to Illinois Environmental Regulatory Group's Motion to Dismiss (11/19), Illinois Environmental Regulatory Group's Reply (11/30)</u>	Girard Manning Melas R, Water
R99-9	<u>In the Matter of: Hearings Pursuant to Specific Rules, Proposed New Subpart K, Involuntary Termination of Environmental Management System Agreements , 35 Ill. Adm. Code 106, Subpart K - Proposed Rule, Second Notice, Opinion and Order</u>	Hennessey Manning McFawn R, Proc. Rule
R99-11	<u>In the Matter of: Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1998 through December 31, 1998) - RESERVED</u>	R, Air

RULEMAKINGS (CONTINUED)

R99-12	<u>In the Matter of SDWA Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - RESERVED</u>	R, PWS
R99-13	<u>In the Matter of: UIC Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - RESERVED</u>	R, Land
R99-14	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - RESERVED</u>	R, Land
R99-15	<u>In the Matter of: RCRA Subtitle C Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - RESERVED</u>	R, Land
R99-16	<u>In the Matter of: UST Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - RESERVED</u>	R, Land
R99-17	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - RESERVED</u>	R, Water
R99-18	<u>In the Matter of: Amendments to Permitting for Used Oil Management and Used Oil Transport: 35 Ill. Adm. Code 807 and 809 - Accepted for Hearing Order</u>	Melas R, Land
R99-19	<u>In the Matter of: Regulated Recharge Area Designation, Durand, Winnebago County</u>	R, PWS

ADJUSTED STANDARDS

AS 90-5	<u>In the Matter of: Petition of R. Lavin & Sons, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 302.102, 302.208, 302.210, and Subpart F, Procedures for Determining Water Quality Criteria - Petitioner's Motion to Withdraw Petition (12/7)</u>	Flemal Water
---------	--	-----------------

ADJUSTED STANDARDS (CONTINUED)

AS 92-1	<u>In the Matter of: Petition of the Stiffel Company for an Adjusted Standard from 35 Ill. Adm. Code Part 218 Subpart F - Petitioner's Motion to Withdraw Adjusted Standard Petition (12/4)</u>	Yi Air
---------	---	-----------

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 - Petitioner's Certificate of Publication (12/3)</u>	Melas Water, NPDES
---------	---	--------------------------

ADMINISTRATIVE CITATIONS

AC 99-15	<u>IEPA v. Donald Bauser - Default Order</u>	Manning
----------	--	---------

AC 99-16	<u>IEPA v. Jack Smothers d/b/a American Iron & Metal Company - Default Order</u>	Manning
----------	--	---------

AC 99-17	<u>IEPA v. Lawrence E. Smith, Jr. and Marilyn J. Smith - Default Order</u>	Manning
----------	--	---------

AC 99-18	<u>IEPA v. Lawrence Griffith - Default Order</u>	Manning
----------	--	---------

AC 99-20	<u>IEPA v. Lawrence County Disposal Centre, Inc., S&S Grading of Illinois, Inc. and Gary McLaren - Accept Case - No Order</u>	
----------	---	--

AC 99-21	<u>IEPA v. Charles Trammell d/b/a Trammell Trucking - Accept Case - No Order</u>	
----------	--	--

AC 99-22	<u>IEPA v. William Cagle - Accept Case - No Order</u>	
----------	---	--

AC 99-23	<u>IEPA v. Ed Kuresten d/b/a Greenland Tree & Lawn - Accept Case - No Order</u>	
----------	---	--

ADJUDICATORY CASES

Decisions

PCB 98-61	<u>People of the State of Illinois v. James Patton, an individual d/b/a A&J Manufacturing - Stipulation</u>	Yi RCRA-E
PCB 98-83	<u>People of the State of Illinois v. Donald Swinson d/b/a Rock View Stone Company - Stipulation</u>	Melas A-E
PCB 98-89	<u>People of the State of Illinois v. Fischer Crane Company - Stipulation</u>	Hennessey RCRA-E
PCB 99-21	<u>Central Illinois Light Company (Duck Creek Station) v. IEPA (due 12/28)</u>	Flemal W-V, NPDES

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 90-31	<u>R. Lavin & Sons, Inc. v. IEPA - Petitioner's Motion to Withdraw Petition for Variance (12/7)</u>	Flemal W-V, NPDES
PCB 91-139	<u>R. Lavin & Sons, Inc. v. IEPA - Petitioner's Motion to Withdraw Petition for Permit Appeal (12/7)</u>	Flemal P-A, NPDES

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 94-288	<u>People of the State of Illinois v. Diversified Abatement Contractors, Inc.</u> - Complainant's Brief Regarding the Requested Relief Against Respondent Diversified Abatement Contractors, Inc. (12/3)	Hennessey A-E
PCB 94-391	<u>America's Carwash-HP, Inc. v. IEPA</u> - Petitioner's Motion to Dismiss Appeal (12/1)	Yi UST-Appeal
PCB 96-48	<u>Shell Oil Company (Orland Park Facility) v. IEPA</u> - Joint Stipulation and Motion to Dismiss (12/10)	Flemal UST-Appeal
PCB 96-84	<u>Forest Preserve District of DuPage County, Illinois v. Mineral and Land Resources Corporation, Southwind Financial, Ltd., formerly known as Abbott Contractors, Inc., Bluff City Materials, Inc. as Assignee of Abbott Contractors, Inc.</u> - Complainant's Agreed Motion to Withdraw Complaint and Dismiss (12/10)	McFawn L&W-E, Citizens
PCB 96-180	<u>Environmental Site Developers, Inc., Complainant/Counter-Respondent v. White & Brewer Trucking, Inc., Respondent/Counter-Complainant</u> - Complainant/Counter-Respondent's Motion for Extension of Briefing Schedule	McFawn W-E, Citizens
PCB 96-261	<u>People of the State of Illinois v. G.M. Demolition Corporation</u> - Complainant's Motion for Reconsideration of October 1, 1998 Opinion and Order (11/4), Respondent's Response to Complainant's Motion for Reconsideration (12/8)	Melas A-E
PCB 97-66	<u>People of the State of Illinois v. D'Angelo Enterprises, Inc.</u> - Complainant's Motion for Additional Time to Respond to Section V of Respondent's Cross-Motion for Summary Judgment in Response to November 19, 1998 Board Order (12/1)	Hennessey RCRA-E

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 97-168	<u>People of the State of Illinois v. Old World Industries, Inc. and Specialty Sealant Tapes, Inc.</u> - Respondent Old World Industries, Inc.'s Motion for Certificate of Appeal and to Stay the Pending Proceedings and Memorandum of Law in Support of its Motion for Certificate of Appeal and to Stay the Pending Proceedings (10/22). Complainant's Response to Respondent Old World Industries, Inc.'s Motion for Certificate of Appeal and to Stay Pending Proceedings (11/5)	Manning L-E
PCB 98-18	<u>James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate</u> - Respondent United States Postal Service's Motion for Reconsideration of October 15, 1998 Order and Memorandum in Support of Motion for Reconsideration (11/24)	Girard N-E, Citizens
PCB 98-31	<u>Roy K. Johnson v. Archer Daniel Midland-Demeter Hoopeston Division</u> - Respondent's Memorandum in Support of its Motion for Summary Judgment and Motion for Summary Judgment (9/18), Complainant's Memorandum in Opposition to Respondent's Motion for Summary Judgment (10/8), Respondent's Reply in Support of its Motion for Summary Judgment (10/21)	Hennessey A&N-E, Citizens
PCB 98-54	<u>Edward Malina v. Jean Day</u> - Complainant's Motion for Summary Judgment and Memorandum in Support of Summary Judgment (10/30), Respondent's Response to Complainant's Motion for Summary Judgment and Cross-Motion for Summary Judgment (12/7)	Yi UST-E
PCB 98-120	<u>Autotime/Bob Macas, Inc. v. IEPA</u> - Petitioner's Motion to Withdraw Petition (12/2)	McFawn UST-FRD

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-169	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Bargeway Systems, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen, Robert F. Atkins, and Mobil Oil Company</u> - Respondent Mobil Oil Company's Motion to Dismiss Complaint (7/6), Respondent Gertrude Kellogg's Motion to Dismiss Complaint (7/16), Complainant's Motion for Extension of Time within Which to Respond to Motion to Dismiss (7/16), Respondent Bargeway Oil Company, Inc.'s Motion to Join the Motion to Dismiss Complaint of Mobil Corporation Instanter (7/21), Respondent Robert Nielsen's Motion to Dismiss and Join Mobil Oil Company's Motion to Dismiss Instanter (7/30), Motion of Respondents Bargeway Systems and Robert Atkins to Join Instanter Respondent Mobil Oil Company's Motion to Dismiss Complaint (8/4), Respondent Robert Nielsen's Motion to Strike Address of Nielsen's Bargeway (8/17), Opposition of Complainant Union Oil Company of California to Respondents' Motion to Dismiss Complaint (8/18)	Manning UST-E, Citizens
PCB 99-27	<u>People of the State of Illinois v. James and Carol Gilmer</u> - Respondents' Motion to Dismiss Count I of the Complaint (11/9), Kraft Foods' Motion for Leave to File Instanter and Motion to Dismiss for Lack of Personal Jurisdiction (12/4), Respondents Motion for Leave to File Amended Third-Party Complaint (12/7)	Girard RCRA, W-E
PCB 99-38	<u>Lawrence C. Sweda v. Outboard Marine Corporation and the City of Waukegan</u> - Respondent Outboard Marine Corporation's Motion to Correct September 17, 1998 Board Order (12/1)	McFawn N-E, Citizens
PCB 99-50	<u>Steven Tucker v. IEPA</u> - Dismissal Order	Manning UST-Appeal 90-Day Ext.
PCB 99-52	<u>Central Illinois Light Company v. IEPA</u> - Accept for Hearing Order	Hennessey P-A, Land

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-53	<u>Deer Creek Mackinaw CSSD #701 v. IEPA</u> - Dismissal Order	Manning UST-FRD 90-Day Ext.
PCB 99-54	<u>Sullivan CUSD #300 v. IEPA</u> - Dismissal Order	Manning UST-FRD 90-Day Ext.
PCB 99-64	<u>Jean S. Dixon v. Joseph Behr & Sons, Inc.</u> - Duplicitous/Frivolous Determination	McFawn N-E, Citizens
PCB 99-69	<u>Land and Lakes Company v. Randolph County Board of Commissioners</u> - Respondent's Motion for Extension of Time to File the County Record (12/14)	Girard P-C-F-S-R
PCB 99-71	<u>Carl and Nina Brunson v. MCI WorldCom, Inc. and IXC Carrier, Inc.</u> - Duplicitous/Frivolous Determination	McFawn N-E, Citizens
PCB 99-72	<u>People of the State of Illinois v. Lake of Egypt Water District, Willis Dale Shadowens, and Gary R. Rhodes</u> - Hearing Mandatory - No Order	Melas PWS-E
PCB 99-73	<u>People of the State of Illinois v. J.L. Clark, Inc.</u> - Agreed Motion for Relief from the Hearing Requirement (12/3)	Manning A-E
PCB 99-74	<u>General Mills Operations, Inc. v. IEPA</u> - Board Order	Flemal T-S
PCB 99-75	<u>General Electric Company v. IEPA</u> - Petitioner's Joint Request for 90-Day Extension of Appeal Period (12/9) - Order	Manning P-A, Air 90-Day Ext.

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-76	<u>Northrup Oil Company v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (12/9) - Order	Manning UST-Appeal 90-Day Ext.
PCB 99-77	<u>Howard Warsaw v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (12/9) - Order	Manning UST-Appeal 90-Day Ext.
PCB 99-78	<u>Kiehl Engineering Company, Inc. v. IEPA</u> - Accept for Hearing Order	Manning A-V

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 DECEMBER 3, 1998 BOARD MEETING

R99-11	In the Matter of: Exemptions from Definitions of VOM, USEPA Amendments (July 1, 1998 through December 31, 1998) RESERVED
R99-12	In the Matter of: SDWA Update, USEPA Regulations (July 1, 1998 through December 31, 1998) RESERVED
R99-13	In the Matter of: UIC Update, USEPA Regulations (July 1, 1998 through December 31, 1998) RESERVED
R99-14	In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 1998 through December 31, 1998) RESERVED
R99-15	In the Matter of: RCRA Subtitle C Update, USEPA Regulations (July 1, 1998 through December 31, 1998) RESERVED
R99-16	In the Matter of: UST Update, USEPA Regulations (July 1, 1998 through December 31, 1998) RESERVED
R99-17	In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1998 through December 31, 1998) RESERVED
R99-18	In the Matter of: Amendments to Permitting for Used Oil Management and Used Oil Transport: 35 Ill. Adm. Code 809 and 807
R99-19	In the Matter of: Regulated Recharge Area Designation, Durand, Winnebago County
AC 99-20	IEPA v. Lawrence County Disposal Centre, Inc., S&S Grading of Illinois, Inc., and Gary McLaren
AC 99-21	IEPA v. Charles Trammell d/b/a Trammell Trucking
AC 99-22	IEPA v. William Cagle
AC 99-23	IEPA v. Ed Kuresten d/b/a Greenland Tree & Lawn
PCB 99-72	People of the State of Illinois v. Lake of Egypt Water District, Willis Dale Shawowens, and Gary R. Rhodes

PCB 99-73	People of the State of Illinois v. J.L. Clark, Inc.
PCB 99-74	General Mills Operations, Inc. v. IEPA
PCB 99-75	General Electric Company v. IEPA
PCB 99-76	Northrup Oil Company v. IEPA
PCB 99-77	Howard Warsaw v. IEPA
PCB 99-78	Kiehl Engineering Company, Inc. v. IEPA