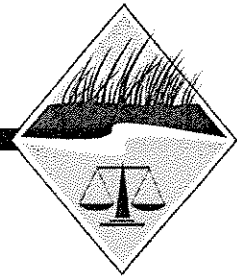


# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



NOVEMBER 18, 1999 CHICAGO OFFICE  
CONFERENCE ROOM 9-040  
10:30 A.M.

### ANNOUNCEMENTS

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Chairman Manning welcomed the staff members to the meeting.

### ROLL CALL

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

### APPROVAL OF MINUTES

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Minutes of the November 4, 1999 meeting were approved by a vote of 6-0.

### ADJUSTED STANDARDS

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AS 00-4	<u>In the Matter of: Petition of Takasago International Corporation (U.S.A.) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105</u> - Upon receipt of a request for a public hearing, the Board directed this request for an adjusted standard from certain water quality standard requirements on behalf of a Will County facility to proceed to hearing.	6-0 Water
AS 00-7	<u>In the Matter of: Petition of Central Illinois Public Service Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208</u> - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from certain water quality standard requirements on behalf of a Jackson County facility.	Water

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## ADMINISTRATIVE CITATIONS

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AC 00-22	<u>IEPA v. Olen G. Parkhill, Jr.</u> - The Board found that this Champaign County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$500.	6-0
AC 00-27	<u>IEPA v. John Simpson</u> - The Board accepted for hearing this petition for review of an administrative citation against this Cumberland County respondent.	6-0
AC 00-28	<u>County of Sangamon v. William Maulding and Carolyn Maulding</u> - The Board accepted for hearing this petition for review of an administrative citation against these Sangamon County respondents, noting that the maximum penalty available is \$500 per violation.	6-0
AC 00-29	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
AC 00-30	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
AC 00-31	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
AC 00-37	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
AC 00-38	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0

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<b>AC 00-39</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
<b>AC 00-40</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
<b>AC 00-41</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
<b>AC 00-42</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
<b>AC 00-43</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
<b>AC 00-44</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
<b>AC 00-45</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
<b>AC 00-46</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0
<b>AC 00-47</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	6-0

## ADJUDICATORY CASES

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### Decisions

**PCB 99-45**     People of the State of Illinois v. Patrick M. Sullivan and Nick Scarlatis - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a stipulation and settlement agreement in this air enforcement action concerning a facility located at 130th Street and 86th Avenue in Palos Township, Cook County, Illinois, ordered respondent to pay a civil penalty of \$5,000, and to cease and desist from further violations.     6-0  
W-E

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**PCB 00-24**     The Ensign-Bickford Company v. IEPA - The Board granted this Union County facility a two year variance, subject to conditions, from the air regulation which prohibits open burning found at 35 Ill. Adm. Code 237.102, and authorization to open burn explosive waste as permitted by 35 Ill. Adm. Code 237.103.     6-0  
A-V

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### Provisional Variances

**PCB 00-88**     Caterpillar, Inc. (Mossville Engine Center) v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Peoria County facility a 45-day provisional variance, subject to conditions, from the five-day biochemical oxygen demand, suspended solids, and oil and grease limits set forth in 35 Ill. Adm. Code 304.120, 304.124, and 304.141(a) and National Pollutant Discharge Elimination System Permit (NPDES) No. IL0001414.     6-0  
W-V

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## Motions and Other Matters

<b>PCB 93-191</b>	<u>People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice &amp; Fuel; Lloyd Wiemann d/b/a Wiemann Ice and Fuel, Cross-complainant v. Texaco Refining and Marketing, Inc. and Eugene and Cheryl Halbrooks, Cross-respondents</u> - The Board denied cross-respondent Cheryl Halbrooks' motions to dismiss complainant's amended complaint and to extend the deadline for her to file any complaint. The Board granted the motion suggesting the death of Lloyd Wiemann and the motion to substitute the Estate as a respondent in this proceeding. The Board on its own motion dismissed Texaco Refining and Marketing, Inc. and Eugene Halbrooks.	6-0 UST-E
<b>PCB 95-170</b>	<u>People of the State of Illinois v. Environmental Control and Abatement, Inc.</u> - No action taken.	A-E
<b>PCB 96-180</b>	<u>Environmental Site Developers, Inc. v. White &amp; Brewer Trucking, Inc.</u> - The Board granted counter-complainant's motion to withdraw motion for partial summary judgment, but denied the motion to extend stay.	6-0 W-E, Citizens
<b>PCB 99-127</b>	<u>Ted Harrison Oil Company v. IEPA</u> - No action taken.	UST-FRD
<b>PCB 00-25</b>	<u>KRKH, Inc. v. IEPA</u> - On September 9, 1999, the Board deferred action on the petition to allow the affected well owners the statutorily allotted time to waive or respond to petitioner's request for the water well setback exception, pursuant to Section 14.2(b) of the Environmental Protection Act (Act). 415 ILCS 5/14.2(b)(1998). On November 17, 1999, petitioner filed an amended petition, naming the affected well owners as party respondents. Since the time for the well owners to waive or respond to the request elapsed on November 16, 1999, the Board directed that this matter proceed to hearing.	5-0 Melas abstained WWS
<b>PCB 00-35</b>	<u>Austin Walsh and Lisa Walsh v. Max Kolpas and Betty Kolpas</u> - No action taken.	N-E, Citizens

<b>PCB 00-43</b>	<u>Casey's General Store v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Jo Daviess County facility.	6-0 UST-FRD
<b>PCB 00-45</b>	<u>D&amp;R Service Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Randolph County facility.	6-0 UST-FRD
<b>PCB 00-49</b>	<u>Chiquita Processed Foods f/k/a Owatonna Canning Company, L.L.C. v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Peoria County facility.	6-0 P-A, Water
<b>PCB 00-51</b>	<u>Illinois State Toll Highway Authority (Lake Forest Oasis - West) v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Lake County facility.	5-0 Melas abstained UST- Appeal
<b>PCB 00-52</b>	<u>Illinois State Toll Highway Authority (Belvidere Oasis on I-90 - West) v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Boone County facility.	5-0 Melas abstained UST- Appeal
<b>PCB 00-56</b>	<u>The Burlington Northern and Santa Fe Railway Company (Cicero Yard UST) v. IEPA</u> - The Board dismissed this matter due to this Cook County petitioner's failure to retain an attorney and file an amended petition pursuant to an October 7, 1999 Board order.	6-0 UST- Appeal
<b>PCB 00-81</b>	<u>Northwestern University 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 this Cook County facility.	6-0 UST- Appeal 90-Day Ext.

<b>PCB 00-82</b>	<u>Jersey Sanitation Corporation 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 this Jersey County facility.	6-0 P-A 90-Day Ext.
<b>PCB 00-83</b>	<u>Kathe's Auto Service, 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 this Cook County facility.	6-0 UST- Appeal 90-Day Ext.
<b>PCB 00-84</b>	<u>Graham 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 this McHenry County facility.	6-0 UST-FRD 90-Day Ext.
<b>PCB 00-85</b>	<u>Libertyville Lumber 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 this Lake County facility.	6-0 UST- Appeal 90-Day Ext.
<b>PCB 00-86</b>	<u>People of the State of Illinois v. Rodgers Engineering Corporation</u> - The Board accepted for hearing this air enforcement action against this Kane County facility.	6-0 A-E
<b>PCB 00-87</b>	<u>E.G. Vogt Oil Company, 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 this St. Clair County facility.	6-0 UST-FRD 90-Day Ext.

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### **CASES PENDING DECISION**

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<b>R00-5</b>	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - Adopted Rule, Final Order, Opinion and Order</u>	Kezelis R, Land
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R00-8

In the Matter of: SDWA Update, Amendments to 35 Ill. Adm. Code 611.102, Definition of "Public Water Supply" - Adopted Rule, Final Order, Opinion and Order

Flemal  
R, PWS

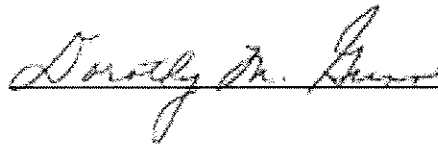
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ADJOURNMENT

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Moved and seconded, by a vote of 6-0, 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 2nd day of December 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



NOVEMBER 18, 1999 CHICAGO OFFICE  
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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November 4, 1999

### RULEMAKINGS

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### ADJUSTED STANDARDS

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AS 00-4	<u>In the Matter of: Petition of Takasago International Corporation (U.S.A.) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - Request for Hearing by Michael W. Bernard (11/8), Petitioner's Certificate of Publication (11/10)</u>	McFawn Water
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**ADJUSTED STANDARDS (CONTINUED)**

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AS 00-7	<u>In the Matter of: Petition of Central Illinois Public Service Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208 - Awaiting Certificate of Publication</u>	Melas Water
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**ADMINISTRATIVE CITATIONS**

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AC 00-22	<u>IEPA v. Olen G. Parkhill, Jr. - Default Order</u>	Manning
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AC 00-27	<u>IEPA v. John Simpson - Accept for Hearing Order</u>	Flemal
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AC 00-28	<u>County of Sangamon v. William Maulding and Carolyn Maulding - Accept for Hearing Order</u>	Manning
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AC 00-29	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
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AC 00-30	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
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AC 00-31	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
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AC 00-37	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
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AC 00-38	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
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AC 00-39	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
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**ADMINISTRATIVE CITATIONS (CONTINUED)**

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<b>AC 00-40</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept for Hearing Order	Manning
<b>AC 00-41</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept for Hearing Order	Manning
<b>AC 00-42</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept for Hearing Order	Manning
<b>AC 00-43</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept for Hearing Order	Manning
<b>AC 00-44</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept for Hearing Order	Manning
<b>AC 00-45</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept for Hearing Order	Manning
<b>AC 00-46</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept for Hearing Order	Manning
<b>AC 00-47</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept for Hearing Order	Manning

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## ADJUDICATORY CASES

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### Decisions

PCB 99-45	<u>People of the State of Illinois v. Patrick M. Sullivan and Nick Scarlatis - Stipulation</u>	Melas W-E
PCB 00-24	<u>The Ensign-Bickford Company v. IEPA (due 12/2)</u>	Melas A-V

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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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PCB 00-88	<u>Caterpillar, Inc. (Mossville Engine Center) v. IEPA - Provisional Variance</u>	Manning W-V
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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 93-191	<u>People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice &amp; Fuel; Lloyd Wiemann d/b/a Wiemann Ice and Fuel, Cross-complainant v. Texaco Refining and Marketing, Inc. and Eugene and Cheryl Halbrooks, Cross-respondents - Cross-Respondents' Motion to Dismiss Amended Complaint filed by the Office of the Attorney General (10/12), Complainant's Response to Cross-Respondents' Motion to Dismiss Complaint (10/21), Cross-Respondents' Motion for Leave to File Reply Instanter and Reply to Office of the Attorney General's Response to Respondents' Motion to Dismiss (11/8), Motion Suggesting Death of a Party and Motion of Estate to be Substituted as Party Respondent (11/8), Cross-Claim of Estate of Lloyd Wiemann (11/10), Complainant's Objection to Respondent's Motion for Leave to File Reply Instanter (11/16)</u>	Manning UST-E
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<b>PCB 95-170</b>	<u>People of the State of Illinois v. Environmental Control and Abatement, Inc.</u> - Complainant's Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment (9/28), Respondent's Motion for Summary Judgment (9/28), Respondent's Response to Complainant's Motion for Summary Judgment (10/13), Complainant's Combined Response to Respondent's Motion for Summary Judgment and Respondent's Response to Complainant's Motion for Summary Judgment (10/27)	McFawn A-E
<b>PCB 96-180</b>	<u>Environmental Site Developers, Inc. v. White &amp; Brewer Trucking, Inc.</u> - Complainant's Motion to Withdraw Motions for Partial Summary Judgment and Entry of Scheduling Order and to Extend Stay (11/ 15)	McFawn W-E, Citizens
<b>PCB 99-127</b>	<u>Ted Harrison Oil Company v. IEPA</u> - Petitioner's Motion for Summary Judgment (10/15), Agency Motion for Leave to File Instant Response to Petitioner's Motion for Summary Judgment (11/15)	Girard UST-FRD
<b>PCB 00-25</b>	<u>KRKH, Inc. v. IEPA</u> - (See September 9, 1999 Board Order)	Flemal WWS
<b>PCB 00-35</b>	<u>Austin Walsh and Lisa Walsh v. Max Kolpas and Betty Kolpas</u> - Respondents' Motion to Dismiss Complaint (11/12)	Kezelis N-E, Citizens
<b>PCB 00-43</b>	<u>Casey's General Store v. IEPA</u> - Dismissal Order	Manning UST-FRD
<b>PCB 00-45</b>	<u>D&amp;R Service Company v. IEPA</u> - Accept for Hearing Order	Girard UST-FRD

<b>PCB 00-49</b>	<u>Chiquita Processed Foods f/k/a Owatonna Canning Company, L.L.C. v. IEPA - Accept for Hearing Order</u>	Manning P-A, Water
<b>PCB 00-51</b>	<u>Illinois State Toll Highway Authority (Lake Forest Oasis - West) v. IEPA - Accept for Hearing Order</u>	Manning UST- Appeal
<b>PCB 00-52</b>	<u>Illinois State Toll Highway Authority (Belvidere Oasis on I-90 - West) v. IEPA - Accept for Hearing Order</u>	Manning UST- Appeal
<b>PCB 00-56</b>	<u>The Burlington Northern and Santa Fe Railway Company (Cicero Yard UST) v. IEPA - Board Order</u>	Kezelis UST- Appeal
<b>PCB 00-81</b>	<u>Northwestern University v. IEPA - Joint Request for 90-Day Extension of Appeal Period (11/5) - Order</u>	Manning UST- Appeal 90-Day Ext.
<b>PCB 00-82</b>	<u>Jersey Sanitation Corporation v. IEPA - Petitioner's Request for 90-Day Extension of Appeal Period (11/5), Joint Request for 90-Day Extension of Appeal Period (11/10) - Order</u>	Manning P-A 90-Day Ext.
<b>PCB 00-83</b>	<u>Kathe's Auto Service, Inc. v. IEPA - Joint Request for 90-Day Extension of Appeal Period (11/8) - Order</u>	Manning UST- Appeal 90-Day Ext.

<b>PCB 00-84</b>	<u>Graham Oil Company v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (11/8) - Order	Manning UST-FRD 90-Day Ext.
<b>PCB 00-85</b>	<u>Libertyville Lumber Company v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (11/12) - Order	Manning UST-Appeal
<b>PCB 00-86</b>	<u>People of the State of Illinois v. Rodgers Engineering Corporation</u> - Accept for Hearing Order	Manning A-E
<b>PCB 00-87</b>	<u>E.G. Vogt Oil Company, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (11/15) - Order	Manning UST-FRD 90-Day Ext.

#### **CASES PENDING DECISION**

<b>R00-5</b>	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 1999 through June 30, 1999)</u> - Adopted Rule, Final Order, Opinion and Order	Kezelis R, Land
<b>R00-8</b>	<u>In the Matter of: SDWA Update, Amendments to 35 Ill. Adm. Code 611.102, Definition of "Public Water Supply"</u> - Adopted Rule, Final Order, Opinion and Order	Flemal R, PWS

#### **OTHER ITEMS**

## 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

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## NEW CASE LISTING



### NEW CASES FILED SINCE NOVEMBER 4, 1999 BOARD MEETING

PCB 00-81	Northwestern University v. IEPA
PCB 00-82	Jersey Sanitation Corporation v. IEPA
PCB 00-83	Kathe's Auto Service, Inc. v. IEPA
PCB 00-84	Graham Oil Company v. IEPA
PCB 00-85	Libertyville Lumber Company v. IEPA
PCB 00-86	People of the State of Illinois v. Rodgers Engineering Corporation
PCB 00-87	E.G. Vogt Oil Company, Inc. v. IEPA
PCB 00-88	Caterpillar Incorporated Mossville Engine Center v. IEPA

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

November 18

December 2

December 16

Board Meetings in Chicago will be in Conference Room 9-040

**REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 2000**

**January 6 \***

**January 20**

**July 13**

**July 27**

**February 3**

**February 17**

**August 10**

**August 24**

**March 2**

**March 16**

**September 7**

**September 21**

**April 6**

**April 20**

**October 5**

**October 19**

**May 4**

**May 18**

**November 2**

**November 16**

**June 8**

**June 22**

**December 7**

**December 21**

\* **This Board Meeting will be in Conference Room 9-031. All other Board Meetings in Chicago will be in Conference Room 9-040 unless otherwise noted.**