

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



MARCH 19, 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, noted the departure of Kevin St. Angel from the Board, and welcomed Board Member Yi back from his recent illness.

### ROLL CALL

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The Clerk of the Board called the roll and all Board Members answered present.

### APPROVAL OF MINUTES

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

### RULEMAKINGS

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<b>R98-28</b>	<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> - The Board accepted for hearing and adopted a first notice opinion and order and accepted the Illinois Environmental Protection Agency's proposal to amend the Board's air pollution control regulations.	7-0 R, Air
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### ADJUSTED STANDARDS

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<b>AS 97-2</b>	<u>In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a) and (c)</u> - The Board entered an order denying petitioner's request for an adjusted standard in this action.	7-0 Land, RCRA
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**ADMINISTRATIVE CITATIONS (CONTINUED)**

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AS 98-5     In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817 - No action taken.     Land

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AS 98-6     In the Matter of: Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321 - No action taken.     Land, RCRA

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**ADMINISTRATIVE CITATIONS**

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AC 98-21     County of Jackson v. Randy McBride - No action taken.

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AC 98-22     IEPA v. Terry Wingert - No action taken.

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**ADJUDICATORY CASES**

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Decisions.

PCB 97-199     Tri Star Marketing, Inc. v. IEPA - No action taken.     Flemal  
WWS

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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 98-117     Woodward Governor Company v. IEPA - Upon receipt of an IEPA recommendation, the Board granted a three day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Madison County facility.     7-0  
RCRA

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## ADJUDICATORY CASES (CONTINUED)

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### Other Motions and Matters (Continued)

**PCB 98-119** City of Mattoon v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Coles County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in its NPDES Permit No. IL0029831 and 35 Ill. Adm. Code 304.120(c) and 304.141(a). 6-0  
Hennessey  
abstained  
Water

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### Motions and Other Matters

**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. - The Board affirmed its Ruling of December 18, 1997. 6-0  
Hennessey  
abstained  
L&W-E,  
Citizens

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**PCB 96-107** People of the State of Illinois v. ESG Watts, Inc. - The Board granted respondent's motion to reset order of pending motions and denied the motion to vacate, the motion for stay, and the motion to strike. 6-0  
Hennessey  
abstained  
A,W&L-E

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**PCB 96-233** People of the State of Illinois v. ESG Watts, Inc. - No action taken. McFawn  
L&GW-E

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**PCB 96-261** People of the State of Illinois v. G.M. Demolition Corporation - No action taken. Meyer  
A-E

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**PCB 97-30** People of the State of Illinois v. Shell Oil Company - No action taken. Meyer  
A-E

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**PCB 97-62** People of the State of Illinois v. Geon Company - The Board granted the agreed motion for stay. 7-0  
A-E

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## ADJUDICATORY CASES (CONTINUED)

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### Other Motions and Matters (Continued)

<b>PCB 97-188</b>	<u>People of the State of Illinois v. Dan Loepker</u> - The Board granted complainant's motion for withdrawal of this water enforcement action involving a Clinton County facility.	6-0 Hennessey abstained W-E
<b>PCB 97-195</b>	<u>W.R. Meadows, Inc. v. IEPA</u> - No action taken.	Flemal P-A, Air
<b>PCB 97-207</b>	<u>People of the State of Illinois v. Inspiration Development Company</u> - The Board denied respondent's motion to dismiss and ordered this case to hearing.	7-0 A&L-E
<b>PCB 97-222</b>	<u>Amoco Chemical Company v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this NPDES permit appeal involving a Will County facility.	6-0 Hennessey abstained P-A, NPDES
<b>PCB 98-37</b>	<u>People of the State of Illinois v. American Waste Processing, Ltd.</u> - The Board granted complainant's motion to strike and denied respondent's motion to dismiss.	7-0 RCRA-E
<b>PCB 98-43</b>	<u>Sierra Club and Jim Bensman v. City of Wood River and Norton Environmental</u> - The Board denied petitioners' motion for reconsideration as moot because the motions for reconsideration had already been decided at the March 5, 1998 Board meeting.	7-0 L-S-R, 3 <sup>rd</sup> Party
<b>PCB 98-72</b>	<u>St. Clair Properties Development, Inc. v. IEPA</u> - The Board denied respondent's motion to dismiss.	6-0 Hennessey abstained P-A, Water
<b>PCB 98-84</b>	<u>Scott and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - The Board denied respondent's motion to dismiss.	7-0 N-E, Citizens

## ADJUDICATORY CASES (CONTINUED)

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### Other Motions and Matters (Continued)

<b>PCB 98-97</b>	<u>Material Service Corporation v. J.W. Peters &amp; Sons, Inc.</u> - No action taken.	Yi UST-E, Citizens
<b>PCB 98-98</b>	<u>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</u> - Respondent's motion for partial summary judgment and for any necessary leave to file motion will be taken with the case-in-chief.	Girard L-S-R, 3 <sup>rd</sup> Party
<b>PCB 98-107</b> <b>PCB 96-240</b>	<u>Rogers O'Hare Motor Terminal, Limited v. ABF Freight Systems, Inc., and People of the State of Illinois v. Rogers O'Hare Motor Terminal Limited, and Carolina Freight Carriers Corporation</u> - The Board found this matter neither duplicitous or frivolous, and on its own motion consolidated this matter with PCB 96-240.	7-0 UST-E, Citizens
<b>PCB 98-112</b>	<u>Ronald R. &amp; Melody L. Kanaverskis v. M.A. Ghalayini</u> - No action taken.	Yi N-E, Citizens
<b>PCB 98-114</b>	<u>David Mulvain, Individually, as a resident of the Village of Durand and the Durand Sanitary District, and as a Trustee of the Board of Trustees of the Village of Durand v. IEPA, Rockford Blacktop Construction, and the Village of Durand</u> - No action taken.	Girard W-E, Citizens
<b>PCB 98-115</b>	<u>Illinois State Toll Highway Authority 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 Boone County facility.	7-0 UST- Appeal, 90- Day Ext.
<b>PCB 98-116</b>	<u>L. Keller Oil Properties, Inc. v. Office of the State Fire Marshal</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving a Effingham County facility.	7-0 UST-Appeal

**ADJUDICATORY CASES (CONTINUED)**

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Other Motions and Matters (Continued)

**CASES PENDING DECISION**

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AS 97-5	<u>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</u>	Hennessey Air
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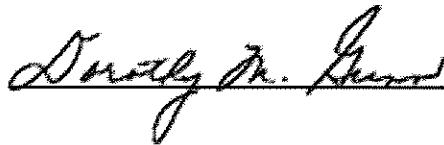
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**ADJOURNMENT**

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Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:01 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 April 1998, by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING AGENDA



MARCH 19, 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

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### APPROVAL OF MINUTES

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March 5, 1998

### RULEMAKINGS

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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, First Notice, Opinion and Order</u>	Flemal R, Air
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### ADJUSTED STANDARDS

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AS 97-2	<u>In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(a) and (c)</u>	Hennessey Land, RCRA
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## ADJUSTED STANDARDS (CONTINUED)

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AS 98-5     In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817 - (See Petitioner's Motion for Expedited Consideration filed 3/13) - Hold for Certificate of Publication     Land

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AS 98-6     In the Matter of: Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321 - Hold for Certificate of Publication     Land, RCRA

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## ADMINISTRATIVE CITATIONS

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AC 98-21     County of Jackson v. Randy McBride - Accept Case - No Order

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AC 98-22     IEPA v. Terry Wingert - Accept Case - No Order

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## ADJUDICATORY CASES

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### Decisions

PCB 97-199     Tri Star Marketing, Inc. v. IEPA     Flegal  
WWS

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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 98-117     Woodward Governor Company v. IEPA - Provisional Variance     Manning  
RCRA

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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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**ADJUDICATORY CASES (CONTINUED)**

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

**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. - 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)

McFawn  
L&W-E,  
Citizens

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**PCB 96-107** People of the State of Illinois v. ESG Watts, Inc. - 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, and Motion to Reset Order of Pending Motions or in the Alternative to Consolidate Motions for Purposes of Hearing (3/2), Complainant's Response to Respondent's Motion to Vacate or Modify the February 5, 1998 Order or in the Alternative Motion for Rehearing (2/27), Respondent's Motion to File Reply and Reply to Complainant's Response to Respondent's Motion to Stay (3/4), Complainant's Motion to Strike Respondent's Memorandum of Law in Support of Motion to Vacate or Modify the February 5, 1998 Order or in the Alternative Motion for Rehearing (3/13)

Manning  
A,W&L-E

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**PCB 96-233** People of the State of Illinois v. ESG Watts, Inc. - Respondent's Cause as to Why it Should not Receive Sanction for Failure to Comply with March 6, 1997 Order in Response to February 5, 1998 Order (2/23), Complainant's Response to Respondent's Cause as to Why it Should not Receive Sanction for Failure to Comply with March 6, 1997 Order in Response to February 5, 1998 Order (3/6)

McFawn  
L&GW-E

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**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

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## ADJUDICATORY CASES (CONTINUED)

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### Motions and Other Matters (Continued)

<b>PCB 97-30</b>	<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
<b>PCB 97-62</b>	<u>People of the State of Illinois v. Geon Company</u> - Agreed Motion for Stay (3/11)	Meyer A-E
<b>PCB 97-188</b>	<u>People of the State of Illinois v. Dan Loepker</u> - Complainant's Motion for Voluntary Dismissal (3/6)	Girard W-E
<b>PCB 97-195</b>	<u>W.R. Meadows, Inc. v. IEPA</u> - Petitioner's Motion for Summary Judgment (2/23), Agency Response in Opposition to Petitioner's Motion for Summary Judgment and Motion for Waiver of Requirements (3/9), Petitioner's Reply to Agency's Response in Opposition to Petitioner's Motion for Summary Judgment (3/16)	Flemal P-A, Air
<b>PCB 97-207</b>	<u>People of the State of Illinois v. Inspiration Development Company</u> - Respondent's Motion for an Order (6/30), Respondent's Brief in Support of its Motion to Dismiss (7/1), Complainant's Response to Respondent's Motion to Dismiss (7/3), Respondent's Motion for Leave to File Reply to Complainant's Response to its June 26, 1997 Motion (7/14)	Manning A&L-E
<b>PCB 97-222</b>	<u>Amoco Chemical Company v. IEPA</u> - Petitioner's Motion to Voluntarily Withdraw Petition for Review of the Agency's Action (3/2)	Yi P-A, NPDES

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## ADJUDICATORY CASES (CONTINUED)

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### Motions and Other Matters (Continued)

<b>PCB 98-37</b>	<u>People of the State of Illinois v. American Waste Processing, Ltd.</u> - Complainant's Motion to Strike Affidavit and/or Dismiss Respondent's Affirmative Defenses and Memorandum of Law in Support Thereof (2/20), Respondent's Reply to Complainant's Motion to Strike and/or Dismiss Respondent's Affirmative Defenses (3/4), Respondent's Motion to Dismiss (3/4), Complainant's Response to Respondent's Second Motion to Dismiss the Complaint (3/11)	Flema RCRA-E
<b>PCB 98-43</b>	<u>Sierra Club and Jim Bensman v. City of Wood River and Norton Environmental</u> - Respondent Norton Environmental's Motion to Strike Certain Portions of Petitioners' Motions to Reconsider (2/24), Petitioner Jim Bensman's Response to Respondent Norton Environmental's Motion to Strike and Petitioner Jim Bensman's Motion to Strike Norton Environmental's Brief (3/6)	Flema L-S-R, 3 <sup>rd</sup> Party
<b>PCB 98-72</b>	<u>St. Clair Properties Development, Inc. v. IEPA</u> - Agency Motion to Dismiss for Lack of Subject Matter Jurisdiction (1/26)	Yi P-A, Water
<b>PCB 98-84</b>	<u>Scott and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - Respondent's Answer to Formal Complaint and Motion to Dismiss (1/9), Complainants' Motion for Leave to File Response to Respondent's Affirmative Defenses and Motion to Dismiss (3/5)	Yi N-E, Citizens
<b>PCB 98-97</b>	<u>Material Service Corporation v. J.W. Peters &amp; Sons, Inc.</u> - Respondent's Request for Appearance of Mark R. Kaster and Alexandra B. Klass and Motion to Dismiss Complaint (2/2), Respondent's Motion to Request Administrative Correction (2/13), Complainant's Response to Respondent's Motion to Dismiss and to Motion Requesting Corrections and Request for Leave to File Response (2/17)	Yi UST-E, Citizens

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## ADJUDICATORY CASES (CONTINUED)

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

<b>PCB 98-98</b>	<u>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 - Respondent's Motion for Partial Summary Judgment and for any Necessary Leave to File Motion (3/2)</u>	Girard L-S-R, 3 <sup>rd</sup> Party
<b>PCB 98-107</b> <b>PCB 96-240</b>	<u>Rogers O'Hare Motor Terminal, Limited v. ABF Freight Systems, Inc., and People of the State of Illinois v. Rogers O'Hare Motor Terminal Limited, and Carolina Freight Carriers Corporation - Duplicitous/Frivolous Determination Order</u>	Girard UST-E, Citizens
<b>PCB 98-112</b>	<b>Ronald R. &amp; Melody L. Kanaverskis v. M.A. Ghalayini - (See also Respondent's Response to Formal Complaint filed 2/25; Complainants' Response to Respondent's Response to Complaint filed 3/2; Respondent's Reply to Complainants' Response to Motion and Motion for Leave to File Reply Instanter filed 3/5; and Complainants' Motion to File a Reply to Respondent's Response filed 3/12) - Awaiting Duplicitous/Frivolous Determination</b>	Yi N-E, Citizens
<b>PCB 98-114</b>	<u>David Mulvain, Individually, as a resident of the Village of Durand and the Durand Sanitary District, and as a Trustee of the Board of Trustees of the Village of Durand v. IEPA, Rockford Blacktop Construction, and the Village of Durand - Hold for Duplicitous/Frivolous Determination - No Order</u>	Girard W-E, Citizens
<b>PCB 98-115</b>	<u>Illinois State Toll Highway Authority v. IEPA - Joint Request for 90-Day Extension of Appeal Period (3/10)</u>	Manning UST- Appeal, 90- Day Ext.
<b>PCB 98-116</b>	<u>L. Keller Oil Properties, Inc. v. Office of the State Fire Marshal - Accept for Hearing Order</u>	Manning UST-Appeal

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**CASES PENDING DECISION**

AS 97-5      In the Matter of: Petition of the Louis Berkman Company, d/b/a      Hennessey  
The Swenson Spreader Company for an Adjusted Standard from 35      Air  
Ill. Adm. Code 215, Subpart F

**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 <sub>2</sub>	S0 <sub>2</sub> Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		

# ILLINOIS POLLUTION CONTROL BOARD

## NEW CASE LISTING



### NEW CASES FILED SINCE MARCH 5, 1998 BOARD MEETING

R98-28	In the Matter of: Municipal Solid Waste Landfills - Non-Methane Organic Compounds 35 Ill. Adm. Code 201.103, 201.146, and Part 220
AS 98-5	In the Matter of: Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817
AS 98-6	In the Matter of: Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321
AC 98-21	County of Jackson v. Randy McBride
AC 98-22	IEPA v. Terry Wingert
PCB 98-114	David Mulvain, Individually, as a resident of the Village of Durand and the Durand Sanitary District, and as a Trustee of the Board of Trustees of the Village of Durand v. IEPA, Rockford Blacktop Construction, and the Village of Durand
PCB 98-115	Illinois State Toll Highway Authority v. IEPA
PCB 98-116	L. Keller Oil Properties, Inc. v. Office of the State Fire Marshal
PCB 98-117	Woodward Governor Company v. IEPA