

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



APRIL 2, 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 except for Board Member McFawn who was absent.

APPROVAL OF MINUTES

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

RULEMAKINGS

R98-12	<u>In the Matter of: Amendment of 35 Ill. Adm. Code 703, 720, 721, 724, 728, and 733 (Standards of Universal Waste Management) - Adopted Rule, Final Order, Opinion and Order. The Board adopted amendments to the universal waste management. These amendments designate mercury-containing lamps as a category of universal waste and provide standards for the management of universal waste mercury-containing lamps.</u>	6-0 R, Land
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ADJUSTED STANDARDS

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 - No action taken.</u>	Air
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ADMINISTRATIVE CITATIONS (CONTINUED)

AS 98-5	<u>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.</u>	Land
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AS 98-6	<u>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.</u>	Land, RCRA
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ADMINISTRATIVE CITATIONS

AC 98-23	<u>IEPA v. Pike County Landfill, Inc. and Tom Weaver - No action taken.</u>
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AC 98-24	<u>IEPA v. City of Mound City - No action taken.</u>
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ADJUDICATORY CASES

Decisions.

PCB 96-21	<u>People of the State of Illinois v. Diamond Plating Company</u> - The Board accepted a stipulation and settlement agreement in this Air enforcement action involving a Madison County facility, ordered respondent to pay a civil penalty of \$12,000, and to cease and desist from further violations.	6-0 A-E
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PCB 97-199	<u>Tri Star Marketing, Inc. v. IEPA</u> - The Board granted this Ogle County facility, pursuant to Section 14.2(c) of the Environmental Protection Act (415 ILCS 5/14.2(c) (1996)), an exception of the prohibition of siting a new potential source within the setback zone of a community water supply well, subject to conditions.	6-0 Hennessey concurred WWS
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ADJUDICATORY CASES (CONTINUED)

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 98-126	<u>City of Kewanee v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this Henry 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 Special Condition No. 12 of its NPDES Permit No. IL0029343 and in 35 Ill. Adm. Code 305.102(b) and 304.141.	5-0 Hennessey abstained Water
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Motions and Other Matters

PCB 96-20	<u>Barbara M. Norman, Laddie Kartes, Edward Wesolowski, Jacqueline Wesolowski, Will Burgess, Dorothy Burgess, Frank Rubino, Donna Rubino, Toby Gruszecki, and Mike Gruszecki v. U.S. Postal Service, Barrington, Illinois</u> - The Board granted petitioners' motion to withdraw as parties in this citizens noise enforcement action.	6-0 N-E, Citizens
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PCB 96-64	<u>City of Auburn, Illinois v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Sangamon County facility	6-0 UST-Appeal
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PCB 96-193	<u>W.R. Grace & Company - Connecticut v. IEPA</u> - The Board granted the joint motion to modify its August 7, 1997 order.	6-0 A-V
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PCB 96-233	<u>People of the State of Illinois v. ESG Watts, Inc.</u> - No action taken.	McFawn L&GW-E
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PCB 97-30	<u>People of the State of Illinois v. Shell Oil Company</u> - No action taken.	Meyer A-E
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ADJUDICATORY CASES (CONTINUED)

Other Motions and Matters (Continued)

PCB 97-52	<u>People of the State of Illinois v. Mutual Asbestos Control Contractors, Inc.</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 Cook County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, f/d/b/a S&S Petroleum Products, Peter Anest, f/d/b/a S&S Petroleum Products, Charles Abraham, Josephine Abraham, and Milstream Service, Inc.</u> - No action taken.	L&W-E
PCB 97-121	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - No action taken.	RCRA-E, Citizens
PCB 97-192	<u>People of the State of Illinois v. Sundale Sewer Corporation and Howard Spurgeon</u> - The Board granted complainant's motion to amend the complaint.	5-0 Hennessey abstained W-E
PCB 97-195	<u>W.R. Meadows, Inc. v. IEPA</u> - No action taken.	P-A, Air
PCB 98-84	<u>Scott and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - The Board granted complainants' motion for leave to file first amended complaint.	6-0 N-E, Citizens
PCB 98-97	<u>Material Service Corporation v. J.W. Peters & Sons, Inc.</u> - The Board granted respondents' requests for appearance, and complainant's request for leave to file response. The Board found respondents' motion to request administrative correction moot, and denied the motion. Respondents' motion to dismiss was granted.	6-0 UST-E, Citizens

ADJUDICATORY CASES (CONTINUED)

Other Motions and Matters (Continued)

PCB 98-104	<u>Village of Addison v. City of Wood Dale</u> - No action taken.	W-E, Citizens
PCB 98-112	<u>Ronald R. & Melody L. Kanaverskis v. M.A. Ghalayini</u> - The Board found this matter neither duplicitous or frivolous and accepted for hearing this citizens noise enforcement action.	6-0 N-E, Citizens
PCB 98-114	<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
PCB 98-118	<u>Jack Donelson Sales Company v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility.	6-0 UST-Appeal 90-Day Ext.
PCB 98-120	<u>Autotime, Bob Macas, Inc. 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 Cook County facility.	6-0 UST-FRD 90-Day Ext.
PCB 98-121	<u>John Deere Harvester Works 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 Rock Island County facility.	6-0 UST-Appeal 90-Day Ext.
PCB 98-122	<u>People of the State of Illinois v. Stanley Latek</u> - Hearing Mandatory. No action taken.	W-E
PCB 98-123	<u>People of the State of Illinois v. Gilster Mary Lee Corporation</u> - Hearing Mandatory. No action taken.	W-E

ADJUDICATORY CASES (CONTINUED)

Other Motions and Matters (Continued)

PCB 98-124	<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 Cook County facility.	6-0 UST-FRD 90-Day Ext.
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PCB 98-125	<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 Cook County facility.	6-0 UST-Appeal 90-Day Ext.
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CASES PENDING DECISION

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> - Proposed Rule, Second Notice, Opinion and Order	McFawn Yi R, Land
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R98-17	<u>In the Matter of: Exemptions From the Definition of VOM, USEPA Amendments (July 1, 1997 through December 31, 1997)</u> - Proposed Rule, Proposal for Public Comment, Opinion and Order	Girard R, Air
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R98-23	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1997 through December 31, 1997)</u> - Proposed Rule, Proposal for Public Comment, Opinion and Order	Yi R, Water
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R98-27	<u>In the Matter of: Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740)</u> - Proposed Rule, First Notice, Opinion and Order	Hennessey R, Land
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PCB 95-91	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., and Waste Hauling, Inc.; and Waste Hauling Landfill, Inc. and Waste Hauling, Inc., as Cross-claimants, v. Bell Sports, Inc.</u>	Manning RCRA-E
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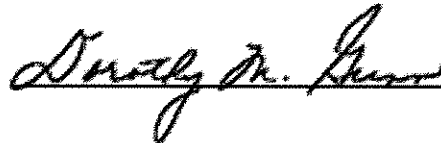
CASES PENDING DECISION (CONTINUED)

PCB 96-68	<u>Donetta Gott, Lyndell Chaplin, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc.</u>	Hennessey A-E, Citizens
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ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 10:50 a.m.

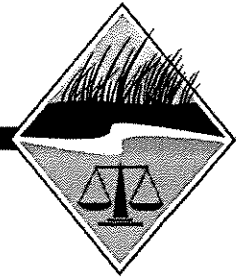
I, Dorothy M. Gunn, Clerk of the Illinois pollution Control Board, hereby certify that the above minutes were approved this 16th day of April 1998, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



APRIL 2, 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

March 19, 1998

RULEMAKINGS

R98-12	<u>In the Matter of: Amendment of 35 Ill. Adm. Code 703, 720, 721, 724, 728, and 733 (Standards of Universal Waste Management) -</u> Adopted Rule, Final Order, Opinion and Order	Manning R, Land
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ADJUSTED STANDARDS

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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ADJUSTED STANDARDS (CONTINUED)

AS 98-5	<u>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), Petitioner's Separate Certificates of Publication (3/25)</u>	Girard Land
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AS 98-6	<u>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 - Awaiting Certificate of Publication</u>	McFawn Land, RCRA
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ADMINISTRATIVE CITATIONS

AC 98-23	<u>IEPA v. Pike County Landfill, Inc. and Tom L. Weaver - Accept Case - No Order</u>
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AC 98-24	<u>IEPA v. City of Mound City - Accept Case - No Order</u>
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ADJUDICATORY CASES

Decisions

PCB 96-21	<u>People of the State of Illinois v. Diamond Plating Company - Stipulation</u>	Hennessey A-E
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PCB 97-199	<u>Tri Star Marketing, Inc. v. IEPA</u>	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.

Motions and Other Matters

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

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 96-20	<u>Barbara M. Norman, Laddie Kartes, Edward Wesolowski, Jacqueline Wesolowski, Will Burgess, Dorothy Burgess, Frank Rubino, Donna Rubino, Toby Gruszecki, and Mike Gruszecki v. U.S. Postal Service, Barrington, Illinois - Complainants' Barbara M. Norman and Laddie Kartes' Motion to Withdraw as Complainants (3/19)</u>	Girard N-E, Citizens
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PCB 96-64	<u>City of Auburn, Illinois v. IEPA - Petitioner's Motion to Voluntarily Dismiss (3/25)</u>	Flemal UST-Appeal
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PCB 96-193	<u>W.R. Grace & Company - Connecticut v. IEPA - Joint Motion to Modify August 7, 1997 Board Order (3/27)</u>	Meyer A-V
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PCB 96-233	<u>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)</u>	McFawn L&GW-E
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PCB 97-30	<u>People of the State of Illinois v. Shell Oil Company - 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)</u>	Meyer A-E
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PCB 97-52	<u>People of the State of Illinois v. Mutual Asbestos Control Contractors, Inc. - Agreed Motion to Request Relief from the Hearing Requirement (3/25)</u>	Meyer A-E
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ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, f/d/b/a S&S Petroleum Products, Peter Anest, f/d/b/a S&S Petroleum Products, Charles Abraham, Josephine Abraham, and Milstream Service, Inc.</u> - Respondents' William and Peter Anest's Motion to Dismiss Cross-Complaint and Memorandum in Support of Motion to Dismiss Cross-Complaint (4/18/97), Cross-Complainants' Charles and Josephine Abraham and Millstream Service, Inc.'s Response to Respondents' Motion to Dismiss (6/20/97), Respondents' William and Peter Anest's Reply to Cross-Complainant's Response to its Motion to Dismiss Cross-Complaint (6/30/97)	Manning L&W-E
PCB 97-121	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - Complainant's Withdrawal of Motion for Summary Judgment (3/17)	McFawn RCRA-E, Citizens
PCB 97-192	<u>People of the State of Illinois v. Sundale Sewer Corporation and Howard Spurgeon</u> - Complainant's Motion to Amend the Complaint to Add Howard Spurgeon as a Respondent and Amended Complaint (3/13)	Meyer W-E
PCB 97-195	<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), Agency Motion to Strike, Reply, and Motion for Leave to File Reply Instanter (3/24), Petitioner's Response in Opposition to the Agency's Motion for Leave to File Brief in Excess of 15-Page Limit Nunc Pro Tunc and Petitioner's Response in Opposition to Agency's Motion for Leave to File Reply Instanter (3/26)	Flemal P-A, Air

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-84	<u>Scott and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - Complainants' Motion for Leave to File First Amended Complaint and Complainants' Amended Complaint (3/23), Respondent's Objection to Complainants' Motion for Leave to File First Amended Complaint (3/30)	Yi N-E, Citizens
PCB 98-97	<u>Material Service Corporation v. J.W. Peters & 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
PCB 98-104	<u>Village of Addison v. City of Wood Dale</u> - Complainant's Motion for Reconsideration and Clarification of March 5, 1998 Decision (3/23)	Girard W-E, Citizens
PCB 98-112	<u>Ronald R. & Melody L. Kanaverskis v. M.A. Ghalayini</u> - (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) - Duplicitous/Frivolous Determination Order	Yi N-E, Citizens
PCB 98-114	<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> - (See Respondent Rockford Blacktop Construction Company's Motion to Dismiss filed 3/24) - Awaiting Duplicitous/Frivolous Determination	Girard W-E, Citizens

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-118	<u>Jack Donelson Sales Company v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (3/17) - Order	Manning UST-Appeal 90-Day Ext.
PCB 98-120	<u>Autotime, Bob Macas, Inc. v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (3/24), Joint Request for 90-Day Extension of Appeal Period (3/30)	Manning UST-FRD 90-Day Ext.
PCB 98-121	<u>John Deere Harvester Works v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (3/25) - Order	Manning UST-Appeal 90-Day Ext.
PCB 98-122	<u>People of the State of Illinois v. Stanley Latek</u> - Hearing Mandatory - No Order	W-E
PCB 98-123	<u>People of the State of Illinois v. Gilster Mary Lee Corporation</u> - Hearing Mandatory - No Order	W-E
PCB 98-124	<u>Illinois State Toll Highway Authority v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (3/30) - Order	Manning UST-FRD 90-Day Ext.
PCB 98-125	<u>Illinois State Toll Highway Authority v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (3/30) - Order	Manning UST-Appeal 90-Day Ext.

CASES PENDING DECISION

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> - Proposed Rule, Second Notice, Opinion and Order	McFawn Yi R, Land
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CASES PENDING DECISION (CONTINUED)

R98-17	<u>In the Matter of: Exemptions From the Definition of VOM, USEPA Amendments (July 1, 1997 through December 31, 1997) - Proposed Rule, Proposal for Public Comment, 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) - Proposed Rule, Proposal for Public Comment, Opinion and Order</u>	Yi R, Water
R98-27	<u>In the Matter of: Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740) - Proposed Rule, First Notice, Opinion and Order</u>	Hennessey R, Land
PCB 95-91	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., and Waste Hauling, Inc.; and Waste Hauling Landfill, Inc. and Waste Hauling, Inc. v. Bell Sports, Inc.</u>	Manning RCRA-E
PCB 96-68	<u>Donetta Gott, Lyndell Chaplin, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc.</u>	Hennessey A-E, Citizens

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)	S02	S02 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

AC 98-24	IEPA v. City of Mound City
AC 98-23	IEPA v. Pike County Landfill, Inc. and Tom L. Weaver
PCB 98-118	Jack Donelson Sales Company v. IEPA
PCB 98-120	Chicago/Autotime, Bob Macas, Inc. v. IEPA
PCB 98-121	John Deere Harvester Works v. IEPA
PCB 98-122	People of the State of Illinois v. Stanley Latek
PCB 98-123	People of the State of Illinois v. Gilster Mary Lee Corporation
PCB 98-124	Illinois State Toll Highway Authority v. IEPA
PCB 98-125	Illinois State Toll Highway Authority v. IEPA