

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 18, 2001
CHICAGO OFFICE-100 West Randolph
VIDEO CONFERENCE ROOM 11-512
and
SPRINGFIELD OFFICE-600 South Second Street
VIDEO CONFERENCE ROOM 402
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the October 4, 2001 meeting were approved by a vote of 7-0.

ADMINISTRATIVE CITATIONS

AC 01-16) County of Sangamon v. Everett Daily – No action taken.

AC 01-17)

Cons.

AC 02-2 IEPA v. Nordean and Susan Simons d/b/a Berman Auto Parts – No action taken.

AC 02-6 IEPA v. Larry Beam – The Board granted complainant's motion for reconsideration and vacated the Board's October 4, 2001 order finding a violation and imposing a penalty. The Board dismissed this administrative citation for complainant's failure to timely effectuate service upon respondent as required by Section 31.1(b) of the Environmental Protection Act (415 ILCS 5/31.1(b) (2000)).

7-0

AC 02-7 IEPA v. Terry and Latisha Springer – The Board ordered respondents to file an amended petition for review no later than November 22, 2001. 7-0

AC 02-8 IEPA v. Terry Baker d/b/a Baker Excavating – The Board found that this Franklin County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2000)), and ordered respondent to pay a civil penalty of \$4,500. 7-0

AC 02-13 IEPA v. Charles White – The Board accepted an administrative citation against this Stephenson County respondent.

AC 02-14 IEPA v. Knox County Landfill Committee – The Board accepted an administrative citation against this Knox County respondent.

ADJUDICATORY CASES

Decisions

PCB 00-122 People of the State of Illinois v. City of Lawrenceville, John A. Gordon, P.E., and Gordon & Price, Inc. – In this public water supply enforcement action concerning a Lawrence County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement for the City of Lawrence (Lawrence) only, ordered Lawrence to perform a \$2,000 Supplemental Environmental Project as a penalty, and to cease and desist from further violations. This matter shall proceed to hearing as to the other respondents. 7-0
PWS-E

PCB 01-5 People of the State of Illinois v. Roecker Cabinets Incorporated d/b/a Roecker Cabinet & Millwork – In this Resource Conservation and Recovery Act enforcement action concerning a Tazewell County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Illinois Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$7,500, and to cease and desist from further violations. 7-0
RCRA-E

PCB 01-159 American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc. – The Board affirmed the April 18, 2001 decision by the Board of Trustees of the Village of Fairmont City to grant local siting approval for the expansion of Waste Management of Illinois, Inc.’s Milam Recycling and Disposal Facility. 7-0
P-C-F-S-R

PCB 02-16 City of Chicago Department of Water v. IEPA – The Board granted petitioner a variance, subject to conditions from 35 Ill. Adm. Code 611.744 and 611.745, which relate to installing and collecting data from turbidity monitors for its two water purification plants, Jardine Water Purification Plant and South Water Purification Plant, Cook County, Illinois. 7-0
PWS-V

PCB 02-29 People of the State of Illinois v. Bob Nickel d/b/a Nickel Agri-Service – In this water enforcement action concerning a Morgan County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Illinois Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations. 7-0
W-E

Motions and Other Matters

PCB 93-213 Texaco Refining and Marketing, Inc. (Lockport Plant) v. IEPA – No action taken. P-A, RCRA

PCB 97-150 McKay Contractors, Inc. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility. 7-0
UST Fund

PCB 97-193 People of the State of Illinois v. Community Landfill Company, Inc. – No action taken. L-E

PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> – The Board denied complainant’s motions to reconsider the Board’s February 1, 2001 order affirming the hearing officer’s ruling to exclude the People’s Exhibit 5 from evidence and to strike portions of respondent’s response brief. The Board granted complainant’s motion to waive the 50-page limit of 35 Ill. Adm. Code 101.302(k) for reply briefs.	7-0 A-E
PCB 00-143 PCB 00-164 Cons.	<u>Curtis Masterson v. City of Fairfield; Kenneth Boster v. City of Fairfield</u> – The Board granted complainants’ motion for voluntary dismissal of this consolidated citizen enforcement action involving a Wayne County facility.	7-0 Citizens, A-E
PCB 00-146	<u>C.C. Dillon Company (Raceway Gas & Food) v. Office of the State Fire Marshal</u> – The Board denied petitioner’s motion for summary judgment and granted respondent’s motion for summary judgment.	7-0 UST-Fund
PCB 00-188	<u>Ozinga Transportation Services v. IEPA</u> – No action taken.	UST-Fund
PCB 00-206 PCB 00-207 PCB 00-208 PCB 01-62 PCB 01-63 PCB 01-64	<u>ESG Watts, Inc. v. IEPA</u> – The Board granted petitioner’s oral motion to consolidate these matters for purposes of hearing.	7-0 P-A, Land
PCB 01-21	<u>Michael E. Mellon and Rebecca J. Mellon v. Illinois Department of Transportation</u> – The Board granted complainant’s motion for voluntary dismissal of this citizens enforcement action involving a Cook County facility.	6-0 Kezelis abstained Citizens A&N-E

PCB 01-151	<u>People of the State of Illinois v. Diamond Plating Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	7-0 RCRA-E
PCB 02-2	<u>Barry Amoco, Inc. 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 filed on behalf of this Grundy County facility.	7-0 UST Fund
PCB 02-31	<u>Bridgestone/Firestone Off-Road Tire Company v. IEPA</u> – No action taken.	P-A, Air
PCB 02-32	<u>Village of Grayslake v. Winds Chant Kennel</u> – The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous, and accepted for hearing this matter involving a Lake County facility. The Board also granted the Village of Grayslake’s motion to consolidate this matter with <u>Doris Glave v. Brent Harris, Patty Harris, and Winds Chant Kennel, Inc.</u> , PCB 02-11.	7-0 Citizens, N-E
PCB 02-34	<u>L. Keller Oil Properties, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Coles County facility.	7-0 UST Appeal
PCB 02-41	<u>Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder</u> – The Board held for a later duplicitous/frivolous determination this citizens air and noise enforcement action involving a McHenry County facility.	Citizens A&N-E
PCB 02-42	<u>City of Canton v. IEPA</u> – The Board accepted for hearing this request for variance from turbidity involving a Fulton County public water supply.	7-0 PWS-V
PCB 02-44	<u>Amoco Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Lake County facility.	7-0 UST Appeal

PCB 02-45	<u>Heritage Environmental Services, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	7-0 P-A 90-Day Ext.
PCB 02-46	<u>Marcley 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 Kane County facility.	7-0 UST Fund
PCB 02-47	<u>Pacella & Sons v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST Fund
PCB 02-48	<u>Economy Mechanical Industries, 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 Lake County facility.	7-0 UST Fund 90-Day Ext.

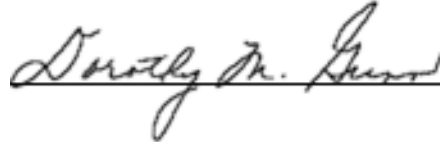
CASES PENDING DECISION

R01-26	<u>In the Matter of: Amendments to Regulation of Petroleum Leaking Underground Storage Tanks: 35 Ill. Adm. Code 732</u> – Proposed Rule, First Notice, Opinion and Order
R01-27 R01-29 Cons.	<u>In the Matter of: Site Remediation Program: Amendments to 35 Ill. Adm. Code 740; In the Matter of: Site Remediation Program 35 Ill. Adm. Code 740, Subpart H (Schools, Public Parks, and Playgrounds)</u> – Proposed Rule, First Notice, Opinion and Order
R01-28	<u>In the Matter of: Amendments to Livestock Waste Regulations: 35 Ill. Adm. Code 506</u> – Adopted Rule, Final Order, Opinion and Order
PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u>

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:45.a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 1st day of November 2001 by a vote of.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above the printed name.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board