

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



MAY 3, 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 to the meeting. The Chairman and the Board Members wished the Assistant Clerk of the Board Adaleen Hogan a happy birthday.

ROLL CALL

The Clerk of the Board called the roll. The Board Members answered as follows: Chairman Manning and Member Kezelis from Springfield, and Board Members Flemal, Girard, Lawton, Melas, and McFawn, from Chicago.

APPROVAL OF MINUTES

Minutes of the April 19, 2001 meeting were approved by a vote of 6-0. Board Member Girard abstained.

RULEMAKINGS

R01-30	<u>In the Matter of: UIC Corrections, USEPA Amendments (July 1, 1999, through June 30, 2000)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s underground injection control regulations. This docket addresses concerns raised by the United States Environmental Protection Agency regarding the recently adopted rules in <u>UIC Update, USEPA Amendments (July 1, 1999, through December 31, 1999)</u> and <u>UIC Update, USEPA Amendments (January 1, 2000, through June 30, 2000)</u> (December 7, 2000), R00-11/R01-1 (consolidated).	7-0 R, Land
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ADJUSTED STANDARDS

AS 01-8	<u>Petition of the City of Harrisburg for an Adjusted Standard from 35 Ill. Adm. Code Section 306.305(b) and 304.121 and 302.209</u> – Pending receipt of the certificate of publication, the Board held this Saline County facility’s petition for an adjusted standard from the Board’s water pollution control regulations.	Water, NPDES
AS 01-9	<u>In the Matter of: Petition of Rhodia, Inc. and Thorn Creek Basin Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105</u> – Pending receipt of the certificate of publication, the Board held this Cook County facility’s petition for an adjusted standard from the Board’s water pollution control regulations.	Water

ADMINISTRATIVE CITATIONS

AC 01-29	<u>IEPA v. Leslie Yocum, Sandra Yocum, Rick L. Yocum, and Shawna B. Yocum</u> – The Board on its own motion consolidated this matter with AC 01-30 and denied respondents’ motion to dismiss these actions.	7-0
AC 01-30	<u>IEPA v. Leslie Yocum and Sandra Yocum</u> – The Board on its own motion consolidated this matter with AC 01-29 and denied respondents’ motion to dismiss these actions.	7-0
AC 01-33	<u>IEPA v. Donald Bauser</u> – The Board found that this Morgan County respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (1998)), and ordered respondent to pay a civil penalty of \$3,000.	7-0
AC 01-35	<u>IEPA v. Jody Short & Lorrie Spriggs</u> – The Board accepted respondent Short’s petition for review of an administrative citation against these Jersey County respondents. The Board will enter a default judgement against respondent Spriggs should she fail to file a petition for review postmarked on or before April 28, 2001.	7-0
AC 01-39	<u>IEPA v. Ivan R. Smith and Lois Smith</u> – The Board accepted an administrative citation against these Union County respondents.	

AC 01-40 IEPA v. Millennium Waste, Inc. and Dominic Remmes – The Board accepted an administrative citation against these Rock Island County respondents.

ADJUDICATORY CASES

Decisions

PCB 97-226 Riverview FS, Inc. v. IEPA – The Board affirmed the Illinois Environmental Protection Agency’s May 12, 1997 partial denial of petitioner’s leaking underground storage tank fund reimbursement application. 7-0
UST-FRD

Motions and Other Matters

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Inc. – The Board denied complainant’s motion for summary judgment and ordered this matter to proceed to hearing. 7-0
W-E

PCB 96-256 People of the State of Illinois v. Crier Development Company and Bradley S. Cowell – The Board granted complainant’s motion for summary judgment and ordered this matter to proceed to hearing concerning penalty issues. 7-0
W-E

PCB 97-178 People of the State of Illinois v. William C. Bigger, Joseph G. Bigger, and Bigger Family, Ltd. – 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 involving a Henderson County facility, the Board ordered publication of the required newspaper notice. 7-0
W-E

PCB 98-148 People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. – The Board affirmed the hearing officer’s ruling admitting the two Andrews Environmental Engineering (Andrews) documents into the record. The Board granted respondent Briggs’ motion for leave to respond to complainant’s reply brief, but only insofar as the response relates to complainant’s arguments regarding the Andrews documents. All other portions of Briggs’ supplemental response were stricken. 7-0
L-E

PCB 99-145	<u>Karen Jones, Anita Rice, Jodi Leeper, Tim Leeper, Cassandra Vaughn, Cheryl Vaughn, Hobert Jones, and Peggy Eberhardt v. Heritage Tool and Die Mold Manufacturing, Inc.</u> – No action taken.	N-E, Citizens
PCB 99-189	<u>People of the State of Illinois v. Aabott Asbestos, Inc.</u> – No action taken.	A-E
PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> – The Board denied respondent’s motion for oral argument.	7-0 A-E
PCB 00-82	<u>Jersey Sanitation Corporation v. IEPA</u> – No action taken.	P-A, Land
PCB 01-3	<u>People of the State of Illinois v. City of Winchester, Benton & Associates Engineering, Inc., and R&G Construction</u> – The Board granted complainant’s motion to correct the misnomer in naming respondent Benton & Associates Engineering, Inc. instead of Benton & Associates, Inc.	7-0 PWS-E
PCB 01-76	<u>People of the State of Illinois v. John Crane, Inc.</u> – No action taken.	A-E
PCB 01-108	<u>Johnston City Community Unit School District #1 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 Williamson County facility.	7-0 UST- Appeal
PCB 01-109	<u>Kean Brother 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 Cook County facility.	7-0 UST- Appeal

PCB 01-119	<u>Stuart C. Nuss v. Village of Durand</u> – The Board found that, pursuant to Section 31(d) of the Act (415 ILCS 5/31(d) (1998)) and 34 Ill. Adm. Code 103.212(a) of its procedural rules, complainant’s allegations were frivolous. The Board granted this Winnebago County respondent’s motion to dismiss the action.	7-0 W-E, Citizens
PCB 01-120	<u>Plexus Scientific Corporation v. IEPA</u> – The Board formally accepted petitioner’s amended petition in this matter, noting that hearing began on May 2, 2001 consistent with the Board’s April 5, 2001 order.	6-0 Lawton abstained A-V
PCB 01-128	<u>B.L.T., Inc. v. Sixth Street Developers, Limited Partnership, ORF, Inc., Roland Industries, VT Properties, Inc., and Freesen, Inc.</u> – The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous and accepted this matter involving a Sangamon County facility for hearing.	6-0 Kezelis abstained L-E, Citizens
PCB 01-136	<u>Sangamon Prairie Pork Farm v. IEPA</u> – The Board found and certified that certain facilities of Sangamon Prairie Pork Farm located in Sangamon County are pollution control facilities under the Property Tax Code (35 ILCS 200/11-10 (1998)).	7-0 T-C
PCB 01-137	<u>Hog Haven L.L.C. v. IEPA</u> – The Board found and certified that the certain facilities of Hog Haven L.L.C. located in Lee County are pollution control facilities under the Property Tax Code (35 ILCS 200/11-10 (1998)).	7-0 T-C
PCB 01-143	<u>Johnson 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 Jefferson County facility.	7-0 UST-FRD 90-Day Ext.
PCB 01-144	<u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, Prairie Land Construction, Inc., and Rich Williams d/b/a C.R. Williams & Associates Architects</u> – The Board accepted for hearing this public water supply enforcement matter involving a Christian County facility.	7-0 PWS-E

PCB 01-145 W.K. Developers v. Office of the State Fire Marshal –The Board found the petition deficient in this underground storage tank appeal involving a Lake County facility, and ordered petitioner to file an amended petition to cure deficiencies no later than June 7, 2001, or the petition would be subject to dismissal. 7-0
UST-
Appeal

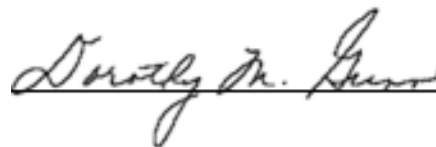
PCB 01-146 People of the Sate of Illinois v. Norman Sarver – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Macon County facility, the Board ordered publication of the required newspaper notice. 7-0
PWS-E

PCB 01-147 North Safety Products, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a DuPage County facility. 7-0
P-A, Air

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:30 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 17th day of May 2001 by a vote of.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board