

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**APRIL 5, 2001 CHICAGO OFFICE**  
**100 W. Randolph Street**  
**Conference Room 2-025**  
**11:00 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.

### **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 March 15, 2001 meeting were approved by a vote of 7-0.

### **RULEMAKINGS**

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<b>R01-16</b>	<u>In the Matter of: Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electrical Power Generation</u> – The Board adopted a final opinion and order in this matter to amend the Board’s air pollution control regulations.	7-0 R, Air
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<b>R01-17</b>	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart U, NO<sub>x</sub> Control and Trading Program for Specified NO<sub>x</sub> Generating Units, Subpart X, Voluntary NO<sub>x</sub> Emissions Reduction Program, and Amendments to 35 Ill. Adm. Code 211</u> – The Board adopted a final opinion and order in this matter to amend the Board’s air pollution control regulations.	7-0 R, Air
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## ADJUSTED STANDARDS

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**AS 01-7**      In the Matter of: Progressive Environmental Services, Inc. d/b/a Antifreeze Recycling for an Adjusted Standard from 35 Ill. Adm. Code 720.313(c) – Pending receipt of the certificate of publication, the Board held this Sangamon County facility’s petition for an adjusted standard from the Board’s hazardous waste regulations.      RCRA

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## ADMINISTRATIVE CITATIONS

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

**AC 01-17**

**(Cons.)**

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**AC 01-28**      IEPA v. American Disposal Services of Illinois, Inc. d/b/a McLean County Landfill and Daniel Winters – The Board found that these McLean County respondents violated Section 21(o)(12) of the Act (415 ILCS 5/21/(o)(12) (1998)), and ordered respondents to pay a civil penalty of \$500.      7-0

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**AC 01-29**      IEPA v. Leslie Yocum, Sandra Yocum, Laura L. Yocum, Rick L. Yocum, Kandy S. Yocum, and Shawna B. Yocum – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss Laura L. Yocum and Kandy S. Yocum as respondents in this administrative citation.      7-0

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**AC 01-33**      IEPA v. Donald Bauser – The Board accepted an administrative citation against this Morgan County respondent.

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**AC 01-34**      IEPA v. William Hartmann & Billie Hartmann – The Board accepted an administrative citation against these Macoupin County respondents.

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**AC 01-35**      IEPA v. Jody Short & Lorrie Spriggs – The Board accepted an administrative citation against these Jersey County respondents.

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## ADJUDICATORY CASES

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### Decisions

- PCB 99-181** People of the State of Illinois v. Siciliano, Inc. – In this air enforcement action concerning 13 facilities located in Sangamon County, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$13,000, and cease and desist from further violations. 7-0  
A-E
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- PCB 99-189** People of the State of Illinois v. Aabott Asbestos, Inc. – The Board found that respondent had violated Sections 9(a) and 9.1(d)(1) of the Act (415 ILCS 5/9(a), 9.1(d)(1) (1998)), the Board’s air pollution regulations at 35 Ill. Adm. Code 201.141, and the National Emission Standards for Hazardous Air Pollutants for asbestos, found at 40 C.F.R. §§ 61.145(c)(1), (c)(3), and (c)(6)(i), and 61.150(a)(1)(v), and ordered the respondent to pay a civil penalty of \$30,000. Complainant was ordered to file an affidavit of its fees and costs in this action and documentation thereof no later than May 7, 2001. 7-0  
A-E
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- PCB 00-176** People of the State of Illinois v. City of Auburn, Benton & Associates Engineering, Inc., and Petersburg Plumbing and Heating – In this public water supply enforcement action concerning a Sangamon County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement for the City of Auburn (Auburn) only, ordered Auburn to pay a civil penalty of \$3,000, and to cease and desist from further violations. This matter shall proceed to hearing as to the other respondents. 7-0  
PWS-E
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<b>PCB 01-48</b>	<u>Community Landfill Company and City of Morris v. IEPA</u> - In this consolidated matter involving the review of two different land permits for this Grundy County facility, the Board affirmed the Illinois Environmental Protection Agency (Agency) decision regarding Permit No. 2000-155-LFM (Parcel A), granted on August 4, 2000, to the City of Morris as owner and Community Landfill Company as operator (petitioners), as to Conditions VII-11, II-2i, and X-6. The Board instructed the Agency to reissue the permit after modifying Conditions VII-7, VIII-23, VIII-24, VIII-25, and VIII-27 consistent with the opinion and order entered in this matter on April 5, 2001. Regarding Permit No. 2000-156-LFM (Parcel B), also granted on August 4, 2000, to the petitioners, the Board affirmed the Agency's decision as to Conditions VI-9 and IX-6. The Board instructed the Agency to reissue the permit after modifying Conditions VI-7 and IX-1 consistent with the opinion and order entered in this matter on April 5, 2001.	7-0
<b>PCB 01-49 (Cons.)</b>		P-A, Land

**Motions and Other Matters**

<b>PCB 94-382</b>	<u>Gunite Corporation v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Winnebago County facility.	7-0 P-A, NPDES
<b>PCB 96-180</b>	<u>Environmental Site Developers, Inc. v. White &amp; Brewer Trucking, Inc.</u> – The parties' agreed motion to stay proceedings was referred to the hearing officer for disposition	W-E, Citizens
<b>PCB 97-11</b>	<u>People of the State of Illinois v. White &amp; Brewer Trucking</u> – Complainant's motion to stay proceedings was referred to the hearing officer for disposition.	L,W & GW-E
<b>PCB 97-20</b>	<u>People of the State of Illinois v. Bentronics Corporation</u> – No action taken.	W-E
<b>PCB 97-114</b>	<u>McWane, Inc. v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.	7-0 UST- Appeal

<b>PCB 97-149</b>	<u>McWane, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.	7-0 UST- Appeal
<b>PCB 97-193</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – The Board granted complainant’s motion for summary judgment with respect to count 5 only, and denied both parties’ motions for summary judgment with respect to count 12. This matter was ordered to proceed to hearing regarding all other outstanding issues, including penalty issues with respect to the summary judgment issued for count 5.	7-0 L-E
<b>PCB 98-148</b>	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc.</u> – No action taken.	L-E
<b>PCB 99-86</b>	<u>McWane, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.	7-0 UST-FRD
<b>PCB 99-149</b>	<u>Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc.</u> – The Board granted respondent’s motion for summary judgement for count three and denied the motion as to count one and two. The Board directed this matter proceed to hearing as to count one and two.	6-1 Flemal dissented McFawn concurred UST-E, Citizens
<b>PCB 00-82</b>	<u>Jersey Sanitary Corporation v. IEPA</u> – The Board held action on the parties’ motions for summary judgment pending receipt of the Illinois Environmental Protection Agency record in this matter.	7-0 P-A, Land
<b>PCB 00-90</b>	<u>Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation</u> – Respondent’s motion <i>in limine</i> was referred to the hearing officer for disposition.	N-E, Citizens

<b>PCB 00-187</b>	<u>Broderick Teaming Company v. IEPA</u> – The Board reversed the Illinois Environmental Protection Agency’s denial of petitioner’s claim, and granted petitioner’s motion for summary judgment in this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD
<b>PCB 00-218</b>	<u>E/M, a division of Morgan Chemical Products, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a DuPage County facility.	7-0 P-A, Air
<b>PCB 01-50</b>	<u>Gilbert’s Citgo, L.L.C. v. IEPA, Wheeling Trust &amp; Savings Bank a/k/a Cole Taylor Bank, Successor Trustee, as Trustee Under Trust No. 73-314 and John Caporaso, as Beneficiary of Trust No. 73-314</u> – No action taken.	WWS
<b>PCB 01-98</b>	<u>Waste Management of Peoria 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 Tazewell County facility.	7-0 UST- Appeal
<b>PCB 01-110</b>	<u>Bulkoa, Inc.</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-FRD
<b>PCB 01-112</b>	<u>Prairie Rivers Network v. IEPA and Black Beauty Coal Company</u> – The Board held action on Vermilion Coal Company’s motions to intervene and request for hearing on its petition to intervene pending receipt of additional information on the basis of its motion to intervene.	7-0 P-A, NPDES Third Party
<b>PCB 01-119</b>	<u>Stuart C. Nuss v. Village of Durand</u> – No action taken.	W-E, Citizens
<b>PCB 01-120</b>	<u>Plexus Scientific Corporation v. IEPA</u> – The Board ordered petitioner to file an amended petition in this matter no later than April 20, 2001. Petitioner’s motion for expedited decision was granted and its motion for site visit was denied. This matter involving a Will County facility was ordered to proceed to hearing.	7-0 A-V

<b>PCB 01-126</b>	<u>Aubrey Manufacturing, 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 McHenry County facility.	7-0 P-A, RCRA 90-Day Ext.
<b>PCB 01-128</b>	<u>B.L.T., Inc. v. Sixth Street Developers, Limited Partnership, ORF, Inc., Roland Industries, VT Properties, Inc., and Freesen, Inc.</u> – The Board held for a later duplicitous/frivolous determination this citizen’s land enforcement action involving a Sangamon County facility.	L-E, Citizens
<b>PCB 01-129</b>	<u>Mac Investments d/b/a Olympic Oldsmobile v. Office of the State Fire Marshal</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST- Appeal
<b>PCB 01-130</b>	<u>JR &amp; Sons, 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 Champaign County facility.	7-0 UST-FRD 90-Day Ext.
<b>PCB 01-131</b>	<u>Wareco 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 Morgan County facility.	7-0 UST-FRD 90-Day Ext.
<b>PCB 01-132</b>	<u>Pecora Reality 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 DuPage County facility.	7-0 UST- Appeal 90-Day Ext.
<b>PCB 01-133</b>	<u>People of the State of Illinois v. City of Gibson</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 involving a Ford County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E

**PCB 01-134** People of the State of Illinois v. Kucera Disposal Company – The Board accepted for hearing this land enforcement matter involving a Cook County facility. 7-0  
L-E

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**CASES PENDING DECISION**

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**R01-30** In the matter of: UIC Corrections, USEPA Amendments (July 1, 1999, through June 30, 2000) – Proposed Rule, Proposal for Public Comment, Opinion and Order R, Land

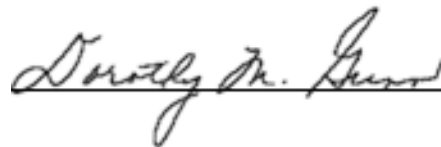
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**ADJOURNMENT**

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Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:40 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 19th day of April 2001 by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board