

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



APRIL 15, 2004
100 W. Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present except for Board Member Moore who was absent.

APPROVAL OF MINUTES

Minutes of the April 1, 2004 meeting were approved by a vote of 4-0.

RULEMAKINGS

R04-18	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2003 through December 31, 2003)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	4-0 R, Water
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ADJUSTED STANDARDS

AS 00-13	<u>In the Matter of: Petition of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a),(b), and (c) (“the Flexographic Printing Rule”)</u> – The parties’ jointly moved to withdraw the adjusted standard from 35 Ill. Adm. Code Section 218. 401 (a), (b), and (c) for three presses at Formel’s facility in Franklin Park, Cook County. Consistent with condition 10 of the Board’s January 18, 2001 order granting the adjusted standard and at the parties’ request, the Board terminated the adjusted standard as unnecessary effective April 15, 2004.	4-0 Air
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ADMINISTRATIVE CITATIONS

AC 04-43	<u>County of Jackson v. Frank Stonemark</u> – No action taken.	
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AC 04-49	<u>IEPA v. Bill Marshall</u> – The Board found that this Marshall County respondent violated Section 21(p)(1), (p)(3), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$6,000.	4-0
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AC 04-50	<u>IEPA v. American Disposal Services of Illinois, Inc. and David Bryant</u> – The Board found that these Livingston County respondents violated Section 21(o)(12) of the Act (415 ILCS 5/21(o)(12) (2002)), and ordered respondents to pay a civil penalty of \$500.	4-0
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AC 04-51	<u>IEPA v. Michael Moreton</u> – The Board found the petition for review deficient in this administrative citation involving a Coles County facility, and ordered petitioner to file an amended petition to cure deficiencies no later than May 14, 2004, or the petition would be subject to dismissal.	4-0
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AC 04-52	<u>IEPA v. Glen Cooper, Betty Cooper and Ronald Gernay d/b/a Ron’s Sandblasting, Painting and Power Washing</u> – No action taken.	
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AC 04-53 IEPA v. Roy Bell – The Board found that this Jersey County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500. 4-0

AC 04-58 IEPA v. Terry Wilkerson – The Board accepted an administrative citation against this Woodford County respondent.

AC 04-59 IEPA v. Tim Walker – The Board accepted an administrative citation against this Macon County respondent.

AC 04-60 IEPA v. Sharyn Fuller and Carl Benedict d/b/a Benedict Auto Sales – The Board accepted an administrative citation against these Peoria County respondents.

AC 04-61 IEPA v. Florence Propheter and Propheter Construction Company – The Board accepted an administrative citation against these Whiteside County respondents.

AC 04-62 IEPA v. Onyx Environmental Services – The Board accepted an administrative citation against this Livingston County respondent.

AC 04-63 County of Jackson v. Egon Kamarasy – The Board accepted an administrative citation against this Jackson County respondent.

AC 04-64 County of Jackson v. Egon Kamarasy – The Board accepted an administrative citation against this Jackson County respondent.

ADJUDICATORY CASES

Decisions

PCB 03-218 Rochelle Waste Disposal, L.L.C. v. City Council of The City of Rochelle, Illinois – The Board affirmed the City of Rochelle’s April 24, 2003 decision to deny Rochelle Waste Disposal, L.L.C.’s request for local siting approval for a proposed lateral and vertical expansion of the Rochelle Municipal Landfill No. 2 at 6513 South Mulford Road, Rochelle, Ogle County. The Board found the procedures were fundamentally fair and that the City’s decision on criterion (i) was against the manifest weight of the evidence, but that the decisions on criteria (ii), (iii) and (vi) were not. 4-0
P-C-F-S-R

PCB 03-220 People of the State of Illinois v. Lehigh Press, Inc. a/k/a Lehigh Press-Cadillac, Lehigh Cadillac-Direct, Lehigh Digital, and Lehigh Direct – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$30,000 and to cease and desist from further violations. 4-0
A-E

PCB 04-4 People of the State of Illinois v. Best-Way Construction & Remediation, Inc. and Clinton 6, L.L.C. – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$11,000 and to cease and desist from further violations. 4-0
A-E

Motions and Other Matters

PCB 99-187 Gina Pattermann v. Boughton Trucking and Materials, Inc. – No action taken. A&N-E

PCB 00-142	<u>People of the State of Illinois v. Keystone Consolidated Industries, Inc. d/b/a Keystone Steel & Wire Company</u> – The Board granted the parties’ motion for voluntary dismissal of this Resource Conservation and Recovery Act enforcement action involving a Peoria County facility.	4-0 RCRA-E
PCB 00-163	<u>David and Jacquelyn McDonough v. Gary Robke</u> – The Board granted respondent’s motion to extend the stay of paragraph three of the Board’s February 6, 2003 order until September 1, 2004.	4-0 N-E
PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – No action taken.	A-E
PCB 01-102	<u>Cassen and Sons, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 03-235	<u>United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank as Trustee Under Trust 0799 v. IEPA</u> – No action taken.	P-A, Land
PCB 04-9	<u>People of the State of Illinois v. Aargus Plastics, Inc.</u> – No action taken.	A-E
PCB 04-81	<u>People of the State of Illinois v. Emmett Utilities, Inc. and Russell D. Thorell individually and as president of Emmett Utilities, Inc.</u> – No action taken.	PWS-E
PCB 04-114	<u>Archer Daniel Midland Company (Peoria Dry Corn Mill and Ethanol Plant Title V Permit) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Peoria County facility.	4-0 P-A, Air

PCB 04-116	<u>Oasis Industries, Inc. v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file reduced number of copies in this permit appeal involving a Kane County facility. No action was taken on petitioner’s motion to stay effectiveness of CAAPP Permit.	4-0 P-A, Air
PCB 04-118	<u>AJ Oil Company 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 Peoria County facility.	4-0 UST Appeal
PCB 04-119	<u>Illinois State Toll Highway Authority (Des Plaines Oasis South) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
PCB 02-205 PCB 02-206 PCB 04-172	<u>Home Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 04-174	<u>Cooper 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 Clay County facility.	4-0 UST Appeal 90-Day Ext.
PCB 04-175	<u>Cooper 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 Clay County facility.	4-0 UST Appeal 90-Day Ext.
PCB 04-176	<u>Three Square Feeds v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Morgan County facility.	4-0 UST Appeal

PCB 04-177	<u>Illinois State Toll Highway Authority (Des Plaines Oasis North) v. IEPA</u> The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
PCB 04-178	<u>People of the State of Illinois v. H.B.M. Electrochemical Company and Ned Mandich individually and as president of H.B.M. Electrochemical Company</u> – The Board accepted for hearing this land enforcement action involving a site located in Cook County.	4-0 A-E
PCB 04-179	<u>Southern Farms Country Eggs, 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 Clinton County facility.	4-0 UST Appeal 90-Day Ext.

CASES PENDING DECISION

R03-19	<u>In the Matter of: Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures</u> – Adopted Rule, Final Order, Opinion and Order	R, Water
R04-11	<u>In the Matter of: Proposed Site Specific Rulemaking Ameren Energy Generating Company Amending 35 Ill. Adm. Code 901</u> – Proposed Rule, Second Notice, Opinion and Order	R, Noise
PCB 02-177	<u>People of the State of Illinois v. John Prior d/b/a Prior Oil Company and James Mezo d/b/a Mezo Oil Company</u>	L, W-E
PCB 04-117	<u>Saline County Landfill, Inc. v. IEPA and Saline County</u> – (due 5/6)	P-A, Land

OTHER ITEMS

The Board adopted the Chairman's Motion under the exception of Section 120/2(c)(4) of the Open Meetings Act to schedule a Closed Deliberative Session for Thursday, April 29, 2004, 10:00 a.m. 4-0

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Novak adjourned the meeting to an executive session at 11:25 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 6, 2004, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board