

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



NOVEMBER 15, 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 November 1, 2001 meeting were approved by a vote of 6-0.

RULEMAKINGS

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| R02-3 | <u>In the Matter of: Wastewater Pre-Treatment Update, USEPA Amendments (January 1, 2001 through June 30, 2001)</u> – The Board granted expedited consideration of the federal amendments of October 3, 2001, by opening a new docket, R02-9, to consider that federal action. The Board declined to introduce the subject matter of the October 3, 2001 federal amendments into this docket, R02-3. | 7-0
R, Water |
| R02-9 | <u>In the Matter of: Wastewater Pretreatment Update, (October 3, 2001)</u> – The Board granted expedited consideration of the federal amendments of October 3, 2001, by opening a new docket, R02-9, to consider that federal action. The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations. | 7-0
R, Water |
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R02-11	<u>In the Matter of: Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157 – No action taken.</u>	R, Water
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ADMINISTRATIVE CITATIONS

AC 01-16	<u>County of Sangamon v. Everett Daily</u> – No action taken.	
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AC 01-17

Cons.

AC 01-43	<u>IEPA v. City of Eldorado</u> – No action taken.	
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AC 02-2	<u>IEPA v. Nordean and Susan Simon d/b/a Berman Auto Parts</u> – The Board denied complainant’s motion to strike affirmative defenses.	6-1 Kezelis Dissented
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AC 02-10	<u>County of Sangamon v. Trust TR-98-202, Mark K. Vincent, Trustee and Frank Reynolds</u> – The Board found that these Sangamon County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondents to pay a civil penalty of \$1,500.	7-0
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AC 02-11	<u>County of LaSalle v. Dave Eiben</u> – The Board found that this LaSalle County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondent to pay a civil penalty of \$1,500.	7-0
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AC 02-12	<u>County of Ogle v. Gerald A. Martin d/b/a Martin & Company Excavating; and Kenneth E. Sheely</u> – The Board found that these Ogle County respondents violated Sections 21(p)(1), (p)(7)(i) and (p)(7)(ii) of the Act (415 ILCS 5/21(p)(1), (p)(7)(i), (p)(7)(ii) (2000)), and ordered respondents to pay a civil penalty of \$4,500.	7-0
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AC 02-13 IEPA v. Charles White – The Board found that this Stephenson County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondent to pay a civil penalty of \$1,500. 7-0

AC 02-17 IEPA v. Charles Goodwin – The Board ordered respondents to file an amended petition for review no later than December 20, 2001. 7-0

AC 02-22 IEPA v. Charles Kinsel – The Board accepted an administrative citation against this Fulton County respondent.

ADJUDICATORY CASES

Decisions

PCB 99-191 People of the State of Illinois v. Panhandle Eastern Pipe Line Company - The Board found that respondent violated Sections 9(b), 9.1(d)(1), and 9.1(d)(2) of the Environmental Protection Act (415 ILCS 5/9(b), 9.1(d)(1), 9.1(d)(2) (2000)) and ordered the respondent to pay \$850,000 in civil penalties and \$115,750.25 in costs and attorney fees, and to cease and desist from further violations. 6-1
A-E
Flemal concurred
Johnson dissented

PCB 01-151 People of the State of Illinois v. Diamond Plating Company – In this Resource Conservation and Recovery Act enforcement action concerning a Madison 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$4,000, and to cease and desist from further violations 7-0
RCRA-E

Provisional Variances

PCB 02-57	<u>Village of Panama v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Bond County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a). This is an extension of a previous provisional variance <u>Village of Panama v. IEPA</u> , PCB 02-35 (September 20, 2001).	7-0 W-V
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Motions and Other Matters

PCB 96-20	<u>Edward Wesolowski; Jacqueline Wesolowski; Will Burgess; Dorothy Burgess; Frank Rubino; Toby Gruszecki; and Mike Gruszecki v. U.S. Postal Service, Barrington, Illinois</u> – No action taken.	Citizens, N-E
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PCB 97-2	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	A,W&L-E
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PCB 98-148	<u>People of the State of Illinois v. Doren Poland; Lloyd Yoho; and Briggs Industries, Inc.</u> – No action taken.	L-E
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PCB 00-67	<u>People of the State of Illinois v. American Disposal, Inc. and Consolidated Rail Corporation</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 Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 RCRA-E
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PCB 00-188	<u>Ozinga Transportation Services v. IEPA</u> – No action taken.	UST Fund
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PCB 00-206	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> – No action taken.	P-A, Land
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PCB 00-207

PCB 00-208

PCB 01-62

PCB 01-63

PCB 01-64

PCB 01-3	<u>People of the State of Illinois v. R&G Construction</u> – 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 Scott County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 01-86	<u>Robert and Yvonne Gardner v. Township High School District 211, Gerald Chapman, Superintendent</u> – No action taken.	Citizens, N-E
PCB 01-134	<u>People of the State of Illinois v. Kucera Disposal Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 L-E
PCB 01-139	<u>ESG Watts, Inc. v. IEPA</u> – No action taken.	P-A, Land
PCB 02-1	<u>People of the State of Illinois v. Stein Steel Mill Services, Inc.</u> – The Board denied respondent’s motion to dismiss this air enforcement action involving a Madison County facility.	7-0 A-E
PCB 02-8	<u>People of the State of Illinois v. Royster-Clark, Inc.</u> – No action taken.	W-E
PCB 02-14	<u>Ila M. Neathery and Denise C. Fleck v. Greg and Karen Bouillon d/b/a Thirsty’s, and Terrill L. and Sarah E. Loving</u> – The Board denied respondents Greg and Karen Bouillon’s motion to dismiss this citizen noise enforcement action involving a Sangamon County facility.	7-0 Citizens, N-E
PCB 02-21	<u>People of the State of Illinois v. J&F Hauling, Inc.</u> – No action taken.	RCRA-E
PCB 02-27	<u>Rezmar Corporation v. IEPA</u> – The Board vacated its November 1, 2001 order which dismissed this matter and extended the appeal period until December 11, 2001.	6-0 UST Fund 90-Day Ext. Melas abstained

PCB 02-41	<u>Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder</u> – No action taken.	Citizens, A&N-E
PCB 02-47	<u>Pacella & Sons v. IEPA</u> – No action taken.	UST Fund
PCB 02-52	<u>Vandalia C.U.S.D. 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 Fayette County facility.	7-0 UST Appeal 90-Day Ext.
PCB 02-53	<u>E&L Trucking 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 Cook County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-54	<u>City of Springfield 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 Sangamon County facility.	7-0 UST Appeal 90-Day Ext.
PCB 02-55	<u>ESG Watts, Inc. (Taylor Ridge Landfill) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Rock Island County facility.	7-0 P-A 90-Day Ext.
PCB 02-56	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – The Board accepted for hearing this public water supply enforcement action involving a Peoria County facility.	7-0 W-E

CASES PENDING DECISION

R01-13	<u>In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, 102.800, 102.810, 102.820, and 102.830</u> – Proposed Rule, Second Notice, Opinion and Order	R, Water
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R02-8 In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240.191-240.193 – (due 12/6) Adopted Rule, Final Order, Opinion and Order R, Air

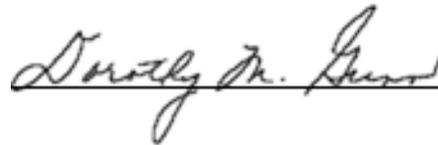
PCB 01-170 Community Landfill Company and City of Morris v. IEPA (due 12/14) P-A, Land

PCB 02-20 City of Charleston v. IEPA (due 12/14) PWS-V

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:55.a.m.

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



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board