

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



SEPTEMBER 20, 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. All Board Members answered present except for Board Member Flemal who was absent.

APPROVAL OF MINUTES

Minutes of the September 6, 2001 meeting were approved by a vote of 6-0.

ADJUSTED STANDARDS

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| AS 01-5 | <u>In the Matter of : Petition of the City of Sycamore for an Adjusted Standard from 35 Ill. Adm. Code Sections 306.305(b) and 304.121</u> – The Board dismissed petitioner’s request for an adjusted standard due to continued failure to meet requests for more information. | 6-0 Water |
| 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 Section 302.208 and 304.105</u> – The Board accepted petitioners’ amended petition for an adjusted standard and on its own motion added Takasago Corporation (U.S.A.) and Consumers Illinois Water Company as respondents. | 6-0 Water |

ADMINISTRATIVE CITATIONS

- AC 02-2** IEPA v. Dean and Susan Simon d/b/a Berman Auto Parts – No action taken.
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- AC 02-5** County of LaSalle v. Mr. and Mrs. Gary Kempiak – The Board found that these LaSalle 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. 6-0
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- AC 02-7** IEPA v. Terry and Latisha Springer – The Board accepted for hearing this petition for review of an administrative citation against these Jersey County respondents.
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- AC 02-8** IEPA v. Terry Baker d/b/a Baker Excavating - The Board accepted for hearing this petition for review of an administrative citation against this Franklin County respondent.
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- AC 02-9** IEPA v. Mark and Ann Musser; Pro-Excavating, Ltd; Charles Heuerman d/b/a Charles Heuerman General Trucking; David Swingler d/b/a Swingler Construction; and Beecher City Community School District - The Board accepted for hearing this petition for review of an administrative citation against these Champaign County respondents.
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ADJUDICATORY CASES

Decisions

- PCB 00-212** People of the State of Illinois v. Kenneth Morrison - The Board entered an order finding respondent liable for punitive damages in the amount of \$61,804.04 pursuant to Section 55.3(h) of the Environmental Protection Act (415 ILCS 5/55.3(h) (2000)). This order follows the Board's interim order of January 18, 2001, which granted complainant's motion for summary judgment for the cost of corrective action and ordered respondent to reimburse the Illinois Environmental Protection Agency in the amount of \$30,902.52 for costs incurred in the clean up of accumulated used and waste tires at a site located at or near Coalville Road, Streator, Livingston County, Illinois. 6-0
CR-E
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Provisional Variances

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| PCB 02-35 | <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). | 6-0 W-V |
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Motions and Other Matters

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| PCB 97-191 | <u>People of the State of Illinois v. Galva Foundry Company</u> - No action taken. | RCRA-E |
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| PCB 99-149 | <u>Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc.</u> – The Board clarified that the dismissal of this case, granted by Board order of August 23, 2001, was with prejudice. | 6-0 UST-E, Citizens |
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| PCB 00-82 | <u>Jersey Sanitation Corporation v. IEPA</u> – The Board denied respondent’s motion for reconsideration of the Board’s June 21, 2001 opinion and order, granting petitioner’s motion for summary judgment. | 5-1 Kezelis dissented P-A, Land |
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| PCB 00-146 | <u>C.C. Dillon Company (Raceway Gas & Food) v. Office of the State Fire Marshal</u> - No action taken. | UST-FRD |
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| PCB 00-181 | <u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties, and the Board of Education of Belvidere District 100</u> – Respondent Board of Education of Belvidere District 100’s motion for leave to file and a motion to withdraw its third party complaint were referred to the hearing officer for disposition. | UST-E, Citizens |
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| PCB 00-188 | <u>Ozinga Transportation Services v. IEPA</u> – No action taken. | UST-FRD |
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| PCB 00-221 | <u>James Glasgow, Vickie Glasgow, Bill Hoppe, and Pat Hoppe v. Granite City Steel</u> – No action taken. | A&N-E, Citizens |
| PCB 01-5 | <u>People of the State of Illinois v. Roecker Cabinets Incorporation, d/b/a Roecker Cabinet & Millwork</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 Tazewell County facility, the Board ordered publication of the required newspaper notice. | 6-0 RCRA-E |
| PCB 01-138 | <u>Larry R. Manns v. IEPA</u> - No action taken. | UST-Appeal |
| PCB 01-159 | <u>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.</u> - No action taken, as respondent Waste Management of Illinois, Inc.'s motion to bar admission of petitioners' public comments will be decided with the case-in-chief. | P-C-F-S-R |
| PCB 01-170 | <u>Community Landfill Company and City of Morris v. IEPA</u> - The Board denied respondent's motion to reconsider its August 23, 2001 order which granted petitioners' motion for expedited review. | 6-0 P-A, Land |
| PCB 02-1 | <u>People of the State of Illinois v. Stein Steel Mill Services, Inc.</u> – No action taken. | A-E |
| PCB 02-4 | <u>City of Streator v. IEPA</u> – No action taken. | W-V, NPDES |
| PCB 02-10 | <u>Rebecca S. Lawrence v. Northpoint Grade School</u> - The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous, and accepted for hearing this matter involving a McLean County facility. | 6-0 N-E, Citizens |

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| PCB 02-11 | <u>Doris Glave v. Brent and Patty Harris and Winds Chant Kennel, Inc.</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. | 6-0 N-E, Citizens |
| PCB 02-14 | <u>Ila M. Neathery and Denise C. Fleck v. Greg and Karen Bouillon d/b/a Thirsty's</u> – The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous, denied respondents' motion to dismiss, and accepted for hearing this matter involving a Sangamon County facility. | 6-0 N-E, Citizens |
| PCB 02-29 | <u>People of the State of Illinois v. Bob Nickel, d/b/a Nickel Agri-Service</u> – 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 Sangamon County facility, the Board ordered publication of the required newspaper notice. | 6-0 W-E |
| PCB 02-30 | <u>People of the State of Illinois v. Meridian Development Corporation</u> – No action taken. | W-E |
| PCB 02-31 | <u>Bridgestone/Firestone Off-Road Tire Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a McLean County facility. The Board reserved ruling on the request for stay of effectiveness until the Illinois Environmental Protection Agency has the opportunity to address the issue. | 6-0 P-A, Air |
| PCB 02-32 | <u>Village of Grayslake v. Winds Chant Kennel</u> – The Board held for a later duplicitous/frivolous determination this citizen's noise enforcement action involving a Lake County facility. | N-E, Citizens |
| PCB 02-33 | <u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Madison County facility. | 6-0 P-A, Air 90-Day Ext. |

PCB 02-34 L. Keller Oil Properties, Inc. (Charleston) v. IEPA – The Board
accepted for hearing this underground storage tank appeal
involving a Coles County facility.

6-0
UST-Appeal

CASES PENDING DECISION

R01-20 In the Matter of: SDWA Update, USEPA Amendments (July 1, 2000, through December 31, 2000; Radionuclides) – Adopted Rule, Final Order, Opinion and Order R, PWS

R02-5 In the Matter of: SDWA Update (USEPA Amendments January 1, 2001 through June 30, 2001) – Proposed Rule, Proposal for Public Comment, Opinion and Order R, PWS

OTHER ITEMS

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ADOPTION OF PROPOSED CALENDAR YEAR 2002 BOARD MEETING DATES

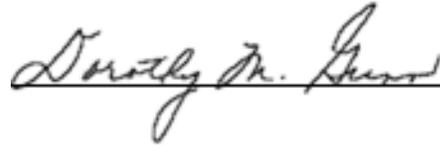
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| January 10 | July 11 |
| January 24 | July 25 |
| February 7 | August 8 |
| February 21 | August 22 |
| March 7 | September 5 |
| March 21 | September 19 |
| April 4 | October 3 |
| April 18 | October 17 |
| May 2 | November 7 |
| May 16 | November 21 |
| June 6 | December 5 |
| June 20 | December 19 |

The Chairman's motion for adoption of the Calendar Year 2002 Board Meeting Dates was granted by a vote of 6-0.

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:25 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 4th day of October 2001 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board