

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 4, 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 September 20, 2001 meeting were approved by a vote of 6-0. Board Member Flemal abstained.

RULEMAKINGS

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| R01-20 | <u>In the Matter of: SDWA Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s public water supply regulations. | 7-0
R, PWS |
| R02-3 | <u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2001, through June 30, 2001)</u> – 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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R02-5 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2001, through June 30, 2001) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s public water supply regulations. 7-0
R, PWS

ADMINISTRATIVE CITATIONS

AC 00-28 County of Sangamon v. William Maulding and Carolyn Maulding – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Sangamon County facility. 7-0

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

AC 01-17)

Cons.

AC 01-38 County of Macon v. Macon County Landfill – The Board dismissed this action for complainant’s failure to timely effectuate service upon respondent as required by Section 31.1(b) of the Environmental Protection Act (415 ILCS 5/31.1(b) (2000)) 7-0

AC 02-2 IEPA v. Nordean and Susan Simons d/b/a Berman Auto Parts – The Board denied respondent’s motion to stay administrative citation proceedings and ordered this matter to proceed to hearing. 7-0

AC 02-6 IEPA v. Larry Beam – The Board found that this Henry County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2000)), and ordered respondent to pay a civil penalty of \$4,500. 7-0

AC 02-10 County of Sangamon v. Trust TR-98-202, Mark K. Vincent, Trustee and Frank Reynolds – The Board accepted an administrative citation against these Sangamon County respondents.

AC 02-11 County of LaSalle v. Dave Eiben – The Board accepted an administrative citation against this LaSalle County respondent.

AC 02-12 Ogle County v. Gerald A. Martin d/b/a Martin & Co. Excavating, and Kenneth E. Sheely – The Board accepted an administrative citation against these Ogle County respondents.

ADJUDICATORY CASES

Decisions

PCB 00-176 People of the State of Illinois v. Benton & Associates, 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) (2000)), accepted a final stipulation and settlement agreement for the Benton & Associates, Inc. (Benton) only, ordered Benton to pay a civil penalty of \$7,500, and to cease and desist from further violations. The parties filed a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement as to the remaining respondent, Petersburg Plumbing and Heating, the Board ordered publication of the required newspaper notice.

7-0
W-E

PCB 01-11 People of the State of Illinois v. Reichhold, Inc. – The Board granted the parties’ motion to amend the stipulation and proposal for settlement accepted by order of August 24, 2000 and incorporated by reference the stipulations and proposed settlements as (1) accepted in the Board’s order of August 24, 2000, and (2) as contained in the parties’ May 22, 2001 motion to amend.

7-0
A-E

PCB 02-26 People of the State of Illinois v. Pritzker Realty Group, L.P. and PDA Corp. – In this water enforcement action concerning a Lake County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Illinois Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$7,500, and to cease and desist from further violations.

7-0
W-E

Provisional Variances

PCB 02-43	<u>Berlin Industries v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this DuPage County facility a 45-day provisional variance, subject to conditions, from the air pollution control requirements set forth in 35 Ill Adm. Code 218.407(a)(1)(C), 218.407(a)(1)(E), and Part 203 and Conditions 7.1.3(f)(i)(C), 7.1.3(f)(i)(E), and 7.1.6(a) of petitioner’s Clean Air Act Permit Program (CAAPP).	7-0 A-V
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Motions and Other Matters

PCB 97-191	<u>People of the State of Illinois v. Galva Foundry Company</u> - The Board granted complainant’s motion for voluntary dismissal of this Resource Conservation and Recovery Act enforcement action involving a Henry County facility.	7-0 RCRA-E
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PCB 00-122	<u>People of the State of Illinois v. City of Lawrenceville</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 Lawrence County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
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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 00-188	<u>Ozinga Transportation Services v. IEPA</u> – No action taken.	UST-FRD
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PCB 01-21	<u>Michael E. Mellon and Rebecca J. Mellon v. Illinois Department of Transportation</u> – No action taken.	A&N-E, Citizens
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PCB 01-76	<u>People of the State of Illinois v. John Crane, Inc.</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 Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
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PCB 01-138	<u>Larry R. Manns v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	7-0 UST- Appeal
PCB 01-172	<u>CCL Custom Manufacturing, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Vermilion County facility.	7-0 P-A, Water
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> – The Board granted the Illinois Environmental Protection Agency’s motion to withdraw and substitution of counsel and for extension of time to file recommendation.	7-0 W-V, NPDES
PCB 02-30	<u>People of the State of Illinois v. Meridian Development Corporation</u> – The Board accepted for hearing this water enforcement action involving a Lake County facility.	7-0 W-E
PCB 02-31	<u>Bridgestone/Firestone Off-Road Tire Company v. IEPA</u> – <u>No action taken.</u>	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 02-36	<u>People of the State of Illinois v. City of Golconda, Brown, Roffman & Roberts, Inc., and Forby Excavating, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a Pope County facility.	7-0 PWS-E

PCB 02-37	<u>People of the State of Illinois v. Crop Production Services, Inc., AEH Construction, Inc., and Gunther Construction 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 Knox County facility, the Board ordered publication of the required newspaper notice.	7-0 L-E
PCB 02-38	<u>Mecalux Illinois, 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 Cook County facility.	7-0 P-A, 90-Day Ext.
PCB 02-39	<u>Forest Preserve District of Cook County 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- Appeal 90-Day Ext.
PCB 02-40	<u>Village of Round Lake Park v. IEPA</u> The Board granted petitioner’s motion for leave to file exhibit “A” to petition for variance at a later date.	7-0 W-V
PCB 02-41	<u>Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder</u> – The Board held for a later duplicitous/frivolous determination this citizen’s air and noise enforcement action involving a McHenry County facility.	A&N-E, Citizens
PCB 02-42	<u>City of Canton v. IEPA</u> – No action taken.	PWS-V

CASES PENDING DECISION

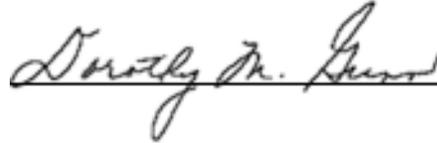
PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u>	Manning A-E
PCB 01-159	<u>American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria and Jack Norman v. Village of Fairmont City and Waste Mangement of Illinois, Inc.</u> (due 10/19)	Lawton P-C-F-S-R

OTHER ITEMS

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 18th day of October 2001 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board