

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



SEPTEMBER 6, 2001 SPRINGFIELD OFFICE
600 South Second Street – Suite 403
Hearing Room
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 August 23, 2001 meeting were approved by a vote of 7-0.

RULEMAKINGS

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|------------------|---|----------------|
| R00-19(C) | <u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (MTBE): 35 Ill. Adm. Code 742</u> - The Board adopted a first notice opinion and order in this rulemaking which proposes to add methyl tertiary-butyl ether (MTBE) as a contaminant to be tested for under the TACO standards. | 7-0
R, Land |
| R01-14 | <u>In the Matter of: Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s public water supply regulations by adding a groundwater quality standard for methyl tertiary-butyl ether (MTBE). | 7-0
R, PWS |
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R01-28 In the Matter of: Amendments to Livestock Waste Regulations: 35 Ill. Adm. Code 506 – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s livestock waste regulations. 7-0
R, Land

R01-31 In the Matter of: Provisional Variances from Water Temperature Standards: Proposed New 35 Ill. Adm. Code 301.109 – The Board granted the Illinois Environmental Protection Agency’s motion to withdraw its April 13, 2001 proposal and closed this docket. 7-0
R, Water

ADJUSTED STANDARDS

AS 01-5 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 – No action taken. Water

ADMINISTRATIVE CITATIONS

AC 02-1 County of Perry v. William Shrum – The Board found that this Perry County respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2000)), and ordered respondent to pay a civil penalty of \$3,000. 7-0

AC 02-4 IEPA v. Mound City – The Board accepted for hearing this petition for review of an administrative citation against this Pulaski County respondent. 7-0

AC 02-6 IEPA v. Larry Beam – The Board accepted an administrative citation against this Henry County respondent.

ADJUDICATORY CASES

Decisions

PCB 97-234 Antonio D.H. Nam v. Kikon Suh – In this underground storage tank enforcement action concerning a Cook County facility, the Board found no violations of Section 21(a) of the Act (415 ILCS 5/21(a) (1996)) or 35 Ill. Adm. Code 732.200 and accordingly dismissed this matter. 7-0
UST-E,
Citizens

PCB 98-148	<p><u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. a/k/a Briggs Plumbing Products, Inc.;</u> <u>Briggs Industries, Inc., Third-Party Complainant v. Loren West and Abingdon Salvage Company, Inc., Third-Party Respondents -</u> In this land enforcement action concerning a Knox County facility, the Board found that respondents violated Sections 21(a), (d), (e), and (p)(1) of the Illinois Environmental Protection Act (415 ILCS 5/21(a), (d), (e), (p)(1) (2000)) and Sections 807.201, 807.202(a), and 812.101 of the Board’s waste disposal regulations (35 Ill. Adm. Code 807.201, 807.202(a), 812.101). The Board found in favor of respondents for the other alleged violations. Finally, the Board ordered that further hearings will be held on the appropriate relief.</p>	7-0 L-E
PCB 00-4	<p><u>People of the State of Illinois v. American Wood Recycling, Inc. –</u> In this land enforcement action concerning a Cook 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 respondent to pay a total civil penalty of \$4,000, and to cease and desist from further violations.</p>	7-0 L-E
PCB 00-50	<p><u>People of the State of Illinois v. A.E. Staley Manufacturing Company –</u> In this water enforcement action concerning a Macon 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 respondent to pay a total civil penalty of \$35,000, and to cease and desist from further violations.</p>	7-0 W-E
PCB 00-90	<p><u>Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation -</u> In this citizens’ noise enforcement action concerning a Randolph County facility, the Board found that respondent violated Section 24 of the Illinois Environmental Protection Act (415 ILCS 5/24 (2000)) and 35 Ill. Adm. Code 900.102.</p>	5-2 Flemal and Johnson dissented N-E, Citizens

PCB 01-44 People of the State of Illinois v. Ratliff Brothers and Co., Inc. – In this land and water enforcement action concerning a Henry 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 respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations. 7-0
L&W-E

PCB 02-15 People of the State of Illinois v. Macon County Landfill Corporation – In this water enforcement action concerning a Macon 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 respondent to pay a total civil penalty of \$75,000, and to cease and desist from further violations. 7-0
W-E

Provisional Variances

PCB 02-28 Midwest Generation EME, LLC, v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Will County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.124(a). 7-0
W-V

Motions and Other Matters

PCB 00-82 Jersey Sanitation Corporation v. IEPA – No action taken. P-A, Land

PCB 00-181 MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties, and the Board of Education of Belvidere District 100 – No action taken. UST-E,
Citizens

PCB 00-188 Ozinga Transportation Services v. IEPA – No action taken. UST-FRD

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 01-130	<u>JR & Sons, Inc. v. IEPA</u> – No action taken.	UST-FRD
PCB 01-140	<u>Nelson Westerberg, Inc. v. Office of the State Fire Marshal</u> – The Board deferred ruling on the pending motions for summary judgment and directed respondent to articulate within 14 days why the two reasons stated in its March 6, 2001 denial letter are proper bases for denying eligibility.	5-2 Girard and Johnson dissented UST- Appeal
PCB 01-144	<u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, PrairieLand Construction, Inc., and Rich Williams d/b/a C.R. Williams & Associates Architects</u> – The Board granted respondent PrairieLand Construction, Inc.’s motion for leave to file an amended answer.	7-0 PWS-E
PCB 01-155	<u>People of the State of Illinois v. Alloy Engineering & Casting Company</u> – The Board denied the motion to intervene filed by Heather J. Livengood, <i>et al.</i>	7-0 A-E
PCB 01-158	<u>Johnson Oil Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Livingston County facility.	7-0 UST-FRD
PCB 01-160	<u>U.S. Army Corps of Engineers 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 Cook County facility.	7-0 UST- Appeal
PCB 01-162	<u>Village of Bensenville 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 DuPage County facility.	7-0 UST-FRD

PCB 01-163	<u>Village of Mount Prospect 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 Cook County facility.	7-0 UST-FRD
PCB 01-164	<u>White Owl Truck Stop 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 Coles County facility.	7-0 UST-FRD
PCB 01-170	<u>Community Landfill Company and City of Morris 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> – No action taken.	A-E
PCB 02-10	<u>Rebecca S. Lawrence v. Northpoint Grade School</u> - The Board held for a later duplicitous/frivolous determination this citizen’s noise enforcement action involving a McLean County facility.	N-E, Citizens
PCB 02-11	<u>Doris Glave v. Brent and Patty Harris</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 02-14	<u>Ila M. Neathery and Denise C. Fleck v. Greg and Karen Bouillon d/b/a Thirsty’s</u> – The Board held for a later duplicitous/frivolous determination this citizens’ noise enforcement action involving a Sangamon County facility.	N-E, Citizens
PCB 02-20	<u>City of Charleston v. IEPA</u> – The Board accepted for hearing this request for variance involving a Coles County facility.	7-0 PWS-V
PCB 02-23	<u>Dean Foods Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, Air

PCB 02-24	<u>St. Joseph Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of this Cook County facility.	7-0 UST-FRD 90-Day Ext.
PCB 02-25	<u>Marconi Data Systems, Inc. and Marconi, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD
PCB 02-26	<u>People of the State of Illinois v. Pritzker Realty Group, L.P. and PDA CORP.</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 Lake County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 02-27	<u>Rezmar Corporation v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of this Cook County facility.	6-0 Melas abstained UST-FRD 90-Day Ext.

OTHER ITEMS

No action taken.

ADOPTION OF PROPOSED CALENDAR YEAR 2002 BOARD MEETING DATES

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

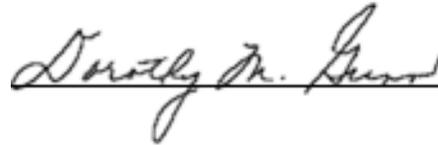
June 20

December 19

Adjournment

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

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 20th day of September 2001 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board