

DRAFT ILLINOIS POLLUTION CONTROL BOARD MEETING MINUTES



JULY 26, 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, Board Member Flemal welcomed members of the public and staff to the meeting, noted that Chairman Manning would not be attending the meeting. He also announced that this was Attorney Assistant Bobb Beauchamp last Board meeting, thanked him for his valuable contributions to the Board and wished him good luck in his future endeavors.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the July 12, 2001 meeting were approved by a vote of 4-0. Members Flemal and Melas abstained.

RULEMAKINGS

R00-17	<u>In the Matter of: Proposed Regulated Recharge Area for Pleasant Valley Public Water District, Proposed Amendments to 35 Ill. Adm. Code Part 617</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s public water supply regulations to establish the first regulated recharge area under section 17.3 of the Act (415 ILCS 5/17.3 (2000)).	6-0 R, PWS
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R00-19(B) In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742 – 6-0
The Board adopted a final opinion and order in this matter to R, Land
amend the standards for tiered approach to corrective action
objectives (35 Ill. Adm. Code 742).

ADJUSTED STANDARDS

AS 01-9 In the Matter of: Petition of Rhodia, Inc. and Thorn Creek Basin Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 – 6-0
The Board found the petition deficient in Water
this request for an adjusted standard involving a Cook County
facility, and ordered petitioner to file an amended petition to cure
deficiencies no later than September 14, 2001, or the petition
would be subject to dismissal.

AS 01-10 In the Matter of: Petition of Dixon Marquette Cement Company for an Adjusted Standard from 35 Ill. Adm. Code Parts 811 & 814 – 6-0
– The Board granted parties a motion for leave to file a response Land
instanter and for extension of time to file a reply to the response.

ADMINISTRATIVE CITATIONS

AC 00-84 IEPA v. James Day – The Board entered an interim opinion and 6-0
order finding respondent violated Sections 21(p)(1) and (p)(3) of
the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3)
(2000)) and assessing a penalty of \$3,000. The Board ordered the
Clerk of the Board and the Environmental Protection Agency to
file within 14 days a statement of hearing costs, supported by
affidavit, with service on respondent.

AC 02-1 County of Perry v. William Shrum – The Board accepted this
petition for review of an administrative citation against this Perry
County respondent.

AC 02-2 IEPA v. Dean and Susan Simon d/b/a Berman Auto Parts – The
Board accepted this petition for review of an administrative
citation against these Boone County respondents.

AC 02-3 IEPA v. Marvin Hammack and Doris Baker – The Board accepted this petition for review of an administrative citation against these Schuyler County respondents.

ADJUDICATORY CASES

Decisions

PCB 98-166 People of the State of Illinois v. Bruszkeiwicz Auto Rebuilders, Inc. – 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 \$20,000, and to cease and desist from further violations. 6-0
L-E

PCB 01-120 Plexus Scientific Corporation v. IEPA – The Board issued a supplemental opinion and order to its July 12, 2001 opinion and order in this matter. The previous order granted petitioner a variance from 35 Ill. Adm. Code 237.102, subject to conditions, to allow it to conduct open burning/flushing to decontaminate explosive material on buildings and process equipment and clear vegetation at the Load/Assembly/Package area, and potentially the Manufacturing area of the Joliet Army Ammunition Plant site in Will County, Illinois. 5-0
Lawton
abstained
A-V

Motions and Other Matters

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Inc. – No action taken. W-E

PCB 97-193 People of the Sate of Illinois v. Community Landfill Company, Inc. – The Board granted in part and denied it in part respondent’s motion for reconsideration. This matter was ordered to proceed to hearing regarding all other outstanding issues. L-E

PCB 00-4	<u>People of the State of Illinois v. American Wood Recycling, Inc.</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. The Board granted complainant’s motion to dismiss Steve Berglund as party in this matter.	6-0 L-E
PCB 00-92	<u>Stephen M. Lardner v. Dominick’s Finer Foods, Inc., The Landowner of Longmeadow Commons, Waste Management, Mundelein Disposal, and BFI</u> – No action taken.	N-E, Citizens
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> – No action taken.	UST-E, Citizens
PCB 01-48 PCB 01-49 (Cons.)	<u>Community Landfill Company and City of Morris v. IEPA</u> – No action taken.	P-A, Land
PCB 01-104	<u>People of the State of Illinois v. City of Waukegan</u> – No action taken.	W-E
PCB 01-128	<u>B.L.T., Inc. v. Sixth Street Developers Limited Partnership, ORF, Inc., Roland Industries, VT Properties, Inc. and Freesen, Inc.</u> – The Board granted respondents Freesen, Inc.’ and Sixth Street Developers Limited Partnership’s motions to file a counter- complaint against complainant B.L.T., Inc. and to file a third- party complaint against Fiat Allis. The Board denied respondent Freesen Inc.’s motion to add Anderson Excavating and Wrecking Company as a respondent.	5-0 Kezelis abstained L-E, Citizens
PCB 01-129	<u>Mac Investments d/b/a Olympic Oldsmobile v. Office of the State Fire Marshal</u> – The Board granted respondent’s motion to file the record of decision instantaner.	6-0 UST- Appeal

PCB 01-140	<u>Nelson Westerberg, Inc. v. Office of the State Fire Marshal</u> – No action taken.	UST- Appeal
PCB 01-141	<u>Limits L.L.C. 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.	6-0 UST-FRD
PCB 01-143	<u>Johnson 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 Jefferson County facility.	6-0 UST-FRD
PCB 01-144	<u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, Prairie Land Construction, Inc., and Rich Williams d/b/a C.R. Williams & Associates Architects</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 Christian County facility, the Board ordered publication of the required newspaper notice.	6-0 PWS-E
PCB 01-145	<u>W.K. Developers v. Office of the State Fire Marshal</u> – The Board dismissed this matter for failure to file an amended petition by June 7, 2001.	6-0 UST- Appeal
PCB 01-150	<u>People of the State of Illinois v. Marc Development Corporation and Silver Glen Estates Homeowners’ Association</u> – the Board granted complainant’s motion to strike respondent Silver Glen Estates Homeowners’ Association’s affirmative defense and ordered this matter to proceed to hearing.	6-0 W-E
PCB 01-155	<u>People of the State of Illinois v. Alloy Engineering & Casting Company</u> – No action taken.	A-E

PCB 01-169	<u>Gerry Blohm v. Dominick's Finer Foods</u> – The Board held for a later duplicitous/frivolous determination this citizen's noise enforcement action involving a McHenry County facility.	N-E, Citizens
PCB 01-173	<u>Cole Taylor Bank under Trust #40323; as Successor Trustee to Michigan Avenue National Bank of Chicago, under Trust #1904 v. Rowe Industries, Inc., Successor to Coleman Cable and Wire Company, and Chapco Carton Company</u> – The Board held for a later duplicitous/frivolous determination this citizen's land enforcement action involving a Cook County facility.	L-E, Citizens
PCB 02-3	<u>People of the State of Illinois v. Texaco Refining & Marketing, Inc.</u> – The Board accepted for hearing this land and water enforcement matter involving a Will County facility.	6-0 L&W, E
PCB 02-4	<u>City of Streator, Illinois v. IEPA</u> – No action taken.	W-V, NPDES
PCB 02-5	<u>People of the State of Illinois v. Environmental Management & Abatement, Inc. and Danny G. Kohrtd Individually and as President of Environmental Management & Abatement, Inc.</u> – The Board accepted for hearing this land enforcement matter involving a Will County facility.	6-0 L-E
PCB 02-6	<u>Gould Electronics Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Stephenson County facility.	6-0 P-A, Land
PCB 02-7	<u>Petro Plus, Inc. f/k/a Gas Stop 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 UST- Appeal 90-Day Ext.
PCB 02-8	<u>People of the State of Illinois v. Royster-Clark, Inc.</u> – The Board accepted for hearing this water enforcement matter involving a LaSalle County facility.	6-0 W-E, NPDES

CASES PENDING DECISION

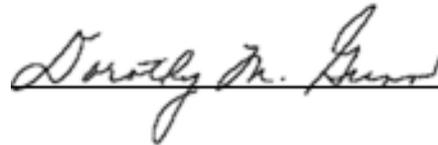
PCB 01-112 Prairie Rivers Network v. IEPA and Black Beauty Coal Company
(due 8/10)

P-A,
NPDES,
3rd Party

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Board Member Flemal 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 26th day of July 2001 by a vote of.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board