

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**JUNE 21, 2001, CHICAGO OFFICE
CONFERENCE ROOM 9-040
11:00 A.M.**

ANNOUNCEMENTS

Chairman Manning welcomed members of the public and staff to the meeting, and thanked Board Member Marili McFawn, Attorney Assistant Bobb Beauchamp, and Private Secretary Kemelyau Pittman, for their valuable contributions to the Board.

ROLL CALL

The Clerk of the Board called the roll and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the June 7, 2001 meeting were approved by a vote of 7-0.

RULEMAKINGS

R01-13	<u>In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206 and 106.990-106.995</u> – The Board adopted a first notice opinion and order in this matter to amend the Board’s antidegradation water regulations.	7-0 R, Water
R01-14	<u>In the Matter of: Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620</u> - No action taken.	R, PWS
R01-20	<u>In the Matter of: SDWA Update, USEPA Amendments (July 1, 2000 through December 31, 2000; Radionuclides)</u> – 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

ADJUSTED STANDARDS

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 granted petitioner’s motion to extend time to file addendum to amended petition.	7-0 Water
AS 01-8	<u>In the Matter of: Petition of the City of Harrisburg for an Adjusted Standard from 35 Ill. Adm. Code Section 306.305(b), 304.121 and 302.209</u> – The Board dismissed this request for an adjusted standard for petitioner’s failure to file a certificate of publication by June 14, 2001, as ordered in the Board’s order of June 7, 2001.	7-0 Water, NPDES
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 302.208 and 304.105</u> – The Board granted the Illinois Environmental Protection Agency’s motion for extension of time to file recommendation to July 30, 2001.	7-0 Water
AS 01-10	<u>In the Matter of: Petition of Dixon Marquette Cement Company for an Adjusted Standard from 35 Ill. Adm. Code Parts 811 and 814</u> – Upon receipt of a request for hearing, the Board ordered this matter concerning a Lee County facility’s request for an adjusted standard from the Board’s land pollution control regulations to proceed to hearing.	7-0 Land

ADMINISTRATIVE CITATIONS

AC 01-40	<u>IEPA v. Millennium Waste, Inc. and Dominic Remmes</u> – The Board found that these Rock Island County respondents violated Sections 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2000)), and ordered respondents to pay a civil penalty of \$1,000.	7-0
AC 01-41	<u>IEPA v. RCS, Inc., Mike Whitlock, and Mike Cassons</u> – The Board found that these Jersey County respondents violated Sections 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2000)), and ordered respondents to pay a civil penalty of \$1,000.	7-0

AC 01-42	<u>IEPA v. Alan Smith</u> – The Board ordered respondent to file an amended petition for review of an administrative citation to cure deficiencies no later than July 26, 2001.	7-0
AC 01-43	<u>IEPA v. City of Eldorado</u> – The Board accepted this petition for review of an administrative citation against this Saline County respondent.	7-0
AC 01-44	<u>IEPA v. Charles Haley d/b/a Haley Brothers Construction</u> – The Board ordered respondent to file an amended petition for review of an administrative citation to cure deficiencies no later than July 26, 2001.	7-0

ADJUDICATORY CASES

Decisions

PCB 97-178	<u>People of the State of Illinois v. William C. Bigger, Joseph G. Bigger, and Bigger Family Ltd.</u> – In this water enforcement action concerning a Henderson 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 \$5,000, and to cease and desist from further violations.	7-0 W-E
PCB 00-190	<u>People of the State of Illinois v. TruServ Corporation</u> – In this Resource Conservation and Recovery Act enforcement action concerning a McHenry 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 RCRA-E

PCB 01-3	<u>People of the State of Illinois v. City of Winchester, Benton & Associates, Inc., and R&G Construction</u> – In this public water supply enforcement action concerning a Scott 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 City of Winchester (Winchester) only, ordered Winchester to pay a civil penalty of \$2,000, and to cease and desist from further violations. On May 24, 2001 the Board received a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this matter as to Benton & Associates, Inc., only. The Board ordered publication of the required newspaper notice. This matter shall proceed to hearing as to the other respondent.	7-0 PWS-E
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Provisional Variances

PCB 01-171	<u>The Premcor Refining Group, Inc. v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Madison County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.120(b) and 304.141(a).	7-0 W-V, NPDES
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Motions and Other Matters

PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt, Inc.</u> – No action taken.	W-E
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PCB 96-112	<u>City of Chester v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Randolph County facility.	7-0 P-A, NPDES
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PCB 97-193	<u>People of the Sate of Illinois v. Community Landfill Company, Inc.</u> – No action taken.	L-E
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PCB 00-82	<u>Jersey Sanitation Corporation v. IEPA</u> – The Board granted petitioner’s motion for summary judgment and denied respondent’s motion for summary judgment. The Board remanded this matter to the Illinois Environmental Agency with direction to issue the permit consistent with the opinion and order entered in this matter.	6-1 Kezelis dissented P-A, Land
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PCB 00-90	<u>Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation</u> – The Board denied respondent’s motions to reply and to strike. The Board affirmed the hearing officers decision to admit evidence and opinion witness testimony.	7-0 N-E, Citizens
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 00-148	<u>Wayne and Sonja Hall v. Richard L. Miller and Mary J. Miller d/b/a R&M Metals</u> – No action taken.	N-E, Citizens
PCB 00-187	<u>Broderick Teaming Company v. IEPA</u> – The Board denied respondent’s motion for reconsideration of it’s April 5, 2001 order.	7-0 UST-FRD
PCB 00-196	<u>Go-Tane Service Stations, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD
PCB 00-221	<u>James Glasgow, Vickie Glasgow, Bill Hoppe, and Pat Hoppe v. Ganite City Steel</u> – The Board granted respondent’s attorney’s motion to appear <i>pro hac vice</i> .	7-0 A&N-E, Citizens
PCB 01-44	<u>People of the State of Illinois v. Ratliff Brothers and Company, 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 and water enforcement action involving a Henry County facility, the Board ordered publication of the required newspaper notice.	7-0 L&W-E
PCB 01-112	<u>Prairie Rivers Network v. IEPA and Black Beauty Coal Company</u> – The Board granted respondent Black Beauty Coal Company’s request for oral argument and directed that such oral argument take place before the Board on July 12, 2001.	7-0 P-A, NPDES 3rd Party

PCB 01-124	<u>Pilkington North America, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this LaSalle County facility.	7-0 P-A
PCB 01-125	<u>Builder’s Plumbing Supply 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 Lake County facility.	7-0 UST- Appeal
PCB 01-126	<u>Aubrey Manufacturing, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this McHenry County facility.	7-0 P-A, RCRA
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> – No action taken.	L-E, Citizens
PCB 01-129	<u>Mac Investments d/b/a Olympic Oldsmobile v. Office of the State Fire Marshal</u> – The Board ordered petitioner to file a supplement to its petition and ordered respondent to file its record in this matter by July 6, 2001.	7-0 UST- Appeal
PCB 01-154	<u>David P. Houghtaling v. Tire Management, 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 Kane County facility.	7-0 A-E, Citizens
PCB 01-167	<u>People of the State of Illinois v. ESG Watts, Inc. (Taylor Ridge Landfill)</u> – The Board accepted for hearing this air, water, and land enforcement matter involving a Rock Island County facility.	7-0 A,W,&L-E
PCB 01-168	<u>Larry Manns 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 Madison County facility.	7-0 UST- Appeal 90-Day Ext.

PCB 01-169 Gerry Blohm v. Dominick's Finer Foods – The Board held for a later duplicitous/frivolous determination this citizen's noise enforcement action involving a McHenry County facility. N-E, Citizens

PCB 01-170 Community Landfill and City of Morris v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Grundy County facility. 7-0
P-A,
90-Day Ext.

CASES PENDING DECISION

R01-27 In the Matter of: Site Remediation Program: Amendments to 35 Ill. Adm. Code 740; and In the Matter of: Site Remediation Program: Proposed 35 Ill. Adm. Code 740.Subpart H (Schools, Public Parks, and Playgrounds) – No action taken. R, Land

R01-29 (Cons.)

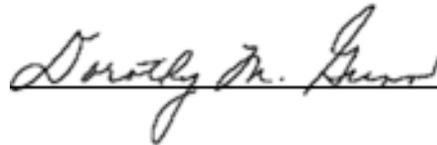
PCB 99-191 People of the State of Illinois v. Panhandle Eastern Pipe Line Company – No action taken. A-E

PCB 01-120 Plexus Scientific Corporation v. IEPA – No action taken. A-V, Open Burning

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 12th day of July 2001 by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board