

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**JUNE 7, 2001, SPRINGFIELD OFFICE**  
**600 South Second Street-Suite 403**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting.

### **ROLL CALL**

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The Administrative Assistant to the Chairman called the roll and all Board Members answered present.

### **APPROVAL OF MINUTES**

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Minutes of the May 17, 2001 meeting were approved by a vote of 7-0.

### **RULEMAKINGS**

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<b>R00-17</b>	<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 second notice 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)).	7-0 McFawn concurred R, PWS
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<b>R00-19(B)</b>	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives: 35 Ill. Adm. Code 742</u> – The Board adopted a second notice opinion and order in this matter to amend the standards for tiered approach to corrective action objectives (35 Ill. Adm. Code 742). (See also order creating R00-19(C)).	7-0 R, Land
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<b>R00-19(C)</b>	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742)</u> – The Board on its own motion created a third subdocket. In subdocket R00-19(C), the Board will address the Illinois Environmental Protection Agency’s proposed clean up standards for methyl tertiary-butyl ether (MTBE).	7-0 R, Land
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**ADJUSTED STANDARDS**

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<b>AS 01-7</b>	<u>In the Matter of: Petition of Progressive Environmental Services, Inc. d/b/a Antifreeze Recycling for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u> – The Board accepted this Sangamon County facility’s petition for an adjusted standard from the Board’s hazardous waste regulations. Petitioner’s motion for wavier of hearing was granted.	7-0 RCRA
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<b>AS 01-8</b>	<u>In the Matter of: Petition of the City of Harrisburg for an Adjusted Standard from 35 Ill. Adm. Code Section 306.305(b) and 304.121 and 302.209</u> – Noting errors in the petitioner’s initial publication, the Board entered an order directing petitioner to file a certificate of publication of the notice of filing this petition for an adjusted standard from the Board’s water pollution control regulations by June 14, 2001, or this matter will be dismissed.	7-0 Water, NPDES
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<b>AS 01-9</b>	<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 entered an order directing petitioner to cause publication of an amended newspaper notice of this petition for an adjusted standard and file an amended certificate of publication with the Board, by June 21, 2001, or this matter will be dismissed.	7-0 Water
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<b>AS 01-10</b>	<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> – Pending receipt of the certificate of publication, the Board held this Lee County facility’s petition for an adjusted standard from the Board’s land pollution control regulations.	Land
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## ADMINISTRATIVE CITATIONS

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<b>AC 01-36</b>	<u>IEPA v. John Shirley</u> – The Board found that this Morgan County respondent violated Sections 21(p)(1), (p)(3), and (p)(4) of the Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(4) (2000)), and ordered respondent to pay a civil penalty of \$4,500.	7-0
<b>AC 01-37</b>	<u>IEPA v. Kishwaukee Auto Parts</u> – The Board accepted this petition for review of an administrative citation against this Winnebago County respondent.	7-0
<b>AC 01-38</b>	<u>County of Macon, Illinois and IEPA v. Decatur/Macon County Landfill</u> – The Board accepted complainants’ amended administrative citation in response to the April 19, 2001 Board order.	
<b>AC 01-39</b>	<u>IEPA v. Ivan R. Smith and Lois Smith</u> – The Board accepted this petition for review of an administrative citation against these Schuyler County respondents.	7-0
<b>AC 01-44</b>	<u>IEPA v. Charles Haley</u> – The Board accepted an administrative citation against this Iroquois County respondent.	

## ADJUDICATORY CASES

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### Decisions

<b>PCB 97-26</b>	<u>People of the State of Illinois v. Central Illinois Public Service d/b/a Ameren CIPS</u> – In this water enforcement action concerning a Crawford 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 \$50,000, and to cease and desist from further violations.	7-0 W-E
<b>PCB 00-161</b>	<u>People of the State of Illinois v. Ethyl A. Veugeler</u> – In this land 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 \$7,000, and to cease and desist from further violations.	7-0 L-E

<b>PCB 00-171</b>	<u>People of the State of Illinois v. City of Charleston</u> - In this water enforcement action concerning a Coles 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 civil penalty of \$25,000, and to cease and desist from further violations.	7-0 W-E
<b>PCB 01-75</b>	<u>People of the State of Illinois v. Craig Yallaly and Susan Yallaly d/b/a Courtesy Cleaners</u> – In this air enforcement action concerning a Coles 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 civil penalty of \$5,000, and to cease and desist from further violations.	7-0 A-E
<b>PCB 01-133</b>	<u>People of the State of Illinois v. City of Gibson City</u> – In this water enforcement action concerning a Ford 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 of \$3, 000, consisting of a \$2,000 civil penalty and a \$1,500 payment for the emergency training of Gibson District Fire Protection personnel. Respondent was also ordered to cease and desist from further violations.	7-0 PWS-E
<b>PCB 01-146</b>	<u>People of the State of Illinois v. Norman Sarver</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 \$2,000, and to cease and desist from further violations	7-0 PWS-E

## Provisional Variances

<b>PCB 01-166</b>	<u>Village of Ashland v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cass 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 304.121(a), 304.122(a), 304.125 and 304.141(a).	7-0 W-V
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## Motions and Other Matters

<b>PCB 00-82</b>	<u>Jersey Sanitation Corporation v. IEPA</u> – No action taken.	P-A, Land
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<b>PCB 00-90</b>	<u>Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation</u> – No action taken.	N-E, Citizens
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<b>PCB 00-92</b>	<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
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<b>PCB 00-122</b>	<u>People of the State of Illinois v. City of Lawrenceville, John A. Gordon, P.E., and Gordon &amp; Price, Inc.</u> – The Board denied complainant’s motion for summary judgment and granted respondent’s with respect to Section 15(b) of the Illinois Environmental Protection Act (415 ILCS 5/15(b) (2000)) and 35 Ill. Adm. Code 601.101 of the Board’s regulations. This matter was ordered to proceed to hearing regarding all other outstanding issues.	7-0 PWS-E
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<b>PCB 00-176</b>	<u>People of the State of Illinois v. Benton &amp; Associates Engineering, Inc., and Petersburg Plumbing and Heating</u> – The Board granted complainant’s motion to correct the misnomer of “Benton & Associates Engineering, Inc. “and changed the name to” Benton & Associates, Inc.”	7-0 PWS-E
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<b>PCB 00-187</b>	<u>Broderick Teaming Company v. IEPA</u> – No action taken.	UST-FRD
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<b>PCB 01-3</b>	<u>People of the State of Illinois v. City of Winchester, Benton &amp; Associates, Inc.</u> – No action taken.	PWS-E
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<b>PCB 01-11</b>	<u>People of the State of Illinois v. Reichhold, Inc.</u> – Upon receipt of an amended 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 Grundy County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
<b>PCB 01-48</b> <b>PCB 01-49</b> <b>Cons.</b>	<u>Community Landfill Company and City of Morris v. IEPA</u> – The Board denied petitioners’ motion for reconsideration of its April 5, 2001 Board order.	7-0 P-A, Land
<b>PCB 01-88</b>	<u>IBP, Inc. v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Henry County facility.	7-0 P-A, Air
<b>PCB 01-112</b>	<u>Prairie Rivers Network v. IEPA and Black Beauty Coal Company</u> – No action taken.	P-A, NPDES
<b>PCB 01-113</b>	<u>Dennis and Wayne Swanson 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 Kane County facility.	7-0 UST- Appeal
<b>PCB 01-117</b>	<u>Davis &amp; Sons 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.	7-0 UST-FRD
<b>PCB 01-118</b>	<u>Ratliff Brothers &amp; Company, Inc. 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 Henry County facility.	7-0 UST-FRD
<b>PCB 01-122</b>	<u>McHenry Storage v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McHenry County facility.	7-0 UST-FRD

<b>PCB 01-128</b>	<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
<b>PCB 01-129</b>	<u>Mac Investments d/b/a Olympic Oldsmobile v. Office of the State Fire Marshal</u> – No action taken.	UST- Appeal
<b>PCB 01-154</b>	<u>David P. Houghtaling v. Tire Management, Inc.</u> – The Board held for a later duplicitous/frivolous determination this citizen’s air enforcement action involving a Kane County facility.	A-E, Citizens
<b>PCB 01-155</b>	<u>People of the State of Illinois v. Alloy Engineering and Casting Company</u> – The Board accepted for hearing this air enforcement action involving a Champaign County facility.	7-0 A-E
<b>PCB 01-156</b>	<u>People of the State of Illinois v. Union Pacific Railroad</u> – The Board accepted for hearing this air enforcement action involving a site in Jackson and Randolph Counties.	7-0 A-E
<b>PCB 01-157</b>	<u>LaSalle Bank, N.A. 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.
<b>PCB 01-158</b>	<u>Johnson Oil Company 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 Livingston County facility.	7-0 UST-FRD 90-Day Ext.
<b>PCB 01-159</b>	<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> – The Board accepted for hearing this third-party pollution control facility siting review involving a St. Clair County facility.	7-0 P-C-F-S-R

<b>PCB 01-160</b>	<u>U.S. Army Corps of Engineers 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.
<b>PCB 01-161</b>	<u>People of the State of Illinois v. Wagner Castings Company, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Macon County facility.	7-0 A-E
<b>PCB 01-162</b>	<u>Village of Bensenville 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 DuPage County facility.	7-0 UST- Appeal 90-Day Ext.
<b>PCB 01-163</b>	<u>Village of Mount Prospect 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-FRD 90-Day Ext.
<b>PCB 01-164</b>	<u>White Owl Truck Stop 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 Coles County facility.	7-0 UST-FRD 90-Day Ext.
<b>PCB 01-165</b>	<u>People of the State of Illinois v. Village of Rantoul and Textron Automotive Exteriors, Inc.</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 Champaign County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E

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**ADJOURNMENT**

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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 21st day of June 2001 by a vote of 7-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board