

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



MAY 17, 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 to the meeting.

ROLL CALL

The Clerk of the Board called the roll. The Board Members answered as follows: Chairman Manning from Springfield, Board Members Flemal, Girard, Kezelis, Lawton, Melas, and McFawn, from Chicago.

APPROVAL OF MINUTES

Minutes of the May 3, 2001 meeting were approved by a vote of 7-0.

RULEMAKINGS

R01-21	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2000 through December 31, 2000); and In the Matter of: RCRA Subtitle</u>	7-0
R01-23	<u>C Update, USEPA Amendments (July 1, 2000 through December</u>	R, Land
(Cons.)	<u>31, 2000) – The Board adopted a final opinion and order in these consolidated “identical-in-substance” rulemakings which amend the Board’s underground injection control and hazardous waste regulations.</u>	

R01-25	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2000 through December 31, 2000)</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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ADJUSTED STANDARDS

AS 01-2	<u>In the Matter of: Petition of The City of Geneva for an Adjusted Standard from 35 Ill. Adm. Code 807.104</u> – The Board denied this Kane County petitioner’s request for an adjusted standard from the Board’s waste disposal regulations.	7-0 Land
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AS 01-5	<u>In the Matter of: Petition of the City of Sycamore for an Adjusted Standard from 35 Ill. Adm. Code 304.121 and 35 Ill. Adm. Code 306.305(b)</u> – The Board ordered petitioner to file an addendum to its first amended petition in this matter no later than June 18, 2001.	7-0 Water
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AS 01-8	<u>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> – Pending receipt of the certificate of publication, the Board held this Saline County facility’s petition for an adjusted standard from the Board’s water pollution control regulations.	Water, NPDES
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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> – Pending receipt of the certificate of publication, the Board held this Cook County facility’s petition for an adjusted standard from the Board’s water pollution control regulations.	Water
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ADMINISTRATIVE CITATIONS

AC 01-34	<u>IEPA v. William Hartmann and Billie Hartmann</u> - The Board found that these Macoupin County respondents violated Section 21(p)(1), (p)(3), and (p)(7) of the Illinois Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (1998)), and ordered respondents to pay a civil penalty of \$4,500.	7-0
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PCB 01-133 People of the State of Illinois v. City of Gibson City – No action taken. PWS-E

Motions and Other Matters

PCB 99-145 Karen Jones, Anita Rice, Jodi Leeper, Tim Leeper, Cassandra Vaughn, Cheryl Vaughn, Hobert Jones, and Peggy Eberhardt v. Heritage Tool and Die Mold Manufacturing, Inc. – The Board granted respondent’s motion to dismiss the complaint with prejudice for want of prosecution. 7-0
N-E,
Citizens

PCB 99-189 People of the State of Illinois v. Aabott Asbestos, Inc. – The Board entered an order requiring respondent to reimburse complainant for costs incurred in prosecuting this matter in the amount of \$1,920. This order follows the Board's order of April 5, 2001, which found that this respondent had violated Sections 9(a) and 9.1(d)(1) of the Illinois Environmental Protection Act (415 ILCS 5/9(a), 9.1(d)(1) (1998)), the Board’s air pollution regulations at 35 Ill. Adm. Code 201.141, and the National Emission Standards for Hazardous Air Pollutants for asbestos found at 40 C.F.R. §§ 61.145(c)(1), (c)(3), and (c)(6)(i), and 61.150(a)(1)(v), and ordered the respondent to pay a civil penalty of \$30,000. 7-0
A-E

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

PCB 00-90 Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation – No action taken. N-E,
Citizens

PCB 00-122 People of the State of Illinois v. City of Lawrenceville, John A. Gordon, P.E., and Gordon & Price, Inc. – No action taken. PWS-E

PCB 00-187 Broderick Teaming Company v. IEPA – No action taken. UST-FRD

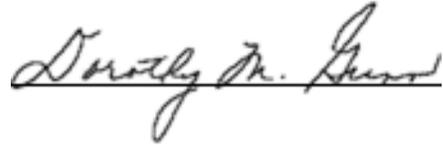
PCB 00-190	<u>People of the State of Illinois v. TruServ Corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation Recovery Act enforcement action involving a McHenry County facility, the Board ordered publication of the required newspaper notice.	7-0 RCRA-E
PCB 01-3	<u>People of the State of Illinois v. City of Winchester, Benton & Associates Engineering, Inc., and R&G Construction</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 Scott County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 01-75	<u>People of the State of Illinois v. Craig Yallaly and Susan Yallaly d/b/a Courtesy Cleaners</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 two facilities located in Coles and Vermilion Counties, the Board ordered publication of the required newspaper notices.	7-0 A-E
PCB 01-76	<u>People of the State of Illinois v. John Crane, Inc.</u> – The Board granted complainant’s motion to strike two of respondent’s purported affirmative defenses: failure to state a cause of action and failure to comply with any applicable statute of limitations. The Board denied the complainant’s motion to strike respondent’s affirmative defenses of <i>laches</i> and waiver or estoppel.	7-0 Flemal and Kezelis concurring A-E
PCB 01-112	<u>Prairie Rivers Network v. IEPA and Black Beauty Coal Company</u> – The Board denied the motions of petitioner and respondent Black Beauty Coal Company for oral argument.	6-1 Girard dissented P-A, NPDES 3rd Party

PCB 01-116	<u>Premcor Refining Group v. IEPA</u> – The Board accepted petitioner’s amended petition and ordered this underground storage tank appeal involving a DuPage County facility to proceed to hearing.	7-0 UST- Appeal
PCB 01-148	<u>Sierra Club, Friends of the Fox River and Prairie Rivers Network v. IEPA and Fox River Water Reclamation District</u> – The Board accepted for hearing this third-party National Pollutant Discharge Elimination System permit appeal involving a Kane County facility.	7-0 P-A, NPDES, 3rd Party
PCB 01-149	<u>Marathon Ashland Petroleum, L.L.C. 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
PCB 01-150	<u>People of the State of Illinois v. Marc Development and Silver Glen Estates Homeowners’ Association</u> – The Board accepted for hearing this water enforcement matter involving a Kane County facility.	7-0 W-E
PCB 01-151	<u>People of the State of Illinois v. Diamond Plating Company</u> – The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action involving a Madison County facility.	7-0 RCRA-E
PCB 01-152	<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 Kankakee County facility.	7-0 UST-FRD
PCB 01-153	<u>City of Salem v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Marion County facility.	7-0 P-A, Land
PCB 01-154	<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.	N-E, Citizens

ADJOURNMENT

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

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 7th day of June 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