

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**FEBRUARY 1, 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. Chairman Manning then introduced Dave Wilcox as the Board's new public information intern.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the January 18, 2001 meeting were approved as amended by a vote of 6-0.

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) – The Board denied the motions of the Illinois Environmental Regulatory Group and the Illinois Steel Group to strike the testimony of David L. Thomas.</u>	6-0 R, Water
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R01-16	<u>In the Matter of: Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electrical Power Generation</u> – The Board entered an order requesting the Illinois Environmental Protection Agency (Agency) to provide any additional comments or information it may have about the United States District Court for the District of Columbia’s January 29, 2001 order entered in Civil Action No. 98-2733 (<u>Sierra Club v. Carol M. Browner</u> , No. 98-2733 (D.D.C. January 29, 2001)) and the United States Environmental Protection Agency’s reaction to it, as well as the Agency’s opinion about the impact the District Court’s order has on this proposal and the State of Illinois. The Agency’s response is due no later than February 7, 2001.	6-0 R, Air
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R01-28	<u>In the Matter of: Livestock Waste Regulations, 35 Ill. Adm. Code 506, Construction Standards</u> – No action taken.	R, Land
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R01-29	<u>In the Matter of: Site Remediation Program: Proposed 35 Ill. Adm. Code 740.Subpart H (Schools, Public Parks, and Playgrounds)</u> – The Board on its own motion consolidated this matter with docket R01-27, Site Remediation Program: Amendments to 35 Ill. Adm. Code 740, waived the 200-signature requirement of 35 Ill. Adm. Code 102.202(f), and accepted this matter for hearing. The Board ordered Citizens for a Better Environment to file, no later than February 16, 2001, a supplement to its petition that: (1) discusses the applicable factors listed in Section 27(a) of the Act; and (2) contains a written statement or certification that the proposal amends the most recent version of the Site Remediation Program rules.	6-0 R, Land
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ADJUSTED STANDARDS

AS 00-15	<u>In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1)</u> – The Board granted this Cook County facility an adjusted standard, subject to conditions, from certain requirements found at 35 Ill. Adm. Code 702.126(d)(1).	6-0 Land, RCRA
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AS 01-2 In the Matter of: Petition of the City of Geneva for an Adjusted Standard from 35 Ill. Adm. Code 807.104 – The Board entered an order requesting that the petitioner submit additional materials referred to in its petition by February 15, 2001. The Illinois Environmental Protection Agency has until March 1, 2001, to comment on the requested materials. 6-0
Land

ADMINISTRATIVE CITATIONS

AC 01-20 IEPA v. John Prior & Prior Oil Company – The Board found that these Washington County respondents violated Sections 21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1), 21(p)(3) (1998)), and ordered respondents to pay a civil penalty of \$3,000. 6-0

AC 01-21 IEPA v. David Jacobs – The Board found that this Peoria County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21/(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$1,500. 6-0

AC 01-22 IEPA v. Leroy P. David – The Board accepted for hearing this petition for review of an administrative citation against this Peoria County respondent. 6-0

AC 01-23 County of LaSalle v. Clarence and Janet Benson – No action taken.

AC 01-25 County of LaSalle v. Mike and Janet Brown – No action taken.

AC 01-26 IEPA v. Jack Busby – The Board accepted an administrative citation against this Marion County respondent.

Decisions

PCB 99-182 Bob and Sharon Lamma v. Office of the State Fire Marshal – The Board affirmed the April 19, 1999 eligibility decision of the Office of the State Fire Marshal in this underground storage tank appeal involving a Sangamon County facility. 6-0
UST-FRD

PCB 00-32 People of the State of Illinois v. Osborn Homes, Inc. – In this public water supply enforcement action concerning a Madison County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$7,500, and cease and desist from further violations. 6-0
PWS-E

PCB 00-92 Stephen M. Lardner v. Dominick’s Finer Foods, Inc., the Landowner of Longmeadow Commons, Waste Management, Mundelein Disposal, and Onyx Waste Services f/k/a BFI – No action taken. N-E,
Citizens

PCB 01-74 Marathon Ashland Petroleum L.L.C. v. IEPA -The Board granted petitioner a variance from 35 Ill. Adm. Code 302.102(b)(6), 302.208(g) and 303.323(b) for its Robinson petroleum refinery in Crawford County, subject to conditions. 6-0
W-V

Motions and Other Matters

PCB 96-141 Butterick Company, Inc. v. IEPA – The Board granted petitioner's motion to voluntarily dismiss these underground storage tank 6-0
PCB 99-44 appeals involving a Cook County facility. UST-
PCB 99-186 Appeal
(Cons.)

PCB 97-2 People of the State of Illinois v. Jersey Sanitation Corporation – 6-0
The Board granted complainant’s motion for leave to file a second A,W & L-E
amended complaint and accepted the amended complaint.

PCB 98-113 Clayton Chemical Acquisition Limited Liability Company d/b/a P-A, RCRA
PCB 99-28 Resource Recovery Group, L.L.C. v. IEPA – No action taken.
PCB 99-158
(Cons.)

PCB 98-148 People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. – No action taken. L-E

PCB 99-149	<u>Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc.</u> – No action taken.	UST-E, Citizens
PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> – The Board denied respondent’s motion for reconsideration of its November 16, 2000 order. The Board affirmed the hearing officer’s rulings made during the hearings held in this matter from September 18-22, 2000, and November 28-29, 2000.	6-0 A-E
PCB 00-5	<u>Naperville Radiator Services v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.	6-0 UST-FRD
PCB 00-187	<u>Broderick Teaming Company v. IEPA</u> – No action taken.	UST-FRD
PCB 00-199	<u>People of the State of Illinois v. Dassinger Hard Chrome, Inc.</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 a Cook County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 01-10	<u>Sparta Airport Authority v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Randolph County facility.	6-0 UST-FRD
PCB 01-30	<u>Stuart C. Nuss v. Village of Durand</u> – No action taken.	W-E, Citizens
PCB 01-48 PCB 01-49 (Cons.)	<u>Community Landfill Company and City of Morris v. IEPA</u> – The Board denied respondent’s motion for partial summary judgment.	6-0 P-A, Land
PCB 01-77	<u>Village of Park Forest v. Sears, Roebuck & Company</u> – No action taken.	UST-E Citizens

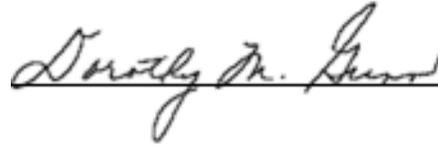
PCB 01-81	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Rock Island County facility.	6-0 UST- Appeal
PCB 01-84	<u>Wareco Service, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Morgan County facility.	6-0 UST-FRD
PCB 01-87	<u>Wareco Service, 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 Fayette County facility.	6-0 UST-FRD
PCB 01-107	<u>Illinois State Toll Highway Authority (Des Plaines Oasis – South) 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.	6-0 UST- Appeal 90-Day Ext.
PCB 01-108	<u>Johnston City CUSD #1 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 Williamson County facility.	6-0 UST- Appeal 90-Day Ext.
PCB 01-109	<u>Kean Brothers 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.	6-0 UST- Appeal 90-Day Ext.
PCB 01-110	<u>Bulkoa, Inc. 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.	6-0 UST-FRD 90-Day Ext.

CASES PENDING DECISION

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:35 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 15th day of February 2001 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board