

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JANUARY 4, 2001
CHICAGO OFFICE-100 West Randolph
VIDEO CONFERENCE ROOM 11-512
And
SPRINGFIELD OFFICE-600 South Second Street
VIDEO CONFERENCE ROOM 403
11:30 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. (The audio connection between the Springfield and Chicago sites was of good quality throughout the meeting, but the video connection could not be established.)

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the December 21, 2000 meeting were approved as amended by a vote of 7-0.

RULEMAKINGS

R98-26	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 506, (Livestock Waste Regulations)(PA 90-565)</u> - The Board on its own motion dismissed this docket as unnecessary. On December 21, 2000, the Board accepted for hearing the Department of Agriculture's December 4, 2000 proposal to amend the Board's livestock waste regulations in R01-18.	7-0 R, Land
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R01-5 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2000, through June 30, 2000) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations. 7-0
R, Water

R01-7 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2000, through June 30, 2000) - The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s public water supply regulations. 7-0
R, PWS

ADJUSTED STANDARDS

AS 00-11 In the Matter of: Petition of Bema Film Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a), (b) and (c) (the “Flexographic Printing Rule”) – No action taken. Air

AS 00-12 In the Matter of: Petition of Vonco Products, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a), (b) and (c) (the “Flexographic Printing Rule”) – No action taken. Air

AS 00-13 In the Matter of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a), (b) and (c) (the “Flexographic Printing Rule”) – No action taken. Air

ADMINISTRATIVE CITATIONS

AC 00-72 IEPA v. Carl White – The Board entered an order requiring respondent to pay the Board and the Environmental Protection Agency hearing costs in the amount of \$288.70 and \$200 respectively, and a civil penalty of \$1,500. This order follows the Board's interim order of November 2, 2000, which found that this respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1998)) at respondent’s Jefferson County facility. 7-0

AC 01-12 IEPA v. J & T Recycling and John A. Gordon - No action taken.

AC 01-13 IEPA v. The Perron Company and Richard Pearce – The Board found that these Winnebago County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21/(p)(1) (1998)), and ordered respondents to pay a civil penalty of \$1,500. 7-0

AC 01-14 IEPA v. American Disposal Services of Illinois, Inc. and Dave Bryant – The Board found that these Livingston County respondents violated Section 21(o)(5) of the Act (415 ILCS 5/21/(o)(5) (1998)), and ordered respondents to pay a civil penalty of \$500. 7-0

AC 01-21 IEPA v. David Jacobs – The Board accepted this petition for review of an administrative citation against this Peoria County respondent.

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

Decisions

PCB 97-147 People of the State of Illinois v. J. D. Plating Works, Inc. – In this water and Resource Conservation and Recovery Act enforcement action concerning a Lake 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 \$10,000, and ordered respondent to cease and desist from further violations. 7-0
RCRA,
W-E

PCB 00-104 People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc. – In this air enforcement action concerning a Knox 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 for Bion Technologies, Inc. (Bion) only, ordered the Bion to pay a civil penalty of \$9,000, and ordered Bion to cease and desist from further violations. This matter shall proceed to hearing as to the other respondents. 7-0
A-E

Provisional Variances

PCB 01-99 Village of Milledgeville v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Carroll County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.120(a), 304.141(a), and from the excess flow limitations of National Pollutant Discharge Elimination System Permit IL0023345. 7-0
W-V

PCB 01-100 Illinois American Water Company Alton Replacement Facility v. IEPA – 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 requirement of a National Pollutant Discharge Elimination System (NPDES) permit to allow it to bring the replacement plant into service on December 28, 2000, before its pending NPDES permit has been finally issued by the Agency. 7-0
W-V,
NPDES

PCB 01-103 CMS Panhandle Eastern Pipe Line Company v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Pike County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.141(b) and 309.102(a). 7-0
W-V

Motions and Other Matters

PCB 98-26 Dean Foods Company v. IEPA -The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Winnebago County facility. 7-0
P-A, Air

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

PCB 99-28

PCB 99-158

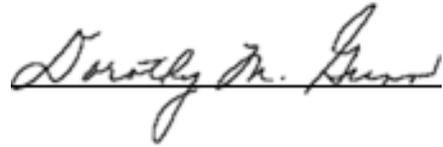
(Cons.)

PCB 99-149 Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc. – No action taken. UST-E,
Citizens

PCB 99-162	<u>Kelly-Mac Partners v. Robertson-CECO Corporation</u> - The Board granted complainant's motion for dismissal of this citizen's underground storage tank enforcement action involving a Cook County facility.	7-0 UST-E, Citizens
PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> - No action taken.	A-E
PCB 00-32	<u>People of the State of Illinois v. Osborn Homes, 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 Madison County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 00-82	<u>Jersey Sanitation Corporation v. IEPA</u> – No action taken.	P-A, Land
PCB 00-127	<u>People of the State of Illinois v. Dayne Rogers, an individual, and Black Gold International</u> – The Board denied complainant's motion for reconsideration of the Board's November 2, 2000 order.	7-0 L-E, Tires
PCB 00-212	<u>People of the State of Illinois v. Kenneth Morrison</u> – No action taken.	CR-E
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> – No action taken.	P-A, Land
PCB 01-50	<u>Gilberts Citgo, L.L.C. v. IEPA, Wheeling Trust & Savings Bank a/k/a Cole Taylor Bank, as Trustee and John Caporaso</u> – No action taken.	WWS

PCB 01-52	<u>Perbio Science, AB d/b/a Pierce Chemical Company v. IEPA</u> – No action taken.	P-A, RCRA
PCB 01-68	<u>Roger Stone v. IEPA and Naperville Park District</u> – No action taken.	P-A, NPDES
PCB 01-72	<u>Stapan Company v. IEPA</u> – The Board accepted for hearing and granted a stay of proceedings in this permit appeal involving a Will County facility.	7-0 P-A, Air
PCB 01-77	<u>Village of Park Forest v. Sears, Roebuck & Company</u> – No action taken.	UST-E Citizens
PCB 01-86	<u>Robert Gardner and Yvonne Gardner v. Township High School District 211 and Gerald Chapman, Superintendent</u> – The Board found that the alleged violations of Section 24 of the Environmental Protection Act (Act) (415 ILCS 5/24 (1998)) and 35 Ill. Adm. Code 900.102 of the Board’s noise rules were neither duplicitous nor frivolous, dismissed the alleged violation of Section 23 of the Act (415 ILCS 5/23 (1998)) as frivolous, denied respondents’ motion to dismiss, and accepted this matter involving a Cook County facility for hearing.	7-0 N-E, Citizens
PCB 01-88	<u>IBP, Inc. (Joslin Facility) v. IEPA</u> - No action taken.	Air, P-A, 90-Day Ext.
PCB 01-93	<u>Strunk Motor Company v. Office of the State Fire Marshal</u> – The Board denied petitioner’s request for 90-day extension of appeal period, consistent with respondent’s response to it, but accepted petitioner’s request as a timely-filed petition for review. The Board granted petitioner 30 days in which to retain an attorney and for that attorney to file an amended petition for review curing specified informational deficiencies . If petitioner does not file an amended petition for review on or before February 3, 2001, including proof of service of the amended petition, this matter will be dismissed, and the docket closed.	7-0 UST-FRD

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 18th day of January 2001 by a vote of.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board