

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**DECEMBER 7, 2000 SPRINGFIELD OFFICE**  
600 South Second Street – Suite 403  
Hearing Room  
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 November 16, 2000 meeting were approved as amended by a vote of 7-0.

### RULEMAKINGS

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| <b>R00-11</b>           | <u>In the Matter of: UIC Update, USEPA Amendments (July 1, 1999, through December 31, 1999) and In the Matter of: UIC Update, USEPA Amendments (January 1, 2000, through June 30, 2000) –</u>  | 7-0            |
| <b>R01-1</b><br>(Cons.) | The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s underground injection control regulations.  | R, Land        |
| <b>R01-3</b>            | <u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2000, through June 30, 2000) –</u> The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations. | 7-0<br>R, Land |
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**R01-12**      In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240 – The Board adopted a final opinion and order to amend the Board’s air pollution control regulations as proposed under the Vehicle Code.      7-0  
R, Air

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**R01-13**      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 granted the Illinois Environmental Regulatory Group’s motion for a third hearing.      7-0  
R, Water

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**R01-18**      In the Matter of: Emergency Rulemaking: Livestock Waste Regulations (35 Ill. Adm. Code 506) – No action taken.      R, Land

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**ADJUSTED STANDARDS**

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**AS 96-9**      In the Matter of: Petition of Midwest Generation, LLC (formerly petition of Commonwealth Edison Company) for an Adjusted Standard from 35 Ill. Adm. Code Parts 811 and 814 – The Board granted petitioners’ motion to reopen this docket and substitute the name of Midwest Generation, LLC, for Commonwealth Edison Company in its August 15, 1996 order.      7-0  
Land

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**AS 99-1**      In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305 - No action taken.      Water

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**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

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**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

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**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

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**AS 01-6**      In the Matter of: Petition of Borden Chemicals & Plastics Operating Limited Partnership for an Adjusted Standard from Ill. Adm. Code 304.105 as it Applies to 35 Ill. Adm. Code 302.211(B)-(E) – The Board accepted this request for an adjusted standard on behalf of this Sangamon County facility and granted petitioner’s request to incorporate materials from a prior proceeding.      7-0  
Water

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**ADMINISTRATIVE CITATIONS**

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**AC 01-5**      IEPA v. Billy Hammond, Sr. – The Board denied respondent’s motion to dismiss and to add third-party respondents, and directed that the case proceed to hearing.      7-0

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**AC 01-6**      IEPA v. Jack Busby – The Board denied respondent’s motion to reconsider its September 21, 2000 order.      7-0

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**AC 01-10**      IEPA v. Environmental Reclamation Company d/b/a ERC Landfill & Larry Shilling (ERC Landfill) – The Board found that this Coles County respondent violated Section 21(o)(5) the Act (415 ILCS 5/21(o)(5) (1998)), and ordered respondent to pay a civil penalty of \$500.      7-0

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**AC 01-12**      IEPA v. J&T Recycling and John A. Gordon – The Board accepted for hearing Williamson County respondent, John A. Gordon’s petition for review of an administrative citation, noting that a default order would be issued against the remaining respondent if no petition for review is filed.      7-0

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**AC 01-13**      IEPA v. The Perron Company & Richard Pearce – The Board accepted an administrative citation against these Winnebago County respondents.      7-0

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**AC 01-14**      IEPA v. American Disposal Services of Illinois, Inc. & Dave Bryant – The Board accepted an administrative citation against these Livingston County respondents.      7-0

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**AC 01-15**      IEPA v. Terry Reynolds d/b/a Reynolds Manufactured Homes and Transport – The Board accepted an administrative citation against this Union County respondent.      7-0

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**AC 01-16** County of Sangamon v. Everett Daily – The Board accepted an administrative citation against this Sangamon County respondent.

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**AC 01-17** County of Sangamon v. Everett Daily – The Board accepted an administrative citation against this Sangamon County respondent

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**AC 01-18** IEPA v. Joe Alecci – The Board accepted an administrative citation against this Franklin County respondent.

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**AC 01-19** IEPA v. William Basil Flynn & Olen G. Parkhill, Jr. – The Board accepted an administrative citation against these Champaign County respondents.

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### **Decisions**

**PCB 00-156** People of the State of Illinois v. Kenneth Minor and Keith Minor, individually and d/b/a Motorsport Park and Moto Sports, Inc. – In this water enforcement action concerning a Will 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 respondents to pay a civil penalty of \$3,000, and ordered respondents to cease and desist from further violations. 7-0  
W-E

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**PCB 00-172** People of the State of Illinois v. Envirofil of Illinois, Inc. – In this water enforcement action concerning a McDonough 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 \$45,000, and ordered respondent to cease and desist from further violations. 7-0  
L&W-E

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### **Motions and Other Matters**

**PCB 97-147** People of the State of Illinois v. J.D. Plating Works, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water and Resource Conservation and Recovery Act enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice. 7-0  
RCRA,  
W-E

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<b>PCB 98-113</b>	<u>Clayton Chemical Acquisition Limited Liability Company d/b/a</u>	P-A, RCRA
<b>PCB 99-28</b>	<u>Resource Recovery Group, L.L.C. v. IEPA</u> - No action taken.	
<b>PCB 99-158</b>		
<b>(Cons.)</b>		
<b>PCB 98-169</b>	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Gertrude Kellog, and Joseph Kellogg</u> – No action taken.	UST-E, Citizens
<b>PCB 99-138</b>	<u>Hancock Service Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this tax certification appeal involving a Hancock County facility.	7-0 T-C, Appeal
<b>PCB 00-67</b>	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> – The Board denied complainant’s motion for default judgement, ordering that the case proceed to hearing.	7-0 RCRA-E
<b>PCB 00-104</b>	<u>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.</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 Knox County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
<b>PCB 00-109</b>	<u>People of the State of Illinois v. Arturo Rivero d/b/a Swiss 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 a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
<b>PCB 00-127</b>	<u>People of the State of Illinois v. Dayne Rogers, an individual, and Black Gold International</u> – No action taken.	L-E, Tires

<b>PCB 00-151</b>	<u>People of the State of Illinois v. Cleveland Steel Container Corporation</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 Will County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
<b>PCB 00-187</b>	<u>Broderick Teaming Company v. IEPA</u> – The Board denied both parties’ motions for summary judgment and directed this underground storage tank appeal involving a Cook County facility to hearing.	7-0 UST-FRD
<b>PCB 00-212</b>	<u>People of the State of Illinois v. Kenneth Morrison</u> – No action taken.	CR-E
<b>PCB 01-25</b>	<u>Chrysler Realty Corporation v. Thomas Industries, Inc. and TDY Industries, Inc.</u> – The Board accepted this matter involving a Cook County facility for hearing, finding that the alleged violations were neither duplicitous nor frivolous, and granted a motion by respondent’s counsel to appear <i>pro hac vice</i> .	6-1 Flemal dissented UST-E, Citizens
<b>PCB 01-30</b>	<u>Stuart C. Nuss v. Village of Durand</u> – No action taken.	W-E, Citizens
<b>PCB 01-48</b> <b>PCB 01-49</b> <b>(Cons.)</b>	<u>Community Landfill Company and City of Morris v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 01-52</b>	<u>Perbio Science, AB d/b/a Pierce Chemical Company v. IEPA</u> – No action taken.	P-A, RCRA
<b>PCB 01-57</b>	<u>G.J. Leasing Company, Inc. v. IEPA</u> – The Board entered an order directing petitioner to file an amended petition including the appearance of an attorney within 30 days in this underground storage tank appeal on behalf of a St. Clair County facility.	7-0 UST-FRD

<b>PCB 01-68</b>	<u>Roger Stone v. IEPA and Naperville Park District</u> – The Board denied petitioner’s motions to declare the challenged NPDES Permit ineffective and to stay the effectiveness of the permit.	7-0 P-A, NPDES
<b>PCB 01-71</b>	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Vermilion County facility.	7-0 UST-FRD
<b>PCB 01-77</b>	<u>Village of Park Forest v. Sears, Roebuck &amp; Company</u> – The Board held for a later duplicitous/frivolous determination this citizen’s underground storage tank enforcement action involving a Cook County facility.	UST-E Citizens
<b>PCB 01-83</b>	<u>People of the State of Illinois v. Indiana Harbor Belt Railroad Company and ACN International, Inc.</u> – The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against these Cook County respondents.	7-0 RCRA-E
<b>PCB 01-84</b>	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Morgan County facility.	7-0 UST-FRD 90-Day Ext.
<b>PCB 01-85</b>	<u>NACME Steel Processing, L.L.C. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, Air
<b>PCB 01-86</b>	<u>Robert Gardner and Yvonne Gardner v. Township High School District 211 and Gerald Chapman, Superintendent</u> – The Board held for a later duplicitous/frivolous determination this citizens’ noise enforcement action involving a Cook County facility.	N-E, Citizens
<b>PCB 01-87</b>	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a underground storage appeal on behalf of this Fayette County facility.	7-0 UST-FRD 90-Day Ext.



## **OTHER ITEMS**

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Chairman's motion under Section 2(a)(4) of the Open Meetings Act for Closed Deliberative Sessions to be held on: January 11 and 25; February 8 and 22; March 8, 22, and 29; April 12 and 26; May 10, 24, and 31; June 14 and 28; July 5 and 19; August 2, 16, and 30; September 13 and 27; October 11 and 25; November 8 and 29; December 13 and 27, at 10:00 a.m.

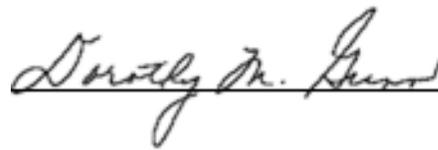
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## **ADJOURNMENT**

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Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:50 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 21st day of December 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board