

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



NOVEMBER 16, 2000

VIDEO CONFERENCE ROOM - ILLINOIS COMMERCE COMMISSION
STATE OF ILLINOIS BUILDING
160 NORTH LASALLE STREET – 8TH FLOOR – CHICAGO
AND
VIDEO CONFERENCE ROOM – ILLINOIS COMMERCE COMMISSION
527 EAST CAPITOL – 2ND FLOOR – SPRINGFIELD

11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. The Chairman also acknowledged the presence of Rita Mullins, Mayor of Palatine.

ROLL CALL

The Clerk of the Board called the roll and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the November 2, 2000 meeting were approved by a vote of 7-0.

RULEMAKINGS

R00-19(A)	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742-</u> The Board adopted a second notice opinion and order which proposes amendments to the tiered approach to corrective action objectives (35 Ill. Adm. Code 742). Pursuant to Public Act 91-909, a portion of the proposed amendments must be adopted by January 6, 2001. Specifically, the Board has until January 6, 2001, to adopt regulations pertaining to a new legal instrument called the “Environmental Land Use Control” or “ELUC.”	7-0 R, Land
R01-8	<u>In the Matter of: Amendments to Diesel Opacity Rules Required by P.A. 91-254 and P.A. 91-865: Amendments to 35 Ill. Adm. Code 240</u> – The Board proceeded to second notice with amendments to its regulations on controlling air emissions from motor vehicles.	7-0 R, Air
R01-9	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart W, The NOx Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217</u> – The Board adopted for second notice a proposal to implement a nitrogen oxides (NOx) emissions trading program applicable to large fossil fuel electrical generating units.	7-0 R, Air

ADJUSTED STANDARDS

AS 96-9	<u>In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code Parts 811 and 814</u> – No action taken.	Land
AS 99-1	<u>In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305</u> - No action taken.	Water
AS 01-6	<u>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)</u> – Pending receipt of the certificate of publication, the Board held this Sangamon County facility’s petition for an adjusted standard from the Board’s water regulations.	Water

ADMINISTRATIVE CITATIONS

AC 01-5 IEPA v. Billy Hammond, Sr. – No action taken.

AC 01-6 IEPA v. Jack Busby – No action taken.

AC 01-9 IEPA v. Larry Cadie d/b/a Cadie Car Hauling – The Board found 7-0
that this Boone 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.

AC 01-11 IEPA v. Waterman Excavating –The Board accepted an
administrative citation against this Montgomery County
respondent.

AC 01-12 IEPA v. J&T Recycling and John Gordon – The Board accepted an
administrative citation against these Williamson County
respondents.

Decisions

PCB 00-86 People of the State of Illinois v. Rodgers Engineering Corporation 7-0
– In this air enforcement action concerning a Kane County facility,
the Board granted relief from the hearing requirement of Section A-E
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 \$20,000, and ordered respondent to cease and
desist from further violations.

PCB 01-16 Ameren Energy Generating Company v. IEPA – The Board 7-0
granted petitioner a variance from the general use water quality W-V
standard for boron found at 35 Ill. Adm. Code 302.208(g) and the
applicable effluent standard found at 35 Ill. Adm. Code 304.105.

Motions and Other Matters

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 7-0
Briggs Industries, Inc.; and Briggs Industries, Inc. v. Loren West L-E
and Abingdon Salvage Company, Inc. – The Board denied Briggs’
motion for summary judgment and ordered the matter to proceed to
hearing as scheduled by the Board’s hearing officer. The Board
accepted the third-party complaints against Loren West and
Abingdon Salvage Company, Inc., and consolidated these matters
into one third-party proceeding.

PCB 98-169 Union Oil Company of California d/b/a Unocal v. Barge-Way Oil UST-E,
Company, Inc., Joseph Kellogg, Nielsen’s Bargeway, and Robert Citizens
Nielsen – No action taken.

PCB 99-191 People of the State of Illinois v. Panhandle Eastern Pipeline 7-0
Company – The Board denied respondent’s motion for judgment in
its favor and ordered the hearing to reconvene as scheduled by the
hearing officer. A-E

PCB 00-3 ISC Newco, Inc. v. IEPA – The Board granted petitioner’s motion 7-0
for voluntary dismissal of this underground storage tank appeal UST-FRD
involving a Cook County facility.

PCB 00-11 Bulkoa, Inc. v. IEPA – The Board granted petitioner’s motion for 7-0
voluntary dismissal of this underground storage tank appeal UST-FRD
involving a Cook County facility.

PCB 00-156	<u>People of the State of Illinois v. Kenneth Minor and Keith Minor, individually and d/b/a Motorsport Park, and Moto Sports, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Will County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 00-172	<u>People of the State of Illinois v. Envirofil of Illinois, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a McDonough County facility, the Board ordered publication of the required newspaper notice.	7-0 L&W-E
PCB 00-187	<u>Broderick Teaming Company v. IEPA</u> – No action taken.	UST-FRD
PCB 01-25	<u>Chrysler Realty Corporation v. Thomas Industries, Inc. and TDY Industries, Inc.</u> – No action taken.	UST-E, Citizens
PCB 01-52	<u>Perbio Science d/b/a Pierce Chemical Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was timely filed on behalf of this Winnebago County facility.	7-0 P-A, RCRA
PCB 01-68	<u>Roger Stone v. IEPA and Naperville Park District</u> – No action taken.	P-A, NPDES
PCB 01-76	<u>People of the State of Illinois v. John Crane, Inc.</u> – The Board accepted for hearing this air enforcement action against this Cook County facility.	7-0 A-E
PCB 01-77	<u>Village of Park Forest v. Sears, Roebuck & 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

PCB 01-78	<u>Morton International, Inc. v. IEPA</u> – The Board granted petitioner an extension of the time period for filing an appeal in this matter until December 28, 2000, and the Board granted the motion for in-house counsel to appear <i>pro hac vice</i> on behalf of a McHenry County facility.	7-0 P-A, Air 90-Day Ext.
PCB 01-79	<u>People of the State of Illinois v. Phillips Pipeline Company</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 and Recovery Act enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	7-0 RCRA-E
PCB 01-80	<u>People of the State of Illinois v. Nestle USA, Inc.</u> – The Board accepted for hearing this water enforcement matter involving a Tazewell County facility.	7-0 W-E
PCB 01-81	<u>Wareco Service, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Rock Island County facility.	7-0 UST- Appeal
PCB 01-82	<u>General Motors Corporation, Electro-Motive Division v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	7-0 P-A, Air 90-Day Ext.

CASES PENDING DECISION

R00-11	<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) – Adopted Rule, Final Order, Opinion and Order</u>	R, Land
R01-1 (Cons.)		
R01-3	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2000, through June 30, 2000) – Adopted Rule, Final Order, Opinion and Order</u>	R, Land

R01-12

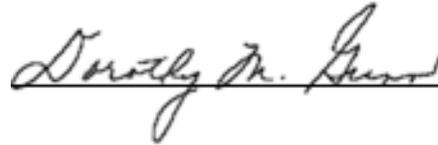
In the Matter of: Enhanced Vehicle Inspection and Maintenance
(I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240 –
Adopted Rule, Final Order, Opinion and Order

R, Air

ADJOURNMENT

Moved and seconded, by a vote of 7-0, 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 7th day of December 2000 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