

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**OCTOBER 5, 2000
SPRINGFIELD OFFICE
600 SOUTH SECOND STREET – SUITE 403
HEARING ROOM
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 and welcomed new staff member Jim Lippson.

ROLL CALL

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

APPROVAL OF MINUTES

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

RULEMAKINGS

R01-7	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2000 through June 30, 2000)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s public water supply regulations.	7-0 R, PWS
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R01-15	<u>In the Matter of: Amerock Corporation, Rockford Facility for Site-Specific Rulemaking Petition for Amendment to 35 Ill. Adm. Code 304.303</u> – The Board ordered this Winnebago County petitioner to file an amended petition by November 6, 2000, or this action will be dismissed. The Board reserved ruling on the petitioner’s request to incorporate the record from docket R87-33 and to waive the petition signature requirement.	7-0 R, Water, Site-Specific
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ADJUSTED STANDARDS

AS 97-3	<u>In the Matter of: Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321</u> - The Board amended its May 15, 1997 order in this matter to grant Toscopetro Corporation an adjusted standard from 35 Ill. Adm. Code 725.321, subject to the same conditions imposed when the original adjusted standard was granted to Shell Wood River Refining Company.	7-0 Land, RCRA
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AS 98-6	<u>In the Matter of: Petition of Wood River Refining Company, a division of Equilon Enterprises, L.L.C. f/k/a Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321</u> - The Board amended its March 18, 1999 order in this matter to grant Toscopetro Corporation an adjusted standard from 35 Ill. Adm. Code 725.321, subject to the same conditions imposed when the original adjusted standard was granted to Wood River Refining Company.	7-0 Land, RCRA
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AS 99-6	<u>In the Matter of: Petition of Illinois-American Water Company’s Alton Public Water Supply Replacement Facility Discharge to the Mississippi River for an Adjusted Standard from 35 Ill. Adm. Code 304.124, 304.106, and 302.203</u> – No action taken.	Water
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AS 01-1	<u>In the Matter of: Petition of City of Elgin for an Adjusted Standard from 35 Ill. Adm. Code 304.125 and 35 Ill. Adm. Code 302.204</u> – The Board granted petitioner’s motion for extension of time to file an amended petition for an adjusted standard no later than October 10, 2000.	7-0 Water
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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 granted petitioner’s motion to file a reply *instanter*, denied the motion to schedule a site visit, and granted the Illinois Environmental Protection Agency’s motion to strike. 7-0
Land

AS 01-4 In the Matter of: The Petition of Borden Chemicals & Plastics Operating Limited Partnership for an Adjusted Standard from 35 Ill. Adm. Code 304.105 as it Applies to 35 Ill. Adm. Code 302.211(B)-(E) – Pending receipt of the certificate of publication, the Board held this Sangamon County facility’s petition for an adjusted standard from the water regulations. Water

AS 01-5 In the Matter of: Petition of the City of Sycamore for an Adjusted Standard from 35 Ill. Adm. Code Sections 306.305(b) and 304.121 Pending receipt of the certificate of publication, the Board held this DeKalb County facility’s petition for an adjusted standard from the water regulations. Water

ADMINISTRATIVE CITATIONS

AC 00-75 IEPA v. Wayne Williams & Zora Williams – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, the Board dismissed respondents’ petition for review, and found respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1998)). Respondents were ordered to pay a civil penalty of \$1,500. 7-0

AC 00-87 IEPA v. Olen G. Parkhill, Jr. – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board dismissed respondent’s petition for review, and found respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1998)). Respondent was ordered to pay a civil penalty of \$1,500. 7-0

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

AC 01-9 IEPA v. Larry Cadie d/b/a Cadie Car Hauling – The Board accepted an administrative citation against this Boone County respondent.

Decisions

PCB 00-44 People of the State of Illinois v. Wallace, Inc. – In this Resource Conservation and Recovery Act enforcement action concerning a facility located in Jackson County, Illinois, 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 \$2,000, and ordered respondent to cease and desist from further violations. 7-0
RCRA-E

PCB 01-41 People of the State of Illinois v. Sommer Products Company, Inc. – In this air enforcement action concerning a facility located in Peoria County, Illinois, 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 ordered respondent to cease and desist from further violations. 7-0
A-E

PCB 01-45 People of the State of Illinois v. E.J. Water Corporation, Milano & Grunloh Engineers, Inc. and Speth Plumbing, Inc. – In this public water supply enforcement action concerning a facility located in Randolph County, 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 each respondent to pay a civil penalty of \$6,000, and ordered respondents to cease and desist from further violations. 7-0
PWS-E

Provisional Variances

PCB 01-59 Abbott Laboratories v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Lake County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). 7-0
L-V, RCRA

Motions and Other Matters

PCB 97-101	<u>People of the State of Illinois v. Louis Berkman Company</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 facility located in Ogle County, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 98-113	<u>Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA</u> - No action taken.	P-A, RCRA
PCB 99-28		
PCB 99-158		
(Cons.)		
PCB 98-148	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho and Briggs Industries, Inc.; and Briggs Industries, Inc. v. Loren West</u> – No action taken.	L-E
PCB 98-164	<u>City of Rock Island v. IEPA</u> – No action taken.	W-V, NPDES
PCB 99-27	<u>People of the State of Illinois v. James and Carol Gilmer</u> – The Board denied respondents’ motion for stay of the Board’s August 24, 2000 order.	7-0 RCRA, W-E
PCB 00-9	<u>People of the State of Illinois v. Brake’s Enterprises, Inc.</u> - No action taken.	UST-E
PCB 00-32	<u>People of the State of Illinois v. Village of Maryville and Osborn Homes, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement between the People and the Village, and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a facility located in Madison County, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 00-127	<u>People of the State of Illinois v. Dayne Rogers and Black Gold International</u> – No action taken.	L-E, Tires

PCB 00-214	<u>General Motors Corporation (Electro-Motive Division) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility.	7-0 P-A, Air
PCB 00-219	<u>Stephen G. Brill v. Henry Latoria individually and d/b/a T.L. Trucking Foodliner</u> – No action taken.	A&N-E, Citizens
PCB 00-223	<u>Silver Glen Homeowners’ Association, Inc. v. IEPA</u> – The Board denied respondent’s motion to dismiss.	7-0 P-A, Water
PCB 01-15	<u>Federal-Mogul Corporation 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 timely filed on behalf of this Cook County facility.	7-0 UST- Appeal
PCB 01-18	<u>Greenville Airport Authority 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 timely filed on behalf of this Bond County facility.	7-0 UST-FRD
PCB 01-19	<u>Bond County Community School District 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 timely filed on behalf of this Bond County facility.	7-0 UST-FRD
PCB 01-20	<u>Abbott Laboratories 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 Lake County facility.	7-0 P-A, Air

PCB 01-21	<u>Michael E. Mellon and Rebecca J. Mellon v. Illinois Department of Transportation</u> - The Board found that the alleged violations of Sections 9(a) and 24 of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 24 (1998)) and 35 Ill. Adm. Code 900.102 of the Board's noise rules were neither duplicitous nor frivolous. The Board accepted those allegations involving a Cook County facility for hearing. The alleged violations of Sections 9(b) and 23 of the Act (415 ILCS 5/9(b), 23 (1998)) were determined to be frivolous, and the Board dismissed them from the complaint.	6-0 Kezelis abstained A&N-E Citizens
PCB 01-22	<u>Homewood-Flossmoor Park District 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 timely filed on behalf of this Cook County facility.	7-0 UST-FRD
PCB 01-23	<u>Hillerich's Car Care 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 timely filed on behalf of this Cook County facility.	7-0 UST- Appeal
PCB 01-24	<u>U.S. Chrome Corporation of Illinois 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 Boone County facility.	7-0 P-A
PCB 01-25	<u>Chrysler Realty Corporation v. Thomas Industries, Inc. and TDY Industries, Inc.</u> – The Board granted respondent's attorney's motion to appear <i>pro hac vice</i> and ordered respondent to provide to the Board additional information regarding its affirmative defense.	7-0 UST-E, Citizens
PCB 01-30	<u>Stuart C. Nuss v. IEPA and Village of Durand</u> - The Board held for a later duplicitous/frivolous determination this citizen's water enforcement action involving a Winnebago County facility.	W-E, Citizens

PCB 01-48	<u>Community Landfill Company and City of Morris v. IEPA</u> – The Board granted respondent’s motion to file the response <i>instanter</i> and denied the motion for extension of time to file the administrative record.	7-0
PCB 01-49 (Cons.)		P-A, Land
PCB 01-50	<u>Gilberts Citgo L.L.C. v. IEPA</u> – The Board accepted petitioner’s amended petition for hearing in this water well setback appeal involving a Kane County facility.	7-0 WWS
PCB 01-54	<u>Richard G. Cotterman v. Jackson Farms and City of Virden</u> – The Board held for a later duplicitous/frivolous determination this citizen’s air and noise enforcement action involving a Macoupin County facility.	A&N-E, Citizens
PCB 01-55	<u>CC Landfill, Inc. v. The Coles County Board, including Bill Harrington, Eugene Sims, Timothy Yow, Tim Gover, Robert Webb, Jonathan McKenzie, Robert Crowder, Michael Genta, Jan Eads, Carl Furry, Pat Black and Ray Allen, and Coles County Environmental Force</u> – The Board accepted for hearing this third-party pollution control facility siting review involving a Coles County facility and dismissed as improperly named all respondents except the Coles County Board.	7-0 P-C-F-S-R
PCB 01-56	<u>Bluff’s/Scott-Morgan C.U.S.D. #2 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Scott County facility.	7-0 UST-FRD
PCB 01-57	<u>G.J. Leasing Company, 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 St. Clair County facility.	7-0 UST-FRD 90-Day Ext.
PCB 01-58	<u>Roman Catholic Diocese/Joliet St. Alexis Church 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 DuPage County facility.	7-0 UST-FRD 90-Day Ext.

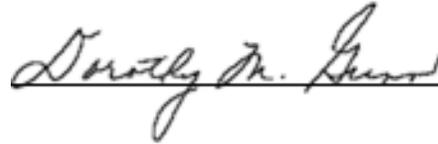
CASES PENDING DECISION

PCB 00-200 American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc. (due 10/20) P-C-F-S-R

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:54 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 19th day of October 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board