

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**NOVEMBER 2, 2000 CHICAGO OFFICE  
CONFERENCE ROOM 9-040  
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. The Chairman also acknowledged the presence of Mr. Emmanuel Normant, Chief of Polluted Sites Division, French Ministry of Environment and Mr. Jean Vaury, Commercial Counselor, French Embassy.

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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Minutes of the October 19, 2000 meeting were approved by a vote of 7-0.

### **RULEMAKINGS**

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<b>R00-20</b>	<u>In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130</u> – The Board issued a second-notice opinion and order in this matter proposing to amend the Board's procedural rules.	7-0 R, Procedural Rules
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### **ADJUSTED STANDARDS**

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<b>AS 01-1</b>	<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 304.125 and 35 Ill. Adm. Code 302.204</u> – The Board accepted for hearing this Cook County facility's amended petition for an adjusted standard from the Board's pH water quality standard and effluent limitation.	7-0 PWS
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**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  
The Board ordered this Kane County petitioner to file an amended petition by January 5, 2001, or this action will be dismissed.      7-0  
Water

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**ADMINISTRATIVE CITATIONS**

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**AC 00-72**      IEPA v. Carl White – The Board entered an interim opinion and order finding respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1998)) and assessing a penalty of \$1,500. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 15 days a statement of hearing costs, supported by affidavit, with service on respondent.      7-0

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

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

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**AC 01-10**      IEPA v. Environmental Reclamation Company d/b/a ERC Landfill and Larry Shilling – The Board accepted an administrative citation against these Coles County respondents.

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**Decisions**

**PCB 95-170**      People of the State of Illinois v. Environmental Control and Abatement, Inc. - In this air enforcement action concerning five facilities located in Madison, Marion, Adams, and Champaign Counties, Illinois, the Board found that respondent violated Section 9.1(d) of the Environmental Protection Act (415 ILCS 5/9.1(d) (1998)) by failing to comply with Section 61.145(b) of the asbestos National Emission Standard for Hazardous Air Pollutants 40 C.F.R. § 61.145(b) (1997) and ordered the respondent to pay a civil penalty of \$3,000.      7-0  
A-E

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**PCB 97-101** People of the State of Illinois v. Louis Berkman Company – In this air enforcement action concerning a facility located in Ogle 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 \$50,000, and to cease and desist from further violations. 7-0  
A-E

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**PCB 97-135** People of the State of Illinois v. Champion Environmental Services, Inc. – In this air enforcement action concerning ten facilities located in 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 \$25,000, and to cease and desist from further violations. 7-0  
A-E

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**PCB 00-32** People of the State of Illinois v. Village of Maryville and Osborn Homes, Inc. - In this public water supply enforcement action concerning a facility located in Madison 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 between the People and the Village of Maryville, ordered the respondent to pay a civil penalty of \$6,000, and to cease and desist from further violations. This stipulation does not effect the still pending complaint against Osborn Homes, Inc. 7-0  
PWS-E

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**Motions and Other Matters**

**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.)**

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

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<b>PCB 98-169</b>	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Joseph Kellogg, Nielsen's Bargeway, and Robert Nielsen</u> – No action taken.	7-0 UST-E, Citizens
<b>PCB 99-108</b> <b>PCB 99-130</b> (Cons.)	<u>Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of these consolidated permit appeals involving a Tazewell County facility.	7-0 P-A, Land
<b>PCB 99-122</b>	<u>Central C&amp;D Recycling, Inc. v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a St. Clair County facility.	7-0 P-A, Land
<b>PCB 99-191</b>	<u>People of the State of Illinois v. Panhandle Eastern Pipeline Company</u> – No action taken.	7-0 A-E
<b>PCB 00-86</b>	<u>People of the State of Illinois v. Rodgers Engineering 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 facilities located in Kane and DuPage Counties, 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 and Black Gold International</u> – The Board granted complainant's motion for summary judgment and ordered respondent to reimburse the Environmental Protection Agency \$38,730.46 for corrective action costs. The Board ordered that a hearing shall be held on whether, and in what amount, punitive damage will be imposed.	7-0 L-E, Tires
<b>PCB 00-187</b>	<u>Broderick Teaming Company v. IEPA</u> – No action taken.	UST-FRD
<b>PCB 00-219</b>	<u>Stephen G. Brill v. Henry Latoria individually and d/b/a T.L. Trucking Foodliner</u> – The Board denied respondent's motion for summary judgment and ordered this matter to proceed to hearing.	7-0 A&N-E, Citizens

<b>PCB 01-25</b>	<u>Chrysler Realty Corporation v. Thomas Industries, Inc. and TDY Industries, Inc.</u> – No action taken.	7-0 UST-E, Citizens
<b>PCB 01-36</b>	<u>George McKissick 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 DuPage County facility.	7-0 UST-FRD
<b>PCB 01-37</b>	<u>City of Elgin 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 Cook County facility.	7-0 P-A 90-Day Ext.
<b>PCB 01-38</b>	<u>Equilon Enterprises 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 01-39</b>	<u>Lannis Walters d/b/a Fat Boy Pizza (Get &amp; Go) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Massac County facility.	7-0 UST-FRD
<b>PCB 01-54</b>	<u>Richard G. Cotterman v. Jackson Farms</u> – The Board found that the City of Virden’s motion to dismiss and complainant’s objection to the City of Virden’s motion to dismiss were moot because the Board dismissed Virden from this matter in its order dated October 19, 2000.	7-0 A&N-E, Citizens
<b>PCB 01-55</b>	<u>CC Landfill, Inc. v. The Coles County Board</u> – The Board denied the Coles County Environmental Force’s petition to intervene.	7-0 P-C-F-S-R
<b>PCB 01-60</b>	<u>Anthony J. Schlax v. Evanston Hospital</u> – The Board found that the alleged violations of Sections 23 and 24 of the Environmental Protection Act (Act) (415 ILCS 5/23, 24 (1998)) and 35 Ill. Adm. Code 900.102, 900.102(a), and 900.102(b) of the Board’s noise rules were neither duplicitous nor frivolous. The Board accepted those allegations involving a Cook County facility for hearing.	7-0 N-E, Citizens

<b>PCB 01-66</b>	<u>People of the State of Illinois v. Camelot Enterprises, Inc., Stephen Einfeldt individually and as president of Camelot Enterprises, Inc., Ivan Johnson individually and as co-owner of Camelot Enterprises, Inc.</u> – The Board accepted for hearing this water enforcement action against this Kankakee County facility.	7-0 W-E
<b>PCB 01-67</b>	<u>County of Jasper for the Jasper County Highway Department 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 Jasper County facility.	7-0 UST-FRD 90-Day Ext.
<b>PCB 01-68</b>	<u>Roger Stone v. IEPA and Naperville Park District</u> – The Board accepted for hearing this permit appeal involving a DuPage County facility, granted petitioner’s motion to waive application of 35 Ill. Adm. Code 105.102(b)(6), and respondent’s motion for extension of time to respond to petitioner’s motion to stay the effects of the permit, reserving ruling on the merits of the motion to stay.	7-0 P-A, NPDES
<b>PCB 01-69</b>	<u>Terminal Railroad Association v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this St. Clair County facility.	7-0 P-A, RCRA 90-Day Ext.
<b>PCB 01-70</b>	<u>Midwest Illinois Restaurant &amp; Truck Plaza, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Bond County facility.	7-0 UST- Appeal
<b>PCB 01-71</b>	<u>Wareco Service, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Vermilion County facility.	7-0 UST-FRD
<b>PCB 01-72</b>	<u>Stepan Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Will County facility.	7-0 P-A, Air 90-Day Ext.

<b>PCB 01-73</b>	<u>A.E. Staley Manufacturing Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Macon County facility.	7-0 P-A, Air
<b>PCB 01-74</b>	<u>Marathon Ashland Petroleum L.L.C. v. IEPA</u> – The Board accepted for hearing this request for variance involving a Crawford County facility.	7-0 W-V
<b>PCB 01-75</b>	<u>People of the State of Illinois v. Craig Yallaly and Susan Yallaly d/b/a Courtesy Cleaners</u> – The Board accepted for hearing this air enforcement action against this Coles County facility.	7-0 A-E

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### **CASES PENDING DECISION**

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<b>R00-19(A)</b>	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives: 35 Ill. Adm. Code 742 (Environmental Land Use Control (ELUC) Rules: P.A. 91-909) – Proposed Rule, Second Notice, Opinion and Order</u>	R, Land
<b>R01-8</b>	<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 – Proposed Rule, Second Notice, Opinion and Order</u>	R, Air
<b>R01-9</b>	<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 – Proposed Rule, Second Notice, Opinion and Order</u>	R, Air
<b>AS 99-1</b>	<u>In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305</u>	Water
<b>PCB 01-16</b>	<u>Ameren Energy Generating Company v. IEPA</u> - (due 11/25)	W-V

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### **ADJOURNMENT**

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

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 16th day of November 2000 by a vote of 7-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board