

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**MAY 4, 2000 CHICAGO OFFICE  
CONFERENCE ROOM 9-040  
10:30 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 then thanked Cameron Kline for his valuable contributions to the Board as public information officer, wishing him well in his new position.

### **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 April 20, 2000 meeting were approved by a vote of 5-0. Members Girard and Kezelis abstained

### **RULEMAKINGS**

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<b>R00-15</b>	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board adopted a proposal for public comment in this "identical-in-substance" rulemaking to amend the Board's wastewater pretreatment regulations.</u>	7-0 R, Water
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### **ADJUSTED STANDARDS**

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<b>AS 00-14</b>	<u>In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1) - The Board entered an order directing petitioner to file its certificate of publication of the notice of its filing of this petition for an adjusted standard from the Resource Conservation and Recovery Act by May 11, 2000, or this matter will be dismissed.</u>	7-0 RCRA
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## ADMINISTRATIVE CITATIONS

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- AC 00-75**     IEPA v. Wayne Williams and Zora Williams - The Board accepted for hearing this petition for review of an administrative citation against these Peoria County respondents. 7-0
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- AC 00-77**     IEPA v. Otis Brymer - The Board accepted an administrative citation against this Williamson County respondent.
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- AC 00-78**     IEPA v. RCS, Inc. and Rickie Laird - The Board accepted an administrative citation against these Jersey County respondents.
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- AC 00-79**     IEPA v. John Appelt - The Board accepted an administrative citation against this Carroll County respondent.
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- AC 00-80**     IEPA v. Ken Edwards - The Board accepted an administrative citation against this Macoupin County respondent.
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## ADJUDICATORY CASES

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### *Decisions*

- PCB 00-166**     People of the State of Illinois v. AutoResearch Laboratories, Inc. - In this air enforcement action concerning two facilities located in Cook County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, and ordered the respondent to pay a total payment of \$9,872.76. This payment includes a civil penalty of \$1,043.96 designated to the Environmental Protection Trust Fund; the balance of the payment is designated to the Clean Air Act Permit Fund. Respondent was also ordered to cease and desist from further violations. 7-0  
A-E
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### *Motions and Other Matters*

- PCB 89-30**     Olin Corporation v. IEPA - The Board granted the parties' joint motion for voluntary dismissal of this Resource Conservation and Recovery Act permit appeal involving a Madison County facility. 7-0  
P-A, RCRA
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<b>PCB 95-170</b>	<u>People of the State of Illinois v. Environmental Control and Abatement, Inc.</u> - In response to complainant's motion for reconsideration, the Board vacated the portion of the Board's February 17, 2000 order denying complainant's motion for summary judgment. On reconsideration, the Board granted complainant's motion for summary judgment with respect to alleged violations of Section 61.145(b)(4)(v) and (vi) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos (40 C.F.R. 61.145 (b)(4)(v) (vi)) and Section 9.1(d) of the Environmental Protection Act (415 ILCS 5/9.1(d) (1998)) in connection with the Urbana project of this Madison County respondent. The Board reserved ruling on the issue of an appropriate remedy pending a hearing on the alleged violations not resolved in this order or the Board's order of February 17, 2000.	7-0 A-E
<b>PCB 97-87</b>	<u>Commonwealth Edison Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Will County facility.	7-0 P-A, NPDES
<b>PCB 97-103</b>	<u>People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&amp;S Petroleum Products, Peter Anest, an individual f/d/b/a S&amp;S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Milstream Service, Inc.</u> - No action taken.	L&W-E
<b>PCB 97-234</b>	<u>Antonio D. H. Nam v. Kikon Suh</u> - The Board entered an order directing respondent to file proof of service of the third-party complaint upon the potential third-party respondents pursuant to Section 31 of the Act (415 ILCS 5/31 (1998)) within 30 days, or the pending motion to file the third-party complaint would be denied.	7-0 UST-E, Citizens
<b>PCB 98-59</b>	<u>The Town of Cicero v. National Jockey Club</u> - The Board granted complainant's motion to clarify the Board's March 16, 2000 order. The Board found that was the third-party complainant's action against this Cook County respondent was moot and dismissed it without prejudice.	7-0 RCRA-E

<b>PCB 98-169</b>	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Barge-Way Systems, Inc., Joseph Kellogg, Nielsen's Barge-Way, Robert Nielsen, Robert T. Atkins, and Mobil Oil Company</u> - No action taken.	UST-E
<b>PCB 00-1</b>	<u>People of the State of Illinois v. Paul Bergmann d/b/a Paul Bergmann Dairy Farm</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 facility located in Clinton County, the Board ordered publication of the required newspaper notice.	7-0 W-E
<b>PCB 00-67</b>	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> - No action taken.	RCRA-E
<b>PCB 00-134</b>	<u>Schrock Cabinet Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Douglas County facility.	7-0 P-A, Air
<b>PCB 00-137</b>	<u>Berwyn Auto Service 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
<b>PCB 00-143</b>	<u>Curtis Masterson v. City of Fairfield</u> - The Board entered an order directing complainant to file proof of service of the complaint upon the City of Fairfield pursuant to Section 31 of the Act (415 ILCS 5/31 (1998) within 30 days, or the complaint will be dismissed.	7-0 A-E, Citizens
<b>PCB 00-153</b>	<u>Frank Gentile v. IEPA</u> - No action taken.	UST- Appeal

<b>PCB 00-154</b>	<u>Kathryn Cooper v. City of Fairfield</u> - The Board entered an order directing complainant to file proof of service of the complaint upon the City of Fairfield pursuant to Section 31 of the Act (415 ILCS 5/31 (1998) within 30 days, or the complaint will be dismissed.	7-0 A-E, Citizens
<b>PCB 00-155</b>	<u>Robert Lichtenberger and Wilma Lichtenberger v. City of Fairfield</u> The Board entered an order directing complainant to file proof of service of the complaint upon the City of Fairfield pursuant to Section 31 of the Act (415 ILCS 5/31 (1998) within 30 days, or the complaint will be dismissed.	7-0 A-E, Citizens
<b>PCB 00-157</b>	<u>Michael R. Pawlowski and Diane K. Pawlowski v. Dave Johansen a/k/a David Johansen, Troy Quinley, and Benchwarmers Pub, Inc.</u> - The Board found that this complaint involving a Livingston County facility was not duplicitous or frivolous, and accepted it for hearing, but also stayed this matter until a final opinion and order is entered in <u>Pawlowski et al v. Johansen et al</u> , PCB 99-82, involving the same Livingston County facility.	7-0 N-E, Citizens
<b>PCB 00-158</b>	<u>ESG Watts, Inc. (Viola Landfill) v. IEPA</u> - No action taken.	P-A, Land
<b>PCB 00-159</b>	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> - No action taken.	P-A, Land
<b>PCB 00-160</b>	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> - No action taken.	P-A, Land
<b>PCB 00-163</b>	<u>David &amp; Jacquelyn McDonough v. Gary Robke</u> - The Board found that this complaint involving a Clinton County facility was not duplicitous or frivolous and accepted it for hearing.	7-0 N-E, Citizens
<b>PCB 00-174</b>	<u>Standard Bank &amp; Trust Company as Trustee and Derk Ball, Sr. v. IEPA</u> - The Board granted respondent's motion to dismiss this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD

**PCB 00-176** People of the State of Illinois v. City of Auburn, Benton & Associates Engineering, Inc., and Petersburg Plumbing and Heating - The Board accepted for hearing this public water supply enforcement action against this Sangamon County facility. 7-0  
PWS-E

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**PCB 00-177** Michael D. Logsdon, Darrell E. Mann, Kathy Mann, Russell Spillman, Marilyn Spillman, Rita Martin, A. Abbott, Kathy Abbott, Diana Collins, Dave Collins v. South Fork Gun Club - The Board held for a later duplicitous/frivolous determination this citizen noise enforcement action involving a Christian County facility. N-E,  
Citizens

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**PCB 00-178** People of the State of Illinois v. Tom Fato d/b/a Fato Fiberglass - The Board accepted for hearing this air enforcement action against this Kankakee County facility. A-E

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**PCB 00-179** City of Springfield, Illinois v. IEPA - The Board held this request for a water variance on behalf of a Sangamon County facility pending receipt of the Illinois Environmental Protection Agency recommendation. W-V

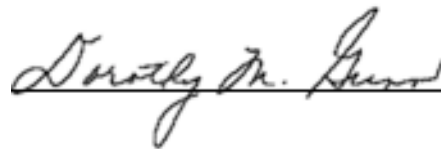
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#### ADJOURNMENT

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Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:00 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 18th day of May 2000 by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board