

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**JULY 13, 2000 CHICAGO OFFICE
CONFERENCE ROOM 9-040
11:00 A.M.**

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the June 22, 2000 meeting were approved by a vote of 6-0. Member Flemal abstained

RULEMAKINGS

R00-15	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1999 through December 31, 1999)</u> - The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	7-0 R, Water
---------------	---	-----------------

R00-18	<u>In the Matter of: Conforming and Technical Amendments to 35 Ill. Adm. Code 809</u> - The Board adopted a second notice opinion and order in this matter to amend the Board’s solid waste and special waste hauling regulations.	7-0 R, Land
---------------	--	----------------

R01-1	<u>In the Matter of: UIC Update, USEPA Amendments (January 1, 2000 through June 30, 2000)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.	R, Land
R01-2	<u>In the Matter of: RCRA Subtitle D Update, USEPA Amendments (January 1, 2000 through June 30, 2000)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.	R, Land
R01-3	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2000 through June 30, 2000)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.	R, Land
R01-4	<u>In the Matter of: UST Update, USEPA Amendments (January 1, 2000 through June 30, 2000)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.	R, Land
R01-5	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2000 through June 30, 2000)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.	R, Water
R01-6	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2000 through June 30, 2000)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.	R, Air

R01-7 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2000 through June 30, 2000) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2000, through June 30, 2000.

R01-8 In the Matter of: Amendments to Diesel Opacity Rules Required by P.A. 91-254 and P.A. 91-865 - The Board reserved this docket for a future rulemaking to amend the Board's air pollution control regulations.

R01-9 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 - The Board accepted the Illinois Environmental Protection Agency's July 11, 2000 fasttrack proposal to amend the Board's air pollution control regulations, granted in part and denied in part the motion to waive the requirement, and adopted a first notice opinion and order, noting that the rules must be adopted 180-days from the filing of the proposal.

R01-10 In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants) - In response to a letter dated July 6, 2000 from Governor George Ryan, the Board determined to hold a series of inquiry hearings in August, September and early October, 2000, to develop an information record concerning the potential environmental impact of natural gas-fired, peak-load electrical power generating facilities, known as peaker plants. The Board anticipates submitting a report to the Governor at the end of December 2000.

ADJUSTED STANDARDS

AS 00-15 In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1) - Pending receipt of the certificate of publication, the Board held this Cook County facility's petition for an adjusted standard from the Resource Conservation and Recovery Act certification requirements found at 35 Ill. Adm. Code 702.126(d)(1).

AS 01-01 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 - Pending receipt of the certificate of publication, the Board held this Cook County facility's petition for an adjusted standard from the pH water quality standard and effluent limitation found at 35 Ill. Adm. Code 304.125 and 302.204. PWS

ADMINISTRATIVE CITATIONS

AC 00-33 County of Sangamon v. American Tree Service, Roy F. Throop - The Board granted complainant's motion for voluntary dismissal of this administrative citation involving a Sangamon County facility. 6-0
Kezelis
abstained

AC 00-82 County of Ogle v. Leonard Hagemann - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Ogle County facility, the Board found respondent had violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (1998)), and ordered respondent to pay a civil penalty of \$1,500. 7-0

AC 00-83 County of Ogle v. Jeff and Stella Allen - The Board found that these Ogle County respondents violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (1998)), and ordered respondents to pay a civil penalty of \$4,500. 7-0

AC 00-84 IEPA v. James Day - The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent. 7-0

AC 00-85 IEPA v. Waste Management of Illinois, Inc. and Mike Wiersema - The Board accepted an administrative citation against these Whiteside County respondents.

AC 00-86 IEPA v. Streator Area Landfill, Inc. and Brian N. Holcomb - The Board accepted an administrative citation against these Livingston County respondents.

AC 00-87 IEPA v. Olen G. Parkhill, Jr. - The Board accepted an administrative citation against this Champaign County respondent.

AC 01-01 IEPA v. Don Pritchett - The Board accepted an administrative citation against this Saline County respondent.

AC 01-02 IEPA v. City of Eldorado, Illinois - The Board accepted an administrative citation against this Saline County respondent.

AC 01-03 IEPA v. Landfill 33, Ltd. and Richard Deibel - The Board accepted an administrative citation against these Effingham County respondents.

ADJUDICATORY CASES

Decisions

PCB 98-95 People of the State of Illinois v. Meyer Steel Drum, 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 Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$8,000, and ordered respondent to cease and desist from further violations. 7-0
A-E

PCB 98-145 People of the State of Illinois v. Bodine Electric Company - In this air enforcement action concerning a facility located in Cook County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$75,000, and ordered respondent to cease and desist from further violations. 7-0
A-E

PCB 98-164 City of Rock Island v. IEPA - The Board granted this Rock Island County petitioner a variance, subject to conditions, from 35 Ill. Adm. Code 305.306 and the Board's combined sewer overflow exception order (In re The Joint Petition of the City of Rock Island and the Illinois Environmental Protection Agency for Exception to the Combined Sewer Overflow Regulations (May 9, 1986), PCB 85-214), insofar as they require Rock Island to operate its main treatment plant at a maximum design flow of 16 million gallons per day.

6-0
Manning
abstained
W-V,
NPDES

PCB 00-31 People of the State of Illinois v. Reilly Industries, Inc. - In this Resource Conservation and Recovery Act enforcement action concerning a facility located in Madison County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (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.

7-0
RCRA-E

PCB 00-73 City of Rock Island v. IEPA - The Board remanded this appeal of a National Pollutant Discharge Elimination System permit to the Illinois Environmental Protection Agency for reissuance of a new permit consistent with the terms of the Board's opinion and order in this matter.

6-0
Manning
abstained
P-A,
NPDES

PCB 00-201 People of the State of Illinois v. Village of Chesterfield, Lawrence Lipe & Associates and Moniger Excavating Company - In this public water supply enforcement action concerning a facility located in Macoupin County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a civil penalty of \$5,250, and ordered respondents to cease and desist from further violations.

7-0
PWS-E

Motions and Other Matters

PCB 93-191	<u>People of the State of Illinois v. Estate of Lloyd Wiemann and Cheryl Halbrooks; and Estate of Lloyd Wiemann v. Cheryl Halbrooks</u> - Upon receipt of a proposed stipulation and settlement agreement intended to settle the both the complaint and the cross-complaint and an agreed motion to request relief from the hearing requirement in this underground storage tank appeal enforcement action involving a facility located in Madison County, the Board ordered publication of the required newspaper notice.	7-0 UST-E
PCB 95-127	<u>Meyer Steel Drum, Inc. 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 98-4	<u>L. Keller Oil Properties, Inc. and Charles F. Keller (Collinsville/Keller Oil) v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	7-0 UST- Appeal
PCB 98-5	<u>L. Keller Oil Properties, Inc. and Charles F. Keller (Sandoval/Keller Oil) v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.	7-0 UST- Appeal
PCB 98-6	<u>L. Keller Oil Properties, Inc. and Charles F. Keller (Centralia/Keller Oil) v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.	7-0 UST- Appeal
PCB 98-23	<u>L. Keller Oil Properties, Inc. and Charles F. Keller (Effingham/Keller Oil) v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving an Effingham County facility.	7-0 UST- Appeal
PCB 98-87	<u>L. Keller Oil Properties, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.	7-0 UST- Appeal

PCB 98-169	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen</u> - No action taken.	UST-E, Citizens
PCB 99-7	<u>L. Keller Oil Properties, Inc. and Charles F. Keller (Effingham/Keller Oil) v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving an Effingham County facility.	7-0 UST- Appeal
PCB 99-20	<u>L. Keller Oil Properties, Inc. (Salem/Keller Oil Company) v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.	7-0 UST- Appeal
PCB 99-72	<u>People of the State of Illinois v. Lake of Egypt Water District, Willis Dale Shadowens, and Gary R. Rhodes</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a facility located in Williamson County, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 99-82	<u>Michael R. Pawlowski and Diane K. Pawlowski v. David Johansen and Troy Quinley, individually and d/b/a Benchwarmers Pub, Inc.</u> - The Board denied respondents motion to reconsider the April 6, 2000 Board order.	7-0 N-E, Citizens
PCB 00-132	<u>People of the State of Illinois v. Illinois Industrial Plating</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 Peoria County, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 00-135	<u>People of the State of Illinois v. Berge Plating Works, 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 facility located in Rock Island County, the Board ordered publication of the required newspaper notice.	7-0 A-E

PCB 00-181	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties, and Board of Education of Belvidere District 100</u> - The Board denied the motion to dismiss filed by the Regional Board of Trustees for Boone and Winnebago Counties and accepted the case for hearing finding the complaint was not duplicitous or frivolous.	6-1 Flemal dissented UST-E, Citizens
PCB 00-185	<u>National Car Rental System, Inc. 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 00-186	<u>Corn Belt Electric Cooperative 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 McLean County facility.	7-0 UST-FRD
PCB 00-188	<u>Ozinga Transportation Services v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. Respondent's motion for extension of time in which to file the administrative record was referred to the hearing officer for disposition.	7-0 UST-FRD
PCB 00-191	<u>Sunburst Energy, Inc. v. IEPA</u> - No action taken.	UST-FRD 90-Day Ext.
PCB 00-200	<u>American Bottoms Conservancy, St. Louis Community Action Network, Kathy Andria, and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc.</u> - Respondent's motion for extension of time for production of the record was referred to the hearing officer for disposition. No action was taken on certain petitioners' motion to extend time to retain an attorney.	P-C-F-S-R
PCB 00-219	<u>Stephen G. Brill v. Henry Latoria, TL Trucking Foodliner</u> - The Board found that this complaint involving a Cook County facility was not duplicitous or frivolous, and accepted it for hearing.	7-0 N-E, Citizens

PCB 00-221	<u>James and Vickie Glasgow, and Bill and Pat Hoppe v. Granite City Steel</u> - No action taken.	N&A-E Citizens
PCB 00-223	<u>Silver Glen Homeowners' Association, Inc. v. IEPA, Mark Kaplan and B. Davidson Custom Homes, Inc.</u> - No action taken.	P-A, NPDES
PCB 00-224	<u>Chicago Fire Brick Company 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 Cook County facility.	7-0 UST-FRD 90-Day Ext.
PCB 00-225	<u>Lake County 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 Lake County facility.	7-0 UST- Appeal 90-Day Ext.
PCB 00-226	<u>Equilon Enterprises L.L.C. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.	7-0 P-A, Air 90-Day Ext.
PCB 00-227	<u>People of the State of Illinois v. Goelitz Confectionery Company and Goelitz Confectionery Export Company, Inc.</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	7-0 A-E
PCB 00-228	<u>Riverdale Recycling, Inc. and Tri-State Disposal, Inc. v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Cook County facility. Respondent's motion for extension of time in which to file the administrative record was referred to the hearing officer for disposition.	7-0 P-A, Land
PCB 01-1	<u>People of the State of Illinois v. Metals Technology Corporation</u> - The Board accepted for hearing this air enforcement action against this DuPage County facility.	7-0 A-E

PCB 01-2 People of the State of Illinois v. National Material L.P. d/b/a National Lamination Company, and NM Holding, Inc. - The Board accepted for hearing this air enforcement action against this Cook County facility. 7-0
A-E

PCB 01-3 People of the State of Illinois v. City of Winchester, Benton & Associates, Inc. and R&G Construction - The Board accepted for hearing this public water supply enforcement action against this Scott County facility. 7-0
PWS-E

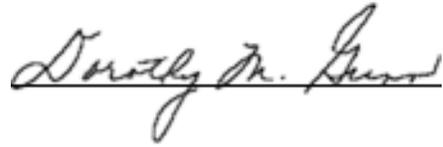
PCB 01-4 Naperville Radiator Services v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility. 7-0
UST-FRD
90-Day Ext.

PCB 01-5 People of the State of Illinois v. Roecker Cabinets, Inc., d/b/a Roecker Cabinet & Millwork - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this Tazewell County facility. 7-0
RCRA-E

ADJOURNMENT

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

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 27th day of July 2000 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board