

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**SEPTEMBER 7, 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. Chairman Manning then introduced and welcomed new staff member Bobb Beauchamp, attorney assistant to Board Member McFawn.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the August 24, 2000 meeting were approved by a vote of 7-0.

RULEMAKINGS

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) -</u>	7-0
R01-1 (Cons.)	The Board on its motion consolidated these dockets and adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s underground injection control regulations.	R, Land
R00-18	<u>In the Matter of: Conforming and Technical Amendments to 35 Ill. Adm. Code 809, Nonhazardous Special Waste Hauling and The Uniform Program -</u> The Board adopted a final opinion and order in this matter to amend the Board’s solid waste and special waste hauling regulations.	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, Proposed Amendments to 35 Ill. Adm. Code 240</u> - The Board adopted a first notice opinion and order in this matter to amend the Board's air pollution control regulations.	7-0 R, Air
R01-13	<u>In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206 and 106.990-106.995</u> – The Board accepted for hearing this Illinois Environmental Protection Agency proposal to amend the Board's water regulations.	7-0 R, Water
R01-14	<u>In the Matter of: Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620</u> – The Board accepted for hearing this Illinois Environmental Protection Agency proposal to amend the Board's public water supply regulations.	7-0 R, PWS

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> - No action taken.	Land, RCRA
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> - No action taken.	Land, RCRA
AS 99-6	<u>In the Matter 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> - The Board granted this Madison County facility an adjusted standard from the effluent discharge requirements, pursuant to 35 Ill Adm. Code 302.203, 304.106, and 304.124, subject to conditions. The Board denied as unnecessary petitioner's request for an adjusted standard from Section 304.124 of the Board's rules as it applies to iron.	7-0 Water

AS 01-3 In the Matter of : Petition of DeKalb Sanitary District for an Adjusted Standard from Water Quality Standards for Copper Under 35 Ill. Adm. Code Section 302.208(e) - Pending receipt of the certificate of publication, the Board held this DeKalb County facility's petition for an adjusted standard from the water quality regulations found at 35 Ill. Adm. Code 302.208(e). Water

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 found at 35 Ill. Adm. Code 304.105 as it applies to 35 Ill. Adm. Code 302.211(B)-(E). Water

ADMINISTRATIVE CITATIONS

AC 00-78 IEPA v. RCS, Inc. and Rickie Laird - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Jersey County facility, the Board found respondents violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(1), 21(o)(5), and 21(o)(12) (1998)), and ordered respondents to pay a civil penalty of \$1,500. 7-0

AC 01-08 IEPA v. Carlos Coiley and George Duquay - The Board accepted an administrative citation against these Kankakee County respondents.

Decisions

PCB 99-72 People of the State of Illinois v. Lake of Egypt Water District and Gary R. Rhodes - In this public water supply enforcement action concerning a facility located in Williamson County, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), and accepted a final stipulation and settlement agreement. The Board ordered the respondents to pay a civil penalty of \$25,000, and to cease and desist from further violations. 7-0
PWS-E

PCB 00-113 People of the State of Illinois v. Illinois-American Water Company - In this public water supply enforcement action concerning a facility located in Peoria County, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), and accepted a final stipulation and settlement agreement. The Board ordered the respondents to pay a civil penalty of \$25,000, and to cease and desist from further violations. 7-0
PWS-E

Provisional Variances

PCB 01-47 City of Wood Dale v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this DuPage County petitioner a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.141(a) and the excess flow limits in National Pollutant Discharge Elimination System Permit No. IL0034274. 7-0
W-V,
NPDES

Motions and Other Matters

PCB 96-180 Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc. – The Board granted the parties agreed motion to stay proceedings until December 31, 2000. 7-0
W-E,
Citizens

PCB 97-11 People of the State of Illinois v. White & Brewer Trucking - The Board granted complainant's motion to stay proceedings until December 31, 2000. 7-0
L,W, GW-E

PCB 98-113	<u>Clayton Chemical Acquisition Limited Liability Company d/b/a</u>	P-A, RCRA
PCB 99-28	<u>Resource Recovery Group, L.L.C. v. IEPA</u> – No action taken.	
PCB 99-158		
(Cons.)		
PCB 98-164	<u>City of Rock Island v. IEPA</u> - No action taken.	P-A, NPDES
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 99-82	<u>Michael R. Pawlowski and Diane K. Pawlowski v. David Johansen and Troy Quinley, individually and d/b/a Benchwarmers Pub, Inc-</u> No action taken.	N-E, Citizens
PCB 00-9	<u>People of the State of Illinois v. Brake’s Enterprises, Inc.</u> - No action taken.	UST-E
PCB 00-44	<u>People of the State of Illinois v. Wallace, Inc.</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 facility located in Jackson County, the Board ordered publication of the required newspaper notice.	7-0 RCRA-E
PCB 00-72	<u>Peacock Oil Company v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD

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 complainant’s motion for default judgment against the Board of Education of Belvidere District 100.	7-0 UST-E, Citizens
PCB 00-200	<u>American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria and Jack Norman v. Village of Fairmont City and Waste Management</u> - No action taken.	P-C-F-S-R
PCB 00-223	<u>Silver Glen Homeowners’ Association, Inc. v. IEPA</u> – The Board denied respondent’s motion for reconsideration.	7-0 P-A, Water
PCB 00-224	<u>Chicago Fire Brick Company 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 00-225	<u>Lake County 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 Lake County facility.	7-0 UST- Appeal
PCB 01-4	<u>Naperville Radiator Services v. IEPA</u> – The Board dismissed this matter due to lack of jurisdiction.	7-0 UST-FRD
PCB 01-16	<u>Ameren Energy Generating Company v. IEPA</u> – No action taken.	W-V, NPDES
PCB 01-21	<u>Michael E. Mellon and Rebecca J. Mellon v. Illinois Department of Transportation</u> - The Board held for a later duplicitous/frivolous determination this citizens’ air and noise enforcement action involving a Cook County facility.	A&N-E Citizens

PCB 01-25	<u>Chrysler Realty Corporation v. Thomas Industries, Inc. and TDY Industries, Inc.</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 01-27	<u>Town of Cortland v. IEPA</u> – The Board granted petitioner's motion to withdraw this request for extension of variance involving a DeKalb County facility.	7-0 PWS-V
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 01-36	<u>George McKissick 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
PCB 01-37	<u>City of Elgin 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, PWS 90-Day Ext.
PCB 01-38	<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 Cook County facility.	7-0 P-A, Air 90-Day Ext.
PCB 01-39	<u>Lannis Walters d/b/a Fat Boy Pizza (Get & Go) 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 Massac County facility.	7-0 UST-FRD 90-Day Ext.
PCB 01-40	<u>People of the State of Illinois v. City of Paris and Francis Associates</u> - The Board accepted for hearing this public water enforcement action against this Edgar County facility.	7-0 PWS-E

PCB 01-41	<u>People of the State of Illinois v. Sommer Products Company, 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 Peoria County, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 01-42	<u>Steven P. Logsdon v. Tilford R. Bowman</u> - The Board held for a later duplicitous/frivolous determination this citizen's air and noise enforcement action involving a Brown County facility.	A&N-E, Citizens
PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this McHenry County facility.	7-0 RCRA-E
PCB 01-44	<u>People of the State of Illinois v. Ratliff Brothers and Company, Inc.</u> – The Board accepted for hearing this land and water enforcement action against this Henry County facility.	7-0 L&W-E
PCB 01-45	<u>People of the State of Illinois v. E.J. Water Corporation, Milano & Grunloh Engineers, Inc., and Speth Plumbing, Inc.</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 Jasper County, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 01-46	<u>XCTC Limited Partnership v. IEPA</u> – The Board accepted for hearing this third-party permit appeal involving a Cook County facility.	P-A

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) -</u>	R, Land
R01-1 (Cons.)	<u>Proposal for Public Comment, Proposed Opinion and Order</u>	

R01-8

In the Matter of: Amendments to Diesel Opacity Rules Required
by P.A. 91-254 and P.A. 91-865, Proposed Amendments to 35 Ill.
Adm. Code 240 - Proposed Rule, First Notice, Opinion and Order

R, Air

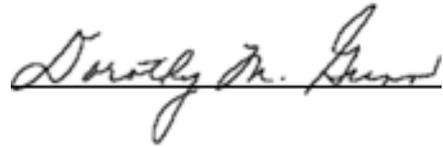
OTHER ITEMS

The Chairman's motion to change the date of the September 14 Deliberative Session from Thursday, September 14, 2000 to Wednesday, September 13, 2000, was granted by a vote of 7-0.

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 9:55 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 21st day of September 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