

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 20, 2005
CHICAGO OFFICE – 100 W. Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present.

APPROVAL OF MINUTES

Minutes of the January 6, 2005 meeting were approved by a vote of 5-0.

RULEMAKINGS

R05-6	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2004 through June 30, 2004)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s public water supply regulations.	5-0 R, PWS
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ADJUSTED STANDARDS

AS 05-2	<u>In the Matter of: Petition of the Village of Bensenville for an Adjusted Standard from 35 Ill. Adm. Code 620.410 Regarding Chloride and Lead</u> – The Board granted petitioner’s motions for expedited review and for filing a reduced number of petition copies. The Board directed petitioner to file an amended petition curing specified informational deficiencies within 30 days from the date of this order, or the Board will dismiss this matter.	5-0 Water
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ADMINISTRATIVE CITATIONS

AC 05-5	<u>IEPA v. Robert and Phylis Ulrich and Bob Ulrich Pallet, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Adams County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review.	5-0
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AC 05-34	<u>County of LaSalle v. Earl Cazel</u> – The Board found that this LaSalle County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
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AC 05-36	<u>County of Sangamon v. Leland Cole</u> – The Board vacated its order of January 6, 2005, finding violations as alleged in the administrative citation action involving a Sangamon County facility. In response to a late filed joint stipulation and settlement agreement, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss the alleged violation of 415 ILCS 5/21(p) (3) (2002).	5-0
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AC 05-38	<u>County of Macon, Illinois v. Terry Cripe and Donna Cripe</u> – The Board on its own motion dismissed this administrative citation for lack of timely service on respondent.	5-0
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AC 05-41	<u>County of Macon, Illinois v. Blue Mound Plumbing</u> – The Board	5-0
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on its own motion dismissed this administrative citation for lack of timely service on respondent.

AC 05-42 IEPA v. Knox County Landfill Committee and Greg Ingle – The Board found that these Knox County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2002)), and ordered respondents to pay a civil penalty of \$500. 5-0

AC 05-43 County of Macon, Illinois v. David Beck – No action taken.

AC 05-45 IEPA v. Double S Masonry, Inc., Curtis R. Seei, and Ronald C. Seei – The Board accepted an administrative citation against these Henry County respondents.

AC 05-46 IEPA v. Lawrence Krueger – The Board accepted an administrative citation against this Fayette County respondent.

ADJUDICATORY CASES

Decisions

PCB 01-2 People of the State of Illinois v. National Material L.P. d/b/a National Lamination Company, and NM Holding – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$50,000, as well as avoided permit fees of \$7,750 and to cease and desist from further violations. 5-0
A-E

PCB 05-52	<u>People of the State of Illinois v. Safe Lock Storage 2, L.L.C.</u> – In this water enforcement action concerning a St. Clair County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$1,000 and to cease and desist from further violations.	5-0 W-E
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Motions and Other Matters

PCB 97-2	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	L&W-E
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PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc.</u> – No action taken.	A-E
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PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – The Board denied this McHenry County respondent’s motion to reconsider the November 4, 2004 Board order finding violations of the Act and Board Rules and assessing a \$110,00 penalty.	5-0 L-E
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PCB 04-162	<u>People of the State of Illinois v. Asbestos Control and Environmental Services</u> – No action taken.	A-E
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PCB 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – The Board on its own motion stayed the trade secret appeal pending the outcome of the appeal pending before the Appellate Court.	5-0 T-S Appeal
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PCB 04-190	<u>Johnson Oil Company v. IEPA</u> – No action taken.	UST Appeal
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PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u>	T-S
PCB 04-216 (not cons.)	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	Appeal
PCB 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	Citizens Land-E
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
PCB 05-55 PCB 05-58 PCB 05-59 (Cons.)	<u>Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club, Beth Wentzel, and Cynthia Skrukud v. IEPA and Village of Wauconda; Slocum Lake Drainage District of Lake County, Illinois v. IEPA and Village of Wauconda, Illinois; Al Phillips et al. v. IEPA and Village of Wauconda, Illinois</u> – No action taken.	P-A, NPDES
PCB 05-65	<u>Russ Taylor 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 filed on behalf of this Champaign County facility.	5-0 UST Appeal
PCB 05-66	<u>People of the State of Illinois v. Petco Petroleum Corporation</u> – No action taken.	Citizens W-E
PCB 05-68	<u>Illinois State Toll Highway Authority (Lake Forest East CAP/B) 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 filed on behalf of this Lake County facility.	5-0 UST Appeal
PCB 05-69	<u>Illinois State Toll Highway Authority (Lake Forest West CACR) 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 filed on behalf of this Lake County facility.	5-0 UST Appeal

PCB 05-70	<u>Illinois State Toll Highway Authority (Lake Forest West CAP/B) 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 filed on behalf of this Lake County facility.	5-0 UST Appeal
PCB 05-71	<u>Illinois State Toll Highway Authority (Lake Forest East CACR) 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 filed on behalf of this Lake County facility.	5-0 UST Appeal
PCB 05-92	<u>People of the State of Illinois v. Specialty Promotions, Inc. d/b/a Specialty Printing 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 Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 05-96	<u>People of the State of Illinois v. Village of North City, Lawrence A. Lipe & Associates, Inc., Altman-Charter Company, Inc., and Furlong Excavating, 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 Franklin County facility, the Board ordered publication of the required newspaper notice as to Altman-Charter Company, Inc.	5-0 PWS-E
PCB 05-105	<u>Burroughs AG Service, Inc.-Lostant (Property Identification Number 31-27-307-000) v. IEPA</u> – Because the Board did not receive any petition for review of the Agency’s recommendation to deny certification, consistent with the Agency’s recommendation, the Board declined to certify that Burroughs AG Service, Inc. facilities are pollution control facilities and dismissed this matter.	5-0 T-C

PCB 05-107	<u>Burroughs AG Service, Inc.-Wyoming (Property Identification Number 05-29-300-007) v. IEPA</u> – Because the Board did not receive any petition for review of the Agency’s recommendation to deny certification, consistent with the Agency’s recommendation, the Board declined to certify that Burroughs AG Service, Inc. facilities are pollution control facilities and dismissed this matter.	5-0 T-C
PCB 05-123	<u>People of the State of Illinois v. Cunat, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	5-0 W-E
PCB 05-124	<u>Mac’s Convenience Stores, L.L.C. 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 Sangamon County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-125	<u>Red Rooster Corporation f/k/a Clark Retail Enterprises, Inc. (Clark Oil #2086) 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 Peoria County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-126	<u>Red Rooster Corporation f/k/a Clark Retail Enterprises, Inc. (Clark Oil #2086) 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 Peoria County facility.	5-0 UST Appeal 90-Day Ext.

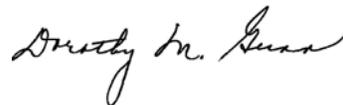
CASES PENDING DECISION

R04-22	<u>In the Matter of: Proposed Amendments to Regulation of</u>	Girard
R04-23	<u>Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code</u>	R, Land
(Cons.)	<u>732); In the Matter of: Regulation of Petroleum Leaking</u>	
	<u>Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734)</u>	
	– Proposed Rule	
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R05-8	<u>In the Matter of: Mercury Wastes Under PA 93-0964:</u>	Novak
	<u>Amendments to Standards for Universal Waste Management (35</u>	Girard
	<u>Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733) –</u>	R, Land
	Proposed Rule, Second Notice, Opinion and Order	
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PCB 04-79	<u>Bonita Saxbury and Richard Saxbury v. Archer Daniels Midland</u>	Johnson
		Citizens
		N-E
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:30 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 3, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board