

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



**OCTOBER 19, 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 October 5, 2000 meeting were approved by a vote of 7-0.

RULEMAKINGS

R00-20	<u>In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130</u> – No action taken.	R, Procedural Rules
R01-5	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2000 through June 30, 2000)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	7-0 R, Water

R01-16 In the Matter of: Proposed Amendments to 35 Ill. Adm. Code 217. Subpart V, Electric Power Generation – The Board accepted the Illinois Environmental Protection Agency’s October 16, 2000 fast track proposal to amend the Board’s air pollution control regulations and granted the motion to waive the filing requirement. The Board adopted a first notice opinion and order, noting that the rules must be adopted 180-days from the filing of the proposal.

7-0
R, Air

R01-17 In the Matter of: Proposed New 35 Ill. Adm. Code 217. Subpart U, NOX Control and Trading Program for Specified NOX Generating Units, Subpart X Voluntary NOX Emissions Reduction Program, and Amendments to 35 Ill. Adm. Code 211 – The Board accepted the Illinois Environmental Protection Agency’s October 16, 2000 fast track proposal to amend the Board’s air pollution control regulations and granted the motion to waive the filing requirement. The Board adopted a first notice opinion and order, noting that the rules must be adopted 180-days from the filing of the proposal.

7-0
R, Air

ADJUSTED STANDARDS

AS 99-6 In the Matter of: Petition 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 – The Board granted petitioner’s motion for correction and/or reconsideration and entered an order modifying the Board’s September 7, 2000 order in this matter.

6-0
Girard
abstained
Water

AS 01-1 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 – No action taken.

PWS

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) – The Board entered an order dismissing this petition for an adjusted standard from the general use water quality standards for temperature for its Illiopolis, Sangamon County, Illinois, facility. Petitioner’s failed to file the certificate of publication within fourteen days as required by Section 28.1(d)(1) of the Environmental Protection Act.

7-0
Water

AS 01-5	<u>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</u> Pending receipt of the certificate of publication, the Board held this DeKalb County facility's petition for an adjusted standard from the water regulations.	Water
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ADMINISTRATIVE CITATIONS

AC 01-5	<u>IEPA v. Billy Hammond, Sr.</u> – No action taken.	
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AC 01-8	<u>IEPA v. Carlos Coiley and George Duguay</u> – The Board found that these Kankakee County respondents violated Sections 21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1), 21(p)(3) (1998)), and ordered respondents to pay a civil penalty of \$3,000.	7-0
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Decisions

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 of Illinois, Inc.</u> - The Board vacated the April 19, 2000 decision by the Village of Fairmont City granting siting approval to Waste Management of Illinois, Inc. to expand the Milam Recycling and Disposal Facility. This matter was remanded for rehearing before the Village of Fairmont City.	7-0 P-C-F-S-R
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PCB 00-203	<u>People of the State of Illinois v. Barron Industries, Inc.</u> – In this air enforcement action concerning a facility located in Winnebago 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 \$20,000, and ordered respondent to cease and desist from further violations.	7-0 A-E
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Motions and Other Matters

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 98-148	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho and Briggs Industries, Inc.; and Briggs Industries, Inc. v. Loren West</u> – No action taken.	L-E
PCB 98-164	<u>City of Rock Island v. IEPA</u> – The Board entered an order modifying the Board’s July 13, 2000 and September 21, 2000 orders in this matter.	6-0 Manning abstained W-V, NPDES
PCB 00-9	<u>People of the State of Illinois v. Brake’s Enterprises, Inc.</u> - The Board granted complainant’s motion for summary judgment.	7-0 UST-E
PCB 00-127	<u>People of the State of Illinois v. Dayne Rogers and Black Gold International</u> – No action taken.	L-E, Tires
PCB 00-191	<u>Sunburst Energy, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Fayette County facility.	7-0 UST-FRD
PCB 00-219	<u>Stephen G. Brill v. Henry Latoria individually and d/b/a T.L. Trucking Foodliner</u> – No action taken.	A&N-E, Citizens
PCB 00-223	<u>Silver Glen Homeowners’ Association, Inc. v. IEPA, Mark Kaplan, and B. Davidson Custom Homes, Inc.</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Kane County facility.	7-0 P-A, NPDES
PCB 01-25	<u>Chrysler Realty Corporation v. Thomas Industries, Inc. and TDY Industries, Inc.</u> – No action taken.	UST-E, Citizens

PCB 01-30	<u>Stuart C. Nuss v. IEPA and Village of Durand</u> - The Board dismissed the Illinois Environmental Protection Agency from this matter and granted complainant leave to file an amended complaint in this water enforcement action involving a Winnebago County facility.	7-0 W-E, Citizens
PCB 01-32	<u>Waukegan Port District v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Lake County facility.	7-0 UST-FRD
PCB 01-48 PCB 01-49 (Cons.)	<u>Community Landfill Company and City of Morris v. IEPA</u> – The Board granted petitioners’ motions for stay of contested permit conditions and respondent’s motions for leave to file surreply, for extension of time, and for relief from copy requirements.	7-0 P-A, Land
PCB 01-54	<u>Richard G. Cotterman v. Jackson Farms and City of Virden</u> – The Board found that the alleged violations of Sections 9(a) and 24 of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 24 (1998)) and 35 Ill. Adm. Code 900.102 of the Board’s noise rules were neither duplicitous nor frivolous, granted respondent, the City of Virden’s motion to dismiss it as a party to the case, and accepted this matter involving a Macoupin County facility for hearing.	7-0 A&N-E, Citizens
PCB 01-60	<u>Anthony J. Schlax v. Evanston Hospital</u> – The Board held for a later duplicitous/frivolous determination this citizen’s noise enforcement action involving a Cook County facility.	N-E, Citizens
PCB 01-61	<u>People of the State of Illinois v. Roll Service, Inc.</u> – The Board accepted for hearing this air enforcement action against this Cook County facility.	7-0 A-E
PCB 01-62	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Sangamon County facility.	7-0 P-A, Land

PCB 01-63 ESG Watts, Inc. (Viola Landfill) v. IEPA – The Board accepted for hearing this permit appeal involving a Mercer County facility. 7-0
P-A, Land

PCB 01-64 ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA – The Board accepted for hearing this permit appeal involving a Rock Island County facility. 7-0
P-A, Land

PCB 01-65 Arnold's Service and Repair v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Fayette County facility. 7-0
UST-FRD,
90-Day Ext.

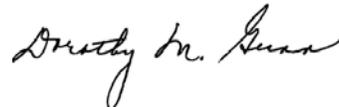
CASES PENDING DECISION

R00-19(A) In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives: 35 Ill. Adm. Code 742 – Proposed Rule, Second Notice, Opinion and Order Kezelis
R, Land

ADJOURNMENT

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 2nd day of November 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board