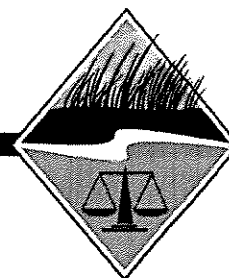


ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JANUARY 8, 1998 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Board Member Dr. R.C. Flemal welcomed members of the public and staff to the meeting, announced that his attorney-assistant, Audrey Lozuk-Lawless, would be leaving the Board to join her husband in Italy, introduced Amy Jackson, who will serve as a hearing officer for the Board, and Kathy Griffin, the new fiscal officer, who will be based in the Springfield office.

ROLL CALL

All Board Members answered present except for Chairman Manning who was absent due to inclement weather.

APPROVAL OF MINUTES

Minutes of the December 18, 1997 meeting were approved by a vote of 6-0.

RULEMAKINGS

R98-10	<u>In the Matter of: Amendments to Major Stationary Sources Construction and Modification Rules (New Source Review Rules)</u> <u>35 Ill. Adm. Code 203 - Proposed Rule, Second Notice, Opinion and Order</u>	6-0 R, Air
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ADJUSTED STANDARDS

AS 97-10	<u>In the Matter of: Petition of Waste Professionals, Inc., d/b/a Pekin Landfill for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D - The Board granted the Agency's Motion for Additional Time to Respond to Petitioner's Amended Petition until January 20, 1998.</u>	5-0 Hennessey abstained Land, RCRA
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ADMINISTRATIVE CITATIONS

AC 98-13	<u>IEPA v. Mandarin Investment Corporation, Jayne Lien, and Fred Rosenberger - No action taken.</u>
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ADJUDICATORY CASES

Decisions

PCB 96-75	<u>People of the State of Illinois v. Harvey Cash, d/b/a Cash Oil Company - The Board found that respondent violated the following Sections of the Act: Sections 9(a) and (c) of (415 ILCS 5/9(a)(c) (1994) by open burning demolition debris; Section 21(a) (415 ILCS 5/21(a) (1994)) by open dumping of waste; and Section 9.1(d)(1) (415 ILCS 5/9.1(d)(1) (1994)) by failing to give the Agency ten days prior notice of intent to demolish a commercial building in Flora, Illinois. The Board found that a civil penalty of \$1500 was warranted in this case.</u>	6-0 L-E
PCB 96-170	<u>People of the State of Illinois v. Robinette Demolition, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action concerning asbestos demolition and renovation activity performed at sites in the following counties: Will, Cook, Lake, Kane, and Bureau, ordered respondent to pay a civil penalty of \$14,000, and ordered respondent to cease and desist from further violations.</u>	6-0 A-E

ADJUDICATORY CASES (CONTINUED)

Other Motions and Matters (Continued)

PCB 96-148	<u>People of the State of Illinois v. U.S. Dismantlement Corporation, and USDC Environmental, Inc.</u> - The Board issued an interim finding of default and judgment against each respondent. Insofar as complainant sought the imposition of civil penalties, attorney fees, expert witness, and consultant fees, as outlined in the July 23, 1997, amended complaint (Am. Comp. at 9, 14, 17, 19, 21), the Board ordered that it could not, enter an order granting complainant's requested relief on the basis of the bare complaint. The Board ordered complainant to provide the Board, on or before January 29, 1998, with information, argument, and affidavits, if necessary. Upon receipt and consideration of the aforementioned documents, the Board ordered that it will issue a final order in this matter.	6-0 A-E
PCB 96-209	<u>People of the State of Illinois v. Macon County Landfill Corporation</u> - No action taken.	L-E
PCB 96-252	<u>Martin & Bayley, Inc. v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Marion County facility.	6-0 UST-FRD
PCB 97-30	<u>People of the State of Illinois v. Shell Oil Company</u> - No action taken.	A-E
PCB 97-102	<u>Borden Chemicals and Plastics Operating Limited Partnership v. IEPA</u> - The Board granted petitioner's joint motion to correct November 6, 1997, Opinion and Order.	5-0 W-V Hennessey abstained
PCB 97-121	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - No action taken.	RCRA-E Citizens

ADJUDICATORY CASES (CONTINUED)

Other Motions and Matters (Continued)

PCB 97-199	<u>Tri Star Marketing, Inc. v. IEPA</u> - The Board granted petitioner's request for an expedited decision consistent with the Board's time and resources.	6-0 WWS
PCB 97-217	<u>People of the State of Illinois v. Bigelow Group, Inc.</u> - The Board denied respondent's motion to dismiss.	5-0 W-E Hennessey abstained
PCB 97-226	<u>Riverview FS, Inc.</u> - The Board ordered the Agency to file the entire Agency record of the reimbursement request within 14 days of the date of this order.	6-0 UST-FRD
PCB 98-54	<u>Edward Malina v. Jean Day</u> - No action taken.	UST-E Citizens
PCB 98-59	<u>Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero</u> - The Board denied respondent's motion to dismiss.	6-0 RCRA-E Citizens
PCB 98-60	<u>CDT Landfill Corporation v. City of Joliet</u> - Respondent's motion to Take Official Notice will be taken with case-in chief.	L-S-R
PCB 98-63	<u>Exolon-ESK Company v. IEPA</u> - Accept for Hearing Order	6-0 P-A, Water
PCB 98-72	<u>St. Clair Properties Development, Inc. v. IEPA</u> - The Board accepted petitioner's amended petition and granted petitioner's motion to appear pro hac vice.	5-0 Hennessey abstained P-A, Water
PCB 98-81	<u>Charter Hall Homeowner's Association v. Overland Transportation System, Inc., and D.P. Cartage, Inc.</u> - No action taken.	N-E, Citizens

ADJUDICATORY CASES (CONTINUED)

Other Motions and Matters (Continued)

PCB 98-84	<u>Scott Behrmann and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - Accept for Hearing Order	6-0 N-E, Citizens
PCB 98-86	<u>People of the State of Illinois v. Harris Bank Barrington, as trustee for Trust No. 11-5062, Kurt Kresmery, individually as beneficiary of Trust No. 11-5062, and Kenneth Kresmery</u> - Hearing Mandatory - No Order	A-E
PCB 98-87	<u>L. Keller Oil Properties, Inc. v. IEPA</u> - Accept for Hearing Order	6-0 UST-Appeal
PCB 98-88	<u>Illinois State Toll Highway Authority v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility.	6-0 UST-Appeal
PCB 98-89	<u>People of the State of Illinois v. Fischer Crane Company</u> - Hearing Mandatory - No Order	A & L-E
PCB 98-90	<u>People of the State of Illinois v. Marathon Oil Company</u> - Hearing Mandatory - No Order	W-E
PCB 98-91	<u>Village of Millstadt v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a St. Clair County facility.	6-0 P-A, 90-Day Ext.
PCB 98-92	<u>People of the State of Illinois v. Target Stores, Inc.</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 against a DuPage County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E

ADJUDICATORY CASES (CONTINUED)

Other Motions and Matters (Continued)

PCB 98-93 People of the State of Illinois v. Salt Creek Drainage Basin Sanitary District - Hearing Mandatory - No Order W-E

PCB 98-94 People of the State of Illinois v. Material Service Corporation - Hearing Mandatory - No Order A-E

PCB 98-95 People of the State of Illinois v. Meyer Steel Drum, Inc. - Hearing Mandatory - No Order A-E

PCB 98-96 Franklin Community School District #1 v. IEPA - Accept for Hearing Order 6-0
UST-FRD

CASES PENDING DECISION

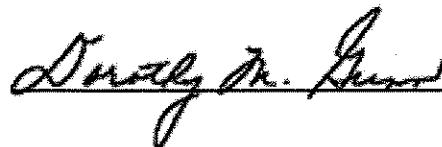
PCB 96-233 People of the State of Illinois v. ESG Watts, Inc. McFawn
L&GW-E

PCB 98-1 City of Salem v. IEPA McFawn
L-V

ADJOURNMENT

By a vote of 6-0, Board Member Flemal recessed the meeting at 11:00 a.m. to an Executive Session in the Chairman's office at 11:30 a.m.

I, Dorothy M. Gunn, Clerk of the Illinois pollution Control Board, hereby certify that the above minutes were approved this 22nd day of January 1998, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



JANUARY 8, 1998 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.

Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Thank you for your interest.

ROLL CALL

APPROVAL OF MINUTES

December 18, 1997

RULEMAKINGS

R98-10	<u>In the Matter of: Amendments to Major Stationary Sources Construction and Modification Rules (New Source Review Rules)</u> <u>35 Ill. Adm. Code 203 - Proposed Rule, Second Notice, Opinion and Order</u>	Hennessey R, Air
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ADJUSTED STANDARDS

AS 97-10	<u>In the Matter of: Petition of Waste Professionals, Inc., d/b/a Pekin Landfill for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D - Agency Motion for Additional Time to Respond to Petitioner's Amended Petition (1/2)</u>	Flemal Land, RCRA
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ADMINISTRATIVE CITATIONS

AC 98-13	<u>IEPA v. Mandarin Investment Corporation, Jayne Lien, and Fred Rosenberger - Petition for Review (12/3), Agency Motion to Dismiss Respondents Jayne Lien and Fred Rosenberger (12/8)</u>	Yi
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ADJUDICATORY CASES

Decisions

PCB 96-75	<u>People of the State of Illinois v. Harvey Cash, d/b/a Cash Oil Company</u>	Girard L-E
PCB 96-170	<u>People of the State of Illinois v. Robinette Demolition, Inc. - Stipulation</u>	Girard A-E
PCB 97-10	<u>People of the State of Illinois v. Allsteel, Inc. - Stipulation</u>	Meyer RCRA-E
PCB 98-42	<u>People of the State of Illinois v. Illini Protein - Stipulation</u>	Girard EPCRA-E
PCB 98-43	<u>Sierra Club and Jim Bensman v. City of Wood River and Norton Environmental (due 1/20)</u>	Flemal L-S-R-, 3 rd Party

Provisional Variances

Since the Board must decide provisional variances within forty-eight hours of their filing, any provisional variances filed prior to this meeting will be included here.

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters

Additional motions on the following cases filed prior to this meeting may be included here.

PCB 95-44	<u>General Business Forms, Inc. v. IEPA</u> - Petitioner's Motion to Dismiss (12/30)	McFawn P-A, Air
PCB 95-143	<u>Gordon Krautsack v. Bhogilal Patel, an individual, Subhash Patel, an individual, and Electronic Interconnect, Inc.</u> - Respondent Electronic Interconnect Corporation's Motion for Extension of Time to Comply with Remediation Order and for Other Relief (1/5)	Flemal L-E, Citizens
PCB 95-163	<u>People of the State of Illinois v. Clark Refining & Marketing, Inc.</u> - Complainant's Motion for Partial Summary Judgment and Memorandum of Law in Support of Complainant's Motion for Summary Judgment (12/16), Respondent's Motion for Summary Judgment, Memorandum of Law, Motion to File in Excess of Page Limits, and Motion to File Instantly (12/24)	Manning A, W, & RCRA-E
PCB 96-148	<u>People of the State of Illinois v. U.S. Dismantlement Corporation, and USDC Environmental, Inc.</u> - Complainant's Motion for Default and Judgment (12/15)	Meyer A-E
PCB 96-209	<u>People of the State of Illinois v. Macon County Landfill Corporation</u> - Complainant's Motion to Reconsider November 20, 1997 Board Order Denying Motion for Partial Summary Judgment (12/11)	Flemal L-E
PCB 96-252	<u>Martin & Bayley, Inc. v. IEPA</u> - Petitioner's Motion for Voluntary Dismissal (12/26)	Girard UST-FRD

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 97-30	<u>People of the State of Illinois v. Shell Oil Company</u> - Respondent's Motion to Dismiss, Motion for Leave to File Memorandum of Law in Support of Motion to Dismiss in Excess of Page Limits, and Memorandum of Law in Support of Motion to Dismiss (11/17), Complainant's Response to Respondent's Motion to Dismiss (12/23)	Meyer A-E
PCB 97-102	<u>Borden Chemicals and Plastics Operating Limited Partnership v. IEPA</u> - Joint Motion to Correct November 6, 1997 Opinion and Order (12/16)	McFawn W-V
PCB 97-121	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - Complainant's Motion for Summary Judgment (12/24)	McFawn RCRA-E Citizens
PCB 97-199	<u>Tri Star Marketing, Inc. v. IEPA</u> - Petitioner's Motion for Expedited Decision (12/19)	Flemal WWS
PCB 97-217	<u>People of the State of Illinois v. Bigelow Group, Inc.</u> - Respondent's Motion to Dismiss (8/27), Respondent's Reply Memorandum in Support of its Motion to Dismiss (12/17)	McFawn W-E
PCB 97-226	<u>Riverview FS, Inc.</u> - Board Order	Hennessey UST - FRD
PCB 98-54	<u>Edward Malina v. Jean Day</u> - (See Respondent's Motion to Dismiss filed 11/6, Complainant's Response to Respondent's Motion to Dismiss and Motion to Stay filed 11/17, and Respondent's Motion to Dismiss filed 12/5) - Duplicitous/Frivolous Determination Order	Yi UST-E, Citizens

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-59	<u>Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero</u> - (See Respondent's Motion to Strike and Dismiss the Complaint and Memorandum of Law in Support of its Motion to Strike and Dismiss Complaint filed 11/3; Complainant's Response in Opposition to Respondent's Motion to Strike and Dismiss Complaint filed 11/10; Complainant's Supplement to Response in Opposition to Respondent's Motion to Strike and Dismiss filed 11/26; Respondent's Motion for Leave to File Instantly its Supplemental Reply to the Complainant's Supplement to its Response to the Respondent's Motion to Strike and Dismiss filed 12/10) - Duplicitous/Frivolous Determination Order	Girard RCRA-E, Citizens
PCB 98-60	<u>CDT Landfill Corporation v. City of Joliet</u> - Respondent's Motion to Take Official Notice (12/18)	Yi L-S-R
PCB 98-63	<u>Exolon-ESK Company v. IEPA</u> - Accept for Hearing Order	Manning P-A, Water
PCB 98-72	<u>St. Clair Properties Development, Inc. v. IEPA</u> - Petitioner's Amended Petition in Response to November 20, 1997 Board Order (12/22)	Yi P-A, Water
PCB 98-81	<u>Charter Hall Homeowner's Association v. Overland Transportation System, Inc., and D.P. Cartage, Inc.</u> - Awaiting Duplicitous/Determination - No Order	Hennessey N-E, Citizens
PCB 98-84	<u>Scott Behrmann and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - (See Respondent's Request for an Extension of Time to Respond to the Complaint filed 12/22, and Complainants' Objection to Respondent's Request for an Extension of Time filed 12/29) - Duplicitous/Frivolous Determination Order	Yi N-E, Citizens

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-86	<u>People of the State of Illinois v. Harris Bank Barrington, as trustee for Trust No. 11-5062, Kurt Kresmery, individually as beneficiary of Trust No. 11-5062, and Kenneth Kresmery - Hearing Mandatory - No Order</u>	Yi A-E
PCB 98-87	<u>L. Keller Oil Properties, Inc. v. IEPA - Accept for Hearing Order</u>	Flemal UST-Appeal
PCB 98-88	<u>Illinois State Toll Highway Authority v. IEPA - Joint Request for 90-Day Extension of Appeal Period (12/19) - Order</u>	Manning UST-Appeal
PCB 98-89	<u>People of the State of Illinois v. Fischer Crane Company - Hearing Mandatory - No Order</u>	A & L-E
PCB 98-90	<u>People of the State of Illinois v. Marathon Oil Company - Hearing Mandatory - No Order</u>	W-E
PCB 98-91	<u>Village of Millstadt v. IEPA - Joint Request for 90-Day Extension of Appeal Period (12/26)</u>	Manning P-A, 90-Day Ext.
PCB 98-92	<u>People of the State of Illinois v. Target Stores, Inc. - Agreed Motion to Request Relief from Hearing Requirement (12/30)</u>	Manning A-E
PCB 98-93	<u>People of the State of Illinois v. Salt Creek Drainage Basin Sanitary District - Hearing Mandatory - No Order</u>	W-E
PCB 98-94	<u>People of the State of Illinois v. Material Service Corporation - Hearing Mandatory - No Order</u>	A-E
PCB 98-95	<u>People of the State of Illinois v. Meyer Steel Drum, Inc. - Hearing Mandatory - No Order</u>	A-E

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-96	<u>Franklin Community School District #1 v. IEPA - Accept for Hearing Order</u>	Manning UST-FRD
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CASES PENDING DECISION

PCB 96-233	<u>People of the State of Illinois v. ESG Watts, Inc.</u>	McFawn L&GW-E
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PCB 98-1	<u>City of Salem v. IEPA</u>	McFawn L-V
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OTHER ITEMS

ADJOURNMENT

CASE TYPE CODES:

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist RCRA	Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		

ILLINOIS POLLUTION CONTROL BOARD

NEW CASE LISTING



NEW CASES FILED SINCE DECEMBER 18, 1997 BOARD MEETING

PCB 98-86	People of the State of Illinois v. Harris Bank Barrington, as Trustee for Trust No. 11-5062, Kurt Kresmery, individually as beneficiary of Trust No. 11-5062, and Kenneth Kresmery
PCB 98-87	L. Keller Oil Properties, Inc. v. IEPA
PCB 98-88	Illinois State Toll Highway Authority v. IEPA
PCB 98-89	People of the State of Illinois v. Fischer Crane Company
PCB 98-90	People of the State of Illinois v. Marathon Oil Company
PCB 98-91	Village of Millstadt v. IEPA
PCB 98-92	People of the State of Illinois v. Target Stores, Inc.
PCB 98-93	People of the State of Illinois v. Salt Creek Drainage Basin Sanitary District
PCB 98-94	People of the State of Illinois v. Material Service Corporation
PCB 98-95	People of the State of Illinois v. Meyer Steel Drum, Inc.
PCB 98-96	Franklin Community Unit School District #1