

# ILLINOIS POLLUTION CONTROL BOARD

---

## MEETING MINUTES



JANUARY 21, 1999 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

### ANNOUNCEMENTS

---

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting, and introduced newly appointed Board Member Elena Kezelis.

### ROLL CALL

---

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

### APPROVAL OF MINUTES

---

Minutes of the January 7, 1999 meeting were approved by a vote of 5-0. Members Melas and Kezelis abstained.

### RULEMAKINGS

---

<b>R99-18</b>	<u>In the Matter of: Permits for Used Oil Management and Used Oil Transport 35 Ill. Adm. Code 809 and 807</u> - The Board adopted a first-notice opinion and order in this proposed rulemaking to amend the Board's solid waste and special waste hauling regulations.	7-0 R, Land
---------------	--	----------------

### ADJUSTED STANDARDS

---

<b>AS 99-5</b>	<u>In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105</u> - The Board granted petitioner's motion to extend the filing date of an amended petition for an adjusted standard involving a Lake County facility.	7-0 Water, NPDES
----------------	--	------------------------

---

## ADMINISTRATIVE CITATIONS (CONTINUED)

---

### ADMINISTRATIVE CITATIONS

---

**AC 99-21**     IEPA v. Charles Trammel d/b/a Trammel Trucking - The Board found that this Cook County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered respondent to pay a civil penalty of \$500. 7-0

---

**AC 99-22**     IEPA v. William Cagle - The Board found that this Macoupin County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1996)) and ordered respondent to pay a civil penalty of \$1,000. 7-0

---

**AC 99-23**     IEPA v. Ed Kuresten d/b/a Greenland Tree & Lawn - The Board granted complainant's motion to withdraw this administrative citation involving a Cook County facility. 7-0

---

**AC 99-29**     IEPA v. BFI Waste Systems of North America, Inc. - The Board accepted an administrative citation against this Rock Island County respondent.

---

**AC 99-30**     IEPA v. Streator Area Landfill, Inc. and Mark Hinds - The Board accepted an administrative citation against these Livingston County respondents.

---

### ADJUDICATORY CASES

---

#### Decisions

**PCB 97-115**     People of the State of Illinois v. Citizens Utilities Company of Illinois - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this air enforcement action involving facilities in Kane and Will Counties, ordered respondent to pay a civil penalty of \$65,000, and to cease and desist from further violations. 7-0  
W -E

---

**ADJUDICATORY CASES (CONTINUED)**  
**MOTIONS AND OTHER MATTERS (CONTINUED)**

---

**PCB 98-102** Panhandle Eastern Pipe Line Company v. IEPA - The Board affirmed the decision of the Illinois Environmental Protection Agency to deny petitioner's request for an air permit for its facility located in Glenarm, Sangamon County, Illinois. 7-0  
P-A, Air

---

**PCB 98-156** Richard and Wilma Salyer v. IEPA - The Board affirmed the decision of the Illinois Environmental Protection Agency to deny petitioners' request for reimbursement of cost for remedial activities for their facility located in Elmhurst, DuPage County, Illinois. 7-0  
UST-FRD

---

**PCB 99-73** People of the State of Illinois v. J.L. Clark, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this air enforcement action involving facilities in Winnebago and DuPage Counties, ordered respondent to pay a civil penalty of \$25,000, and to cease and desist from further violations. 7-0  
A-E

---

**Provisional Variances**

---

**PCB 99-104** Thorncreek Sanitary District v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 304.141(a) and the effluent disinfection requirements set forth in National Pollutant Discharge Elimination System Permit No. IL0027723. 7-0  
Water

---

**PCB 99-105** City of Hillsboro v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Montgomery County facility a 45-day extension of the provisional variance granted in PCB 99-49 on October 1, 1998, subject to conditions, from the five-day biochemical oxygen demand and total suspended solids limits set in 35 Ill. Adm. Code 304.141(a) and 35 Ill. Adm. Code 304.120 and imposed by National Pollutant Discharge Elimination System Permit No. IL0029203. 7-0  
Water

---

ADJUDICATORY CASES (CONTINUED)  
MOTIONS AND OTHER MATTERS (CONTINUED)

Motions and Other Matters

---

PCB 94-373	<u>People of the State of Illinois v. Wayne Berger and Berger Waste Management, Inc.</u> - No action taken.	L-E
------------	---	-----

---

PCB 96-261	<u>People of the State of Illinois v. G.M. Demolition Corporation</u> - The Board granted complainant's motion for reconsideration and affirmed in part and reversed in part its October 1, 1998 order. The remaining issues in this air enforcement action involving facilities in Cook and Kankakee Counties will be addressed at hearing.	7-0 A-E
------------	--	------------

---

PCB 98-17	<u>People of the State of Illinois v. Scrap Tire Recycling Center, Inc., f/k/a Russell Foundry, Thomas Ratovic and Leon Benish</u> - The Board denied complainant's motion for sanctions in this land enforcement action involving a Lake County facility.	7-0 L-E, Tires
-----------	--	-------------------

---

PCB 98-18	<u>James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate</u> - The Board denied complainant's motion for reconsideration in this citizen's noise enforcement action involving a Sangamon County facility.	7-0 N-E, Citizens
-----------	--	-------------------------

---

PCB 98-59	<u>Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero</u> - No action taken, motion disposed of by hearing officer.	RCRA-E, Citizens
-----------	--	---------------------

---

PCB 98-80	<u>People of the State of Illinois v. Craig Linton and Randy Rowe</u> - No action taken.	L-E, Tires
-----------	--	------------

---

PCB 98-143	<u>Accurate Perforating Company, Inc. 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
------------	---	----------------

---

**ADJUDICATORY CASES (CONTINUED)**  
**MOTIONS AND OTHER MATTERS (CONTINUED)**

---

<b>PCB 99-27</b>	<u>People of the State of Illinois v. James and Carol Gilmer</u> - The Board denied respondents' motion to dismiss count I, complainant's motion to file a response to the motion to dismiss and reply, and third-party respondents' motion to dismiss. The Board granted third-party complainant's motion to amend the third-party complaint.	7-0 RCRA,W-E
<b>PCB 99-40</b>	<u>QST Environmental, Inc. v. IEPA</u> - No action taken.	T-S
<b>PCB 99-41</b>	<u>White Cap, Inc. v. IEPA</u> - The Board granted petitioner's motion to modify the November 19, 1998 Board order.	7-0 A-V
<b>PCB 99-63</b>	<u>Estate of Sam Kugler v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Mercer County facility.	7-0 UST-Appeal
<b>PCB 99-67</b>	<u>City of Elgin v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.	7-0 UST-FRD
<b>PCB 99-70</b>	<u>Will County Sheriff's Department v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Will County facility.	7-0 UST-Appeal
<b>PCB 99-79</b>	<u>People of the State of Illinois v. Gary Claxton d/b/a Midwest Grinding and Recycling</u> - No action taken.	A-E

---

**ADJUDICATORY CASES (CONTINUED)**  
**MOTIONS AND OTHER MATTERS (CONTINUED)**

<b>PCB 99-82</b>	<u>Michael R. Pawlowski and Diane K. Pawlowski v. David Johnson and Troy Quinley, individually and d/b/a Benchwarmers Pub, Inc.</u> - The Board denied respondents' motion to dismiss and accepted for hearing this citizens' noise enforcement action involving a Livingston County facility.	7-0 N-E, Citizens
<b>PCB 99-98</b>	<u>Kendall-Grundy FS, Inc. v. IEPA</u> - The Board accepted for hearing this tax certification appeal involving a Grundy County facility.	7-0 T-C, Appeal
<b>PCB 99-100</b>	<u>People of the State of Illinois v. Hinz Lithographing Company</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 Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
<b>PCB 99-101</b>	<u>Thiele Transportation 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 a Lake County facility.	7-0 UST-Appeal 90-Day Ext.
<b>PCB 99-102</b>	<u>People of the State of Illinois v. The Scotts Company</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 Kendall County facility, the Board ordered publication of the required newspaper notice.	7-0 L-E

**CASES PENDING DECISION**

<b>R99-1</b>	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1998 through June 30, 1998)</u> - Adopted Rule, Final Order, Opinion and Order	Girard R, Land
<b>R99-6</b>	<u>In the Matter of: SDWA Update, USEPA Regulations (January 1, 1998 through June 30, 1998)</u> - Adopted Rule, Final Order, Opinion and Order	Flemal R, PWS

**ADJUDICATORY CASES (CONTINUED)**  
**MOTIONS AND OTHER MATTERS (CONTINUED)**

---

<b>R99-9</b>	<u>In the Matter of: Hearings Pursuant to Specific Rules, Proposed New Subpart K, Involuntary Termination of Environmental Management System Agreements, 35 Ill. Adm. Code 106, Subpart K - Adopted Rule, Final Order, Opinion and Order</u>	Hennessey Manning McFawn R, Proc.
--------------	--	--

---

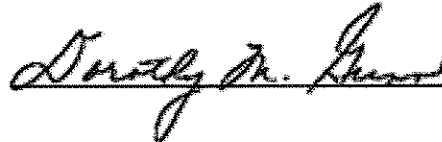
---

**ADJOURNMENT**

---

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:05 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 4th day of February 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

# ILLINOIS POLLUTION CONTROL BOARD

---

## MEETING AGENDA



JANUARY 21, 1999 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

---

January 7, 1999

### RULEMAKINGS

---

### ADJUSTED STANDARDS

---

AS 99-5	<u>In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 -</u> Petitioner's Motion to Extend Filing Date (1/14)	Melas Water, NPDES
---------	--	--------------------------

---

### ADMINISTRATIVE CITATIONS

---

AC 99-21	<u>IEPA v. Charles Trammel d/b/a Trammel Trucking - Default Order</u>	Manning
----------	---	---------

---



## ADMINISTRATIVE CITATIONS (CONTINUED)

---

AC 99-22     IEPA v. William Cagle - Default Order     Manning

---

AC 99-23     IEPA v. Ed Kuresten d/b/a Greenland Tree & Lawn - Agency  
Motion to Withdraw (1/14)     Manning

---

AC 99-29     IEPA v. BFI Waste Systems of North America, Inc. - Accept Case-  
No Order

---

AC 99-30     IEPA v. Streator Area Landfill, Inc. and Mark Hinds - Accept Case  
- No Order

---

## ADJUDICATORY CASES

---

### Decisions

PCB 97-115     People of the State of Illinois v. Citizens Utilities Company of  
Illinois - Stipulation     Flegal  
W-E

---

PCB 98-102     Panhandle Eastern Pipe Line Company v. IEPA (due 1/22)     Hennessey  
P-A, Air

---

PCB 98-156     Richard and Wilma Salyer v. IEPA (due 2/3)     Manning  
UST-FRD

---

PCB 99-73     People of the State of Illinois v. J.L. Clark, Inc. - Stipulation     Manning  
A-E

---

### 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.*

---

<b>PCB 94-373</b>	<u>People of the State of Illinois v. Wayne Berger Waste Management, Inc.</u> - Respondents' Motion for Sanctions (11/25), Complainant's Motion for Extension of Time to Answer (12/7), Complainant's Motion for leave to File Complainant's Response to Respondents' Motion for Sanctions (12/15)	McFawn L-E
<b>PCB 96-261</b>	<u>People of the State of Illinois v. G.M. Demolition Corporation</u> - Complainant's Motion for Reconsideration of October 1, 1998 Opinion and Order (11/4), Respondent's Response to Complainant's Motion for Reconsideration (12/8), Complainant's Reply to Respondent's Response to Complainant's Motion for Reconsideration of October 1, 1998 Opinion and Order (12/31)	Melas A-E
<b>PCB 98-17</b>	<u>People of the State of Illinois v. Scrap Tire Recycling Center, Inc. f/k/a Russell Foundry, Thomas Ratovic and Leon Benish</u> - Complainant's Motion for Discovery Sanctions (12/22)	Manning L-E, Tires
<b>PCB 98-18</b>	<u>James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate</u> - Respondent United States Postal Service's Motion for Reconsideration of October 15, 1998 Order and Memorandum in Support of Motion for Reconsideration (11/24)	Girard N-E, Citizens
<b>PCB 98-59</b>	<u>Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero</u> - Respondent's Petition to Require Turnover of Legal Files (1/7), Complainant's Response to Respondent's Petition to Require Turnover of Legal Files (1/14)	Girard RCRA-E, Citizens
<b>PCB 98-80</b>	<u>People of the State of Illinois v. Craig Linton and Randy Rowe</u> - Complainant's Motion for Reconsideration of December 3, 1998 Board Order (1/4)	McFawn L-E, Tires

---

## ADJUDICATORY CASES (CONTINUED)

---

### Motions and Other Matters (Continued)

<b>PCB 98-143</b>	<u>Accurate Perforating Company, Inc. v. IEPA</u> - Petitioner's Notice of Withdrawal of Petition for Review (1/15)	Kezelis UST-FRD
<b>PCB 99-27</b>	<u>People of the State of Illinois v. James and Carol Gilmer</u> - Respondents' Motion to Dismiss Count I of the Complaint (11/9), Kraft Foods' Motion for Leave to File Instante and Motion to Dismiss for Lack of Personal Jurisdiction (12/4), Respondents' Motion for Leave to File Amended Third-Party Complaint (12/7), Complainant's Motion for Leave to File Complainant's Response to the Respondents' Motion to Dismiss Count I of Complainant's Complaint Instante and Complainant's Response to the Respondents' Motion to Dismiss Count I of Complainant's Complaint (12/15), Respondents' Reply to Third-Party Respondent's Motion to Dismiss for Lack of Personal Jurisdiction (12/18), Motion for Leave to File Respondents'/Third-Party Complainants' Reply to Complainant's Response to Motion to Dismiss Count I of the Complaint (1/14)	Girard RCRA,W-E
<b>PCB 99-40</b>	<u>QST Environmental, Inc. v. IEPA</u> - Petitioners' Brief in Support of Petition in Response to September 17, 1998 Board Order (10/8), Agency Response to Petitioner's Petition and Brief in Support of Petition in Response to September 17, 1998 Board Order and Agency Motion for Extension of Time to File Administrative Record (1/4)	Girard T-S
<b>PCB 99-41</b>	<u>White Cap, Inc. v. IEPA</u> - Petitioner's Motion for Reconsideration of November 19, 1998 Board Order (12/22), Agency Response to Petitioner's Motion for Reconsideration of November 19, 1998 Board Order (1/5)	Manning A-V
<b>PCB 99-63</b>	<u>Estate of Sam Kugler v. IEPA</u> - Dismissal Order	Manning UST-Appeal 90-Day Ext.

**ADJUDICATORY CASES (CONTINUED)**

---

*Motions and Other Matters (Continued)*

<b>PCB 99-67</b>	<u>City of Elgin v. IEPA</u> - Dismissal Order	Manning UST-FRD 90-Day Ext.
<b>PCB 99-70</b>	<u>Will County Sheriff's Department v. IEPA</u> - Dismissal Order	Manning UST-Appeal 90-Day Ext.
<b>PCB 99-79</b>	<u>People of the State of Illinois v. Gary Claxton d/b/a Midwest Grinding and Recycling</u> - Respondents' Motion for Leave to File Answer and Affirmative Defenses Out of Time (1/14)	McFawn A-E
<b>PCB 99-82</b>	<u>Michael R. Pawlowski and Diane K. Pawlowski v. David Johnson and Troy Quinley, individually and d/b/a Benchwarmers Pub, Inc.</u> - Duplicitous/Frivolous Determination Order ( <b>See Respondents' Motion Requesting that the Board Deny Case for Hearing filed on 12/19 and Complainants' Motion for Leave to File Response Instanter and Response to Respondents Motion Requesting that the Board Deny Case for Hearing filed 1/6</b> )	Girard N-E, Citizens
<b>PCB 99-98</b>	<u>Kendall-Grundy FS, Inc. v. IEPA</u> - Board Order	Manning T-C, Appeal
<b>PCB 99-100</b>	<u>People of the State of Illinois v. Hinz Lithographing Company</u> - Agreed Motion for Relief from the Hearing Requirement (1/8)	Manning A-E
<b>PCB 99-101</b>	<u>Thiele Transportation v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (1/12) - Order	Manning UST-Appeal 90-Day Ext.
<b>PCB 99-102</b>	<u>People of the State of Illinois v. The Scotts Company</u> - Motion to Request Relief from Hearing Requirement (1/15)	Manning L-E

---

---

**CASES PENDING DECISION**

---

**R99-1**      In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - Adopted Rule, Final Order, Opinion and Order      Girard  
R, Land

---

**R99-6**      In the Matter of: SDWA Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - Adopted Rule, Final Order, Opinion and Order      Flemal  
R, PWS

---

**R99-9**      In the Matter of: Hearings Pursuant to Specific Rules, Proposed New Subpart K, Involuntary Termination of Environmental Management System Agreements, 35 Ill. Adm. Code 106, Subpart K - Adopted Rule, Final Order, Opinion and Order      Hennessey  
Manning  
McFawn  
R, Proc.  
Rule

---

**R99-18**      In the Matter of: Permits for Used Oil Management and Used Oil Transport 35 Ill. Adm. Code 809 and 807 - Proposed Rule, First Notice, Opinion and Order      Melas  
R, Land

---

---

**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 <sub>2</sub>	S0 <sub>2</sub> 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 JANUARY 7, 1999 BOARD MEETING

AC 99-29	IEPA v. BFI Waste Systems of North America, Inc.
AC 99-30	IEPA v. Streator Area Landfill, Inc. and Mark Hinds
PCB 99-98	Kendall-Grundy FS, Inc. v. IEPA
PCB 99-100	People of the State of Illinois v. Hinz Lithographing Company
PCB 99-101	Thiele Transportation v. IEPA
PCB 99-102	People of the State of Illinois v. The Scotts Company

**REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999**

January 7 \*  
January 21

July 8  
July 22

February 4 \*  
February 18

August 5 \*  
August 19

March 4  
March 18

September 9  
September 23

April 1  
April 15

October 7 \*\*  
October 21

May 6 \*  
May 20

November 4 \*  
November 18

June 3  
June 17

December 2  
December 16

\* These Board Meetings will be in the Board's Springfield Office  
600 S. Second Street, Suite 403, Hearing Room

\*\* This Board Meeting will be in Conference Room 2-025. All other  
Board Meetings in Chicago will be in Conference Room 9-040