

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



FEBRUARY 4, 1999 SPRINGFIELD, ILLINOIS
600 South Second Street - Suite 403
Hearing Room
10:30 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Administrative Assistant to the Chairman called the roll. All Board Members were present.

APPROVAL OF MINUTES

Minutes of the January 21, 1999 meeting were approved by a vote of 7-0.

RULEMAKINGS

R99-1	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1998 through June 30, 1998)</u> - The Board adopted a final opinion and order in this "identical-in-substance" rulemaking to amend the Board's hazardous waste disposal regulations.	7-0 R, Land
--------------	---	----------------

R99-6	<u>In the Matter of: SDWA Update, USEPA Regulations (January 1, 1998 through June 30, 1998)</u> - The Board adopted a final opinion and order in this "identical-in-substance" rulemaking to amend the Board's public water supply regulations.	7-0 R, PWS
--------------	---	---------------

ADJUSTED STANDARDS (CONTINUED)

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 - The Board adopted a final opinion and order to establish procedures for the involuntary termination of Environmental Management System Agreements. 7-0
R, Proc.
Rule

R99-19 In the Matter of: Regulated Recharge Area Designation, Durand, Winnebago County - No action taken. R, PWS

ADMINISTRATIVE CITATIONS

AC 99-24 County of Will v. Donna K. Kelly - The Board found that this Will 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 99-25 County of Lake v. North Shore Sanitary District, Lake County - The Board found that this Lake County respondent violated Section 21(o)(9) of the Environmental Protection Act (415 ILCS 5/21(o)(9) (1996)) and ordered respondent to pay a civil penalty of \$500. 7-0

AC 99-26 IEPA v. Woodford Plaza, Inc. - The Board found that this Macon 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 99-30 IEPA v. Streator Area Landfill, Inc. and Mark Hinds - The Board granted complainant's motion to dismiss respondent Mark Hinds from this action. 7-0

AC 99-31 County of Will v. Leonard Kubinski - The Board accepted an administrative citation against this Will County respondent.

ADJUDICATORY CASES

Decisions

PCB 93-3 People of the State of Illinois v. Archer Daniel Midland Company - 7-0
The Board granted relief from the hearing requirement of Section A -E
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 a Peoria County facility, ordered
respondent to pay a civil penalty of \$75,000, and to cease and desist
from further violations.

PCB 98-172 People of the State of Illinois v. City of Chester - The Board 7-0
granted relief from the hearing requirement of Section 31(c)(2) of W -E
the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)),
accepted a stipulation and settlement agreement in this water
enforcement action involving a Randolph County facility, ordered
respondent to pay a civil penalty of \$10,000, and to cease and desist
from further violations.

PCB 99-85 People of the State of Illinois v. Camboni's Incorporated d/b/a 7-0
Wall's Mobile Home Park - The Board granted relief from the W-E
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 water enforcement action
involving a DuPage County facility, ordered respondent to pay a
civil penalty of \$10,000, and to cease and desist from further
violations.

Provisional Variances

PCB 99-96 Galesburg Sanitary District v. IEPA - The Board granted 7-0
respondent's motion to amend the January 7, 1999 Board order. Water

CASES PENDING DECISION (CONTINUED)

PCB 99-110 Chem Processing, Inc. v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted an 18-day provisional variance to this Winnebago County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). 7-0
RCRA

Motions and Other Matters

PCB 97-50 Lionel P. Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company, and Board of Trustees of the University of Illinois - No action taken. A-E
Citizens

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

PCB 98-114 David Mulvain v. Village of Durand, Rockford Blacktop Construction Company, Inc. - No action taken. W-E,
Citizens

PCB 99-65 People of the State of Illinois v. Cheetah Cartage, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action against a Kane County facility, the Board ordered publication of the required newspaper notice. 7-0
L-E

PCB 99-68 Huntsman Chemical Corporation v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this LaSalle County facility. 7-0
P-A, Air

PCB 99-79 People of the State of Illinois v. Gary Claxton d/b/a Midwest Grinding and Recycling - No action taken. A-E

CASES PENDING DECISION (CONTINUED)

PCB 99-91 Cloverhill Bakery v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Cook County facility. 7-0
P-A, Air

PCB 99-103 Dynachem v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Vermilion County facility. 7-0
P-A
90-Day Ext.

PCB 99-106 Rapers Gas v. IEPA - 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-FRD
90-Day Ext.

PCB 99-107 Dewey's Service, Inc. v. IEPA - The Board dismissed this underground storage tank appeal involving a Winnebago County facility as timely filed. 7-0
UST-FRD

PCB 99-108 Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA - The Board accepted for hearing this permit appeal involving a Tazewell County facility. 7-0
P-A, Land

PCB 99-109 People of the State of Illinois v. Donald and Robert Hastie d/b/a Hastie Trucking and Mining Company - Board accepted for hearing this air enforcement action against a Hardin County facility. A-E

OTHER ITEMS

Chairman Manning's motion that a resolution be prepared for former Board Member Joe Yi was approved by a vote of 7-0.

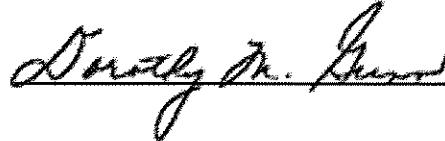
CASES PENDING DECISION

AC 98-41 IEPA v. Bradley G. White - Interim Opinion and Order Kezelis

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 10:50 a.m. to an Executive Session.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 18th day of February 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



FEBRUARY 4, 1999 SPRINGFIELD, ILLINOIS
600 South Second Street - Suite 403
Hearing Room
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 21, 1999

RULEMAKINGS

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

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

RULEMAKINGS (CONTINUED)

R99-9	<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. Rule
R99-19	<u>In the Matter of: Regulated Recharge Area Designation, Durand, Winnebago County - Petitioner's Motion for Reconsideration of January 7, 1999 Order (2/1)</u>	Girard R, PWS

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 99-24	<u>County of Will v. Donna K. Kelly - Default Order</u>	Manning
AC 99-25	<u>County of Lake v. North Shore Sanitary District, Lake County - Default Order</u>	Manning
AC 99-26	<u>IEPA v. Woodford Plaza, Inc. - Default Order</u>	Manning
AC 99-30	<u>IEPA v. Streator Area Landfill, Inc. and Mark Hinds - Agency Motion to Dismiss a Respondent (2/1)</u>	Manning
AC 99-31	<u>County of Will v. Leonard Kubinski - Accept Case - No Order</u>	

ADJUDICATORY CASES

Decisions

PCB 93-3	<u>People of the State of Illinois v. Archer Daniel Midland Company - Stipulation</u>	Manning A-E
----------	---	----------------

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-114	<u>David Mulvain v. Village of Durand, Rockford Blacktop Construction Company, Inc.</u> - Complainant's Motion for Summary Judgment (2/1)	Girard W-E, Citizens
PCB 99-65	<u>People of the State of Illinois v. Cheetah Cartage, Inc.</u> - Agreed Motion to Request Relief from the Hearing Requirement (1/26)	Girard L-E
PCB 99-68	<u>Huntsman Chemical Corporation v. IEPA</u> - Dismissal Order	Manning UST-Appeal
PCB 99-79	<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
PCB 99-91	<u>Cloverhill Bakery v. IEPA</u> - Petitioner's Motion to Dismiss Permit Appeal (1/29)	McFawn P-A, Air
PCB 99-103	<u>Dynachem v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (1/19) - Order	Manning P-A 90-Day Ext.
PCB 99-106	<u>Rapers Gas v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (1/25) - Order	Manning UST-FRD 90-Day Ext.
PCB 99-107	<u>Dewey's Service, Inc. v. IEPA</u> - Order	Manning UST-FRD
PCB 99-108	<u>Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA</u> - Order	Manning P-A, Land

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-109 People of the State of Illinois v. Donald and Robert Hastie d/b/a
Hastie Trucking and Mining Company - Hearing Mandatory - No
Order A-E

CASES PENDING DECISION

AC 98-41 IEPA v. Bradley G. White - Interim Opinion and Order Kezelis

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 JANUARY 21, 1999 BOARD MEETING

AC 99-31	County of Will v. Leonard Klubinski
PCB 99-103	Dynachem v. IEPA
PCB 99-106	Rapers Gas v. IEPA
PCB 99-107	Dewey's Service, Inc. v. IEPA
PCB 99-108	Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA
PCB 99-109	People of the State of Illinois v. Donald and Robert Hastie d/b/a Hastie Trucking and Mining Company
PCB 99-110	Chem Processing, Inc. v. IEPA

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