

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



JULY 8, 1999 CHICAGO OFFICE  
CONFERENCE ROOM 2-025  
10:30 A.M.

### ANNOUNCEMENTS

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Board Member Kezelis welcomed members of the public and staff to the meeting.

### ROLL CALL

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The Clerk of the Board called the roll. All Board Members answered present except for Chairman Manning and Board Member Flemal who were absent.

### APPROVAL OF MINUTES

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Minutes of the June 17, 1999 meeting were approved by a vote of 5-0.

### RULEMAKINGS

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| <b>R99-17</b>  | <u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - The Board adopted a final opinion and order in this identical-in-substance rulemaking to amend the Board's wastewater pretreatment regulations.</u>  | 5-0<br>R, Water |
| <b>R00-001</b> | <u>In the Matter of: Exemptions from the Definition of VOM Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.</u> | R, Air          |
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**R00-002**      In the Matter of SDWA Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.      R, PWS

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**R00-003**      In the Matter of: UIC Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.      R, Land

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**R00-004**      In the Matter of: RCRA Subtitle D Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.      R, Land

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**R00-005**      In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.      R, Land

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**R00-006**      In the Matter of: UST Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.      R, Land

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**R00-007**      In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1999, through June 30, 1999.      R, Water

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## ADJUSTED STANDARDS

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AS 88-2      In the Matter of: Petition of the Stepan Company for an Adjusted Standard from 35 Ill. Adm. Code 215.Subpart I - The Board granted petitioner's motion for voluntary dismissal of this request for an adjusted standard involving a Will County facility.      5-0  
Air

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AS 99-5      In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - The Board granted petitioner's motion for reconsideration of the Board's order of May 6, 1999.      5-0  
Water,  
NPDES

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## ADMINISTRATIVE CITATIONS

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AC 99-43      IEPA v. Waste Management of Illinois, Inc. - The Board found that this Peoria County respondent violated Section 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(12) (1998)), and ordered respondent to pay a civil penalty of \$500.      5-0

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AC 99-44      IEPA v. County of Knox and Thomas D. Wagher - The Board found that these Knox County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (1998)), and ordered respondents to pay a civil penalty of \$500.      5-0

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AC 99-45      IEPA v. William Clingenpeel - The Board found that this Iroquois 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) (1998)), and ordered respondent to pay a civil penalty of \$500.      5-0

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AC 99-46      County of LaSalle v. Knights of the Altar, International - The Board granted complainant's motion to withdraw this administrative citation.      5-0

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## ADJUDICATORY CASES

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### Decisions

**PCB 97-55** People of the State of Illinois v. Precision Chrome, 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 Resource Conservation Recovery Act enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$21,000, and to cease and desist from further violations. 5-0  
RCRA-E

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**PCB 99-161** Village of Dorchester, Illinois v. IEPA - (The Board granted this Macoupin County facility a one year variance, subject to conditions, from 35 Ill. Adm. Code 602.105(a) "Standards for Issuance" and 602.106(a) "Restricted Status" as they relate to the maximum contaminant level for total trihalomethanes in drinking water as set forth in 35 Ill. Adm. Code 611.310(c). 5-0  
PWS-V

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### Motions and Other Matters

**PCB 93-191** People of the State of Illinois v. Lloyd Weimann d/b/a Weimann Ice and Fuel and Lloyd Weimann d/b/a Weimann Ice and Fuel v. Texaco Refining and Marketing, Inc., and Eugene & Cheryl Halbrooks - The Board granted respondent Texaco Refining and Marketing, Inc.'s motion to appear *pro hac vice*. 5-0  
UST-E

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**PCB 95-64** People of the State of Illinois v. Donald Pointer, Mitchell Holder, and Whiteway Sanitation, 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 Jersey County facility, the Board ordered publication of the required newspaper notice. 5-0  
L-E

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**PCB 97-103** People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&S Petroleum Products, Peter Anest, an individual f/d/b/a S&S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Millstream Service, Inc. - No action taken. L&W-E

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<b>PCB 98-81</b>	<u>Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation Systems, Inc. and D.P. Cartage, Inc.</u> - The Board denied respondents' motion for reconsideration and modification of the Board's order of May 6, 1999.	4-0 McFawn abstained N-E, Citizens
<b>PCB 98-102</b>	<u>Panhandle Eastern Pipe Line Company v. IEPA</u> - The Board denied petitioner's motion to stay the Board's final order pending completion of judicial review of that order.	5-0 P-A, Air
<b>PCB 98-122</b>	<u>People of the State of Illinois v. Stanley Latek</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.	5-0 W-E
<b>PCB 99-64</b>	<u>Jean S. Dixon v. Joseph Behr &amp; Sons, Inc.</u> - The Board granted respondent's motion to dismiss.	5-0 N-E, Citizens
<b>PCB 99-74</b>	<u>General Mills Operations, Inc. v. IEPA</u> - The Board granted respondent's motion to its file administrative record of this trade secret determination instanter.	5-0 T-S
<b>PCB 99-146</b>	<u>Remote Services, Inc. (Dairy Mart Store #584) 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 Rock Island County facility.	5-0 UST-FRD
<b>PCB 99-148</b>	<u>Remote Services, Inc. (Dairy Mart Store #545) 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 Tazewell County facility.	5-0 UST-FRD

<b>PCB 99-152</b>	<u>People of the State of Illinois v. Eagle Picher Boge, L.L.C.</u> - No action taken.	A-E
<b>PCB 99-155</b>	<u>Schiller Park Marathon, Inc. 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.	5-0 UST- Appeal
<b>PCB 99-159</b>	<u>Mater Dei High School 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 Clinton County facility.	5-0 UST-FRD
<b>PCB 99-162</b>	<u>Kelly-Mac Partners v. Robertson-CECO Corporation</u> - The Board held for a later duplicitous/frivolous determination this citizen's underground storage tank enforcement action involving a Cook County facility.	UST-E, Citizens
<b>PCB 99-164</b>	<u>Ayers Oil Company v. IEPA</u> - No action taken.	UST-FRD 90-Day Ext.
<b>PCB 99-186</b> <b>PCB 96-141</b> <b>PCB 99-44</b>	<u>Butterick Company, Inc. v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility, and consolidated it with PCB 96-141 and PCB 99-44 which involve the same facility.	5-0 UST- Appeal
<b>PCB 99-187</b>	<u>Gina Pattermann, and Lisa and Deen Collins v. Boughton Trucking and Materials</u> - The Board held for a later duplicitous/frivolous determination this citizen's air and noise enforcement action involving a DuPage County facility.	A&N-E Citizens
<b>PCB 99-188</b>	<u>L. Keller Oil Properties v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Macon County facility.	5-0 UST- Appeal

<b>PCB 99-189</b>	<u>People of the State of Illinois v. Aabott Asbestos, Inc.</u> - The Board accepted for hearing this air enforcement action against a Randolph County facility.	A-E
<b>PCB 99-190</b>	<u>Humane Manufacturing, L.L.C. v. IEPA</u> - The Board accepted for hearing this permit appeal involving a DeKalb County facility.	5-0 P-A, Air
<b>PCB 99-191</b>	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> - The Board accepted for hearing this air enforcement action against a Sangamon County facility.	A-E
<b>PCB 99-192</b>	<u>People of the State of Illinois v. Gulco Corporation a/k/a Gutmann Leather Company, Inc.</u> - The Board accepted for hearing this air enforcement action against a Cook County facility.	A-E
<b>PCB 99-193</b>	<u>People of the State of Illinois v. The Purdy Company, and Indiana Harbor Belt Railroad</u> - The Board accepted for hearing this land enforcement action against a Cook County facility.	L-E
<b>PCB 99-194</b>	<u>People of the State of Illinois v. Alabama Metal Industries Corporation</u> - The Board accepted for hearing this air enforcement action against a Cook County facility.	A-E
<b>PCB 00-001</b>	<u>People of the State of Illinois v. Paul Bergmann d/b/a Paul Bergmann Dairy Farm</u> - The Board accepted for hearing this air enforcement action against a Clinton County facility.	W-E
<b>PCB 00-002</b>	<u>Benet Academy 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 DuPage County facility.	5-0 UST- Appeal

## CASES PENDING DECISION

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PCB 98-171 People of the State of Illinois v. Victor Cory Manning  
W-E

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PCB 99-38 Lawrence C. Sweda v. Outboard Marine Corporation and the City  
of Waukegan McFawn  
N-E,  
Citizens

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PCB 99-56 Illinois State Toll Highway Authority (Lake Forest Oasis - West) v.  
IEPA (due 7/22) Flemal  
UST-Appeal

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PCB 98-124

PCB 98-125

PCB 98-132

PCB 98-133

PCB 98-134

PCB 98-135

PCB 98-136

PCB 98-137

PCB 98-138

PCB 98-139

PCB 98-157

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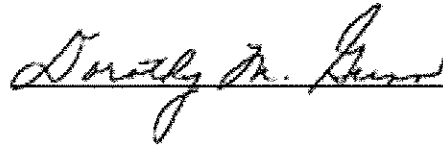
## ADJOURNMENT

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Moved and seconded, by a vote of 5-0, Board Member Kezelis adjourned the meeting at 11:00 a.m.



I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 5th day of August 1999 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board