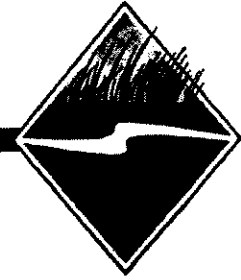


ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



AUGUST 5, 1999 CHICAGO, ILLINOIS
CONFERENCE ROOM N-505
STATE OF ILLINOIS BUILDING
160 N. LaSalle Street
10:30 A.M.

ANNOUNCEMENTS

Chairman Manning welcomed members of the public and staff to the meeting, and introduced new staff member Cameron Kline.

ROLL CALL

The Clerk of the Board called the roll and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the July 8, 1999 meeting were approved by a vote of 5-0, Chairman Manning and Board Member Flemal abstained. Minutes of the July 22, 1999 meeting were approved by a vote of 5-0, Board Members Girard and Hennessey abstained.

ADJUSTED STANDARDS

AS 00-1	<u>In the Matter of: Petition of Horsehead Resource Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131 (c) - The Board dismissed petitioner's request for an adjusted standard involving a Cook County facility for failure to cause the required publication under Section 28.1(d)(1) of the Illinois Environmental Protection Act of newspaper notice of the petition's timely filing.</u>	7-0 RCRA
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ADMINISTRATIVE CITATIONS

AC 00-2 IEPA v. Hendricks Home Furnishings, Inc. - The Board accepted an administrative citation against this Macoupin County respondent.

AC 00-3 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-4 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-5 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

ADJUDICATORY CASES

Decisions

PCB 99-38 Lawrence C. Sweda v. Outboard Marine Corporation and the City of Waukegan - The Board found no violation of the Illinois Environmental Protection Act or the Board's noise regulations in this citizen's noise enforcement case involving a Lake County facility. 7-0
N-E,
Citizens

PCB 99-136 Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc., and Land and Lakes Company v. Will County Board and Waste Management of Illinois, Inc. - The Board affirmed the decision of the Will County Board granting pollution control facility siting approval to Waste Management of Illinois, Inc., for the proposed Prairie View Landfill facility, to be located on the former Joliet Army Arsenal site. 6-0
Board
Members
McFawn
and
Hennessey
concurred,
Board
Member
Girard
Abstained
P-C-F-S-R

Provisional Variances

PCB 00-18	<u>Commonwealth Edison Company (Dresden Power Station) v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.211 and 304.141(b) of the Board's water regulations and in the Board's order, <u>In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station (July 8, 1981), PCB 79-134.</u>	7-0 W-V
PCB 00-19	<u>Commonwealth Edison Company (LaSalle Generation Station) v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted this LaSalle County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.211 and 304.141(b) of the Board's water regulations, and National Pollutant Discharge Elimination System Permit No. IL00048151.	7-0 W-V
PCB 00-20	<u>Kincaid Generation, L.L.C. v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted this Christian County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 303.502 and 304.141(b) of the Board's water regulations, and National Pollutant Discharge Elimination System Permit No. IL0002241.	7-0 W-V
PCB 00-21	<u>Central Illinois Public Service Company d/b/a Ameren CIPS, Newton Generating Station v. IEPA</u> - Upon receipt of an Agency recommendation, the Board granted this Jasper County facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 304.141(a) of the Board's water regulations, and in the Board's order, <u>Central Illinois Public Service Company (Newton Lake Thermal Power Station) v. Illinois Environmental Protection Agency (June 5, 1997), PCB 97-159.</u>	7-0 W-V

PCB 00-22 Norton Performance Plastics Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a nine day provisional variance to this Cook 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-V

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 - No action taken. UST-E

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

PCB 97-157 R. Lavin & Sons, Inc. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Lake County facility. 7-0 P-A, RCRA

PCB 98-2 ESG Watts, Inc. v. Sangamon County Board - No action taken. P-C-F-S-R

PCB 98-18 James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate - No action taken. N-E, Citizens

PCB 98-111 County of Boone and the City of Belvidere v. IEPA - The Board granted petitioners' motion for voluntary dismissal of this permit appeal involving a Boone County facility. 7-0 P-A, Land

PCB 99-30	<u>Lucille Wathen v. Robert Stryker and Wendy Stryker</u> - The Board denied respondent's motion to dismiss and ordered that this citizen's noise enforcement action involving a Cook County facility to proceed to hearing.	7-0 Board Member Hennessey concurred N-E, Citizens
PCB 99-71	<u>Carl Brunson and Nina Brunson v. MCI WorldCom, Inc. and IXC Carrier, Inc.</u> - The Board granted complainants' motion for voluntary dismissal of this citizens' noise enforcement action involving a Jasper County facility.	7-0 N-E, Citizens
PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> - No action taken.	UST-FRD
PCB 99-173	<u>Z-Frank Oldsmobile, 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.	7-0 UST-Appeal
PCB 99-175	<u>Prairie Central Co-Op 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 Livingston County facility.	7-0 UST-Appeal
PCB 99-176	<u>C&J Auto Parts, 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.	7-0 UST-Appeal
PCB 99-187	<u>Gina Pattermann, and Lisa Collins and Deen Collins v. Boughton Trucking and Materials</u> - No action taken.	A&N-E Citizens
PCB 99-190	<u>Humane Manufacturing, L.L.C. v. IEPA</u> - The Board denied petitioner's motion for stay.	7-0 P-A, Air

PCB 00-7	<u>Glen Ellyn Storage Corporation 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.	7-0 UST-FRD 90-Day Ext.
PCB 00-9	<u>People of the State of Illinois v. Brake's Enterprises, Inc.</u> - The Board accepted for hearing this underground storage tank enforcement action against a Champaign County facility.	UST-E
PCB 00-10	<u>Lampkin Leather 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 Cook County facility.	7-0 UST-FRD 90-Day Ext.
PCB 00-11	<u>Bulkoa, Inc. 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 Cook County facility.	7-0 UST-FRD 90-Day Ext.
PCB 00-12	<u>Tenneco Packaging Service and Consumer Products, Inc. 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 Cook County facility.	7-0 UST- Appeal 90-Day Ext.
PCB 00-13	<u>People of the State of Illinois v. Rieck's Enterprises, Inc., Daniel Rieck, individually, and as President of Rieck Enterprises, Inc.</u> - The Board accepted for hearing this land enforcement action against a Cook County facility.	L-E
PCB 00-14	<u>Sequa Corporation, Precoat Metals Division v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, Air

PCB 00-15 Village of Princeville, Illinois v. IEPA - The Board held for the Illinois Environmental Protection Agency recommendation this petition for a public water supply variance involving a Peoria County facility. PWS-V

PCB 00-16 Horace Dodge, Inc. 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 Kane County facility. 7-0
UST-FRD
90-Day Ext.

PCB 00-17 Lonza, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Peoria County facility. 7-0
P-A
90-Day Ext.

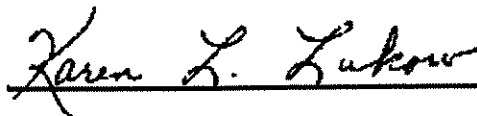
CASES PENDING DECISION

R99-8 In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141 - Adopted Rule, Final Order, Opinion and Order Girard
Manning
Melas
R, Water

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:00 a.m.

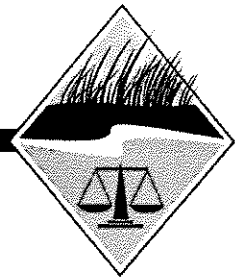
I, Karen L. Lukow, Administrative Assistant to the Chairman of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 19th day of August 1999 by a vote of 7-0.



Karen L. Lukow, Administrative Assistant to the Chairman
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



AUGUST 5, 1999 CHICAGO, ILLINOIS
CONFERENCE ROOM N-505
STATE OF ILLINOIS BUILDING
160 N. LaSalle Street
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

July 8, 1999

July 22, 1999

RULEMAKINGS

ADJUSTED STANDARDS

AS 00-1	<u>In the Matter of: Petition of Horsehead Resource Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131 (c) - (See Petitioner's Motion for Admission Pro Hac Vice and Application for Non-Disclosure of Confidential Data filed on 7/20)</u>	Melas Land, RCRA
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ADMINISTRATIVE CITATIONS

AC 00-2	<u>IEPA v. Hendricks Home Furnishings, Inc.</u> - Accept Case - No Order	Manning
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AC 00-3	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept Case - No Order	Manning
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AC 00-4	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept Case - No Order	Manning
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AC 00-5	<u>County of Sangamon v. ESG Watts, Inc.</u> - Accept Case - No Order	Manning
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ADJUDICATORY CASES

Decisions

PCB 99-38	<u>Lawrence C. Sweda v. Outboard Marine Corporation and the City of Waukegan</u>	McFawn N-E, Citizens
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PCB 99-136	<u>Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc., and Land and Lakes Company v. Will County Board and Waste Management of Illinois, Inc. (due 8/5)</u>	Flemal
PCB 99-139		P-C-F-S-R

ADJUDICATORY CASES (CONTINUED)

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.

Motions and Other Matters

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

PCB 93-191	<u>People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice and Fuel; and Texaco Refining and Marketing, Inc. and Eugene and Cheryl Halbrooks - Counter-Respondent Cheryl Halbrooks' Motion to Dismiss (7/12)</u>	Manning UST-E Citizens
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PCB 97-103	<u>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. - Third Party Respondents William Anest and Peter Anest's Motion to Dismiss and Memorandum in Support of Motion to Dismiss (4/8), Respondents Charles and Josephine Abraham and Millstream Service, Inc.'s Response to Third Party Respondents William and Peter Anest's Motion to Dismiss the First Amended Cross-Complaint (5/10), Respondents William and Peter Anest's Motion for Leave to File Reply to Response to Motion to Dismiss Instantly (5/24)</u>	Hennessey UST-E, Citizens
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PCB 97-157	<u>R. Lavin & Sons, Inc. v. IEPA - Petitioner's Motion to Withdraw Petition for Permit Appeal (7/29)</u>	Kezelis P-A, RCRA
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PCB 98-2	<u>ESG Watts, Inc. v. Sangamon County Board - Petitioner's Motion for Reconsideration of June 17, 1999 Board Order (7/19), Respondent's Response to Petitioner's Motion for Reconsideration (8/2)</u>	Hennessey P-C-F-S-R
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ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-18	<u>James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate</u> - Respondent Bradley Real Estate's Motion for Summary Judgment (7/28)	Girard N-E, Citizens
PCB 98-111	<u>County of Boone and the City of Belvidere v. IEPA</u> - Petitioner's Motion to Dismiss Appeal (8/2)	Hennessey P-A, Land
PCB 99-30	<u>Lucille Wathen v. Robert and Wendy Stryker</u> - Respondents' Motion to Dismiss (7/12)	Melas N-E, Citizens
PCB 99-71	<u>Carl Brunson and Nina Brunson v. MCI WorldCom, Inc. and IXC Carrier, Inc.</u> - Complainants' Motion to Voluntarily Dismiss (7/23)	McFawn N-E, Citizens
PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> - Petitioner's Request to Supplement Record (7/19)	Hennessey UST-FRD
PCB 99-173	<u>Z-Frank Oldsmobile, Inc. v. IEPA</u> - Dismissal Order	Manning UST- Appeal
PCB 99-175	<u>Prairie Central Co-Op v. IEPA</u> - Dismissal Order	Manning UST- Appeal
PCB 99-176	<u>C&J Auto Parts, Inc. v. IEPA</u> - Dismissal Order	Manning UST- Appeal

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-187	<u>Gina Pattermann, Lisa Collins, and Deen Collins v. Boughton Trucking and Materials</u> - Awaiting Duplicitous/Frivolous Determination	Melas A&N-E Citizens
PCB 99-190	<u>Humane Manufacturing, L.L.C. v. IEPA</u> - Petitioner's Motion for Stay (7/6)	Hennessey P-A, Air
PCB 00-7	<u>Glen Ellyn Storage Corporation v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (7/20), Joint Request for 90-Day Extension of Appeal Period (7/28) - Order	Manning UST-FRD 90-Day Ext.
PCB 00-9	<u>People of the State of Illinois v. Brake's Enterprises, Inc.</u> - Hearing Mandatory - No Order	Kezelis UST-E
PCB 00-10	<u>Lampkin Leather v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/21) - Order	Manning UST- Appeal 90-Day Ext.
PCB 00-11	<u>Bulkoa, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/21) - Order	Manning UST-FRD 90-Day Ext.
PCB 00-12	<u>Tenneco Packaging Service and Consumer Products, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/21) - Order	Manning UST- Appeal 90-Day Ext.

CASES PENDING DECISION

R99-8	<u>In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141 - Adopted Rule, Final Order, Opinion</u>	Girard Manning Melas R, Water
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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 JULY 22, 1999 BOARD MEETING

AS 00-1	In the Matter of: Petition of Horsehead Resource Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c)
AC 00-2	IEPA v. Hendricks Home Furnishings, Inc.
AC 00-3	County of Sangamon v. ESG Watts, Inc.
AC 00-4	County of Sangamon v. ESG Watts, Inc.
AC 00-5	County of Sangamon v. ESG Watts, Inc.
PCB 00-7	Glen Ellyn Storage Corporation v. IEPA
PCB 00-9	People of the State of Illinois v. Brake's Enterprises, Inc.
PCB 00-10	Lampkin Leather v. IEPA
PCB 00-11	Bulkoa, Inc. v. IEPA
PCB 00-12	Tenneco Packaging Service and Consumer Products, Inc. v. IEPA
PCB 00-13	People of the State of Illinois v. Rieck's Enterprises, Inc., Daniel Rieck, individually and as President of Rieck's Enterprises, Inc.
PCB 00-14	Sequa Corporation, Precoat Metals Division v. IEPA
PCB 00-15	Village of Princeville, Illinois v. IEPA
PCB 00-16	Horace Dodge, Inc. v. IEPA
PCB 00-17	Lonza, Inc. v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999

July 8	October 7 **
July 22	October 21
August 5 ***	November 4 *
August 19 *	November 18
September 9	December 2
September 23	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
- *** This Board Meeting will be in Room N-505 at the State of Illinois
Building, 160 N. LaSalle Street

ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph ♦ Suite 11-500 ♦ Chicago, IL 60601 ♦ 312-814-3620 ♦ Fax 312-814-3669

GOVERNOR

Honorable George Ryan

CHAIRMAN

Claire A. Manning
Springfield

MEMBERS

Ronald C. Flemal
DeKalb

G. Tanner Girard
Godfrey

Athleen M. Hennessey
Western Springs

Elena Z. Kezelis
Springfield

Marili McFawn
Inverness

Nicholas J. Melas
Chicago

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WEB SITE

<http://www.state.il.us/pcb/>



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NOTICE OF CHANGE IN LOCATION OF AUGUST 5, 1999 MEETING OF THE ILLINOIS POLLUTION CONTROL BOARD

PUBLIC NOTICE IS HEREBY GIVEN that the Illinois Pollution Control Board meeting originally scheduled to be held at 10:30 a.m. on Thursday, August 5, 1999, in Springfield, will instead be held at 10:30 a.m., in Room N-505 at the State of Illinois Building, 160 N. LaSalle Street, Chicago, Illinois.

CLAIRE A. MANNING
Chairman

Posted and circulated August 3, 1999