

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



OCTOBER 21, 1999 CHICAGO OFFICE
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

Chairman Manning welcomed members of the public and staff to the meeting.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the October 7, 1999 meeting were approved by a vote of 6-0.

ADJUSTED STANDARDS

AS 94-20	<u>In the Matter of: Petition of the Galesburg Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 304.105</u> - The Board granted petitioner's motion for voluntary dismissal of this request for an adjusted standard involving a Knox County facility.	6-0 Water
AS 00-4	<u>In the Matter of: Petition of Takasago International Corporation (U.S.A.) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105</u> - The Board order petitioner to publish a new notice of request for an adjusted standard and certificate of publication to cure typographical errors in the original filings.	6-0 Water

AS 00-5 In the Matter of Petition of The Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103 - The Board granted petitioner's motion to refile and to incorporate the record filed in AS 00-3, acknowledged receipt of this petition for an adjusted standard from certain volatile organic material limitations on behalf of a Union County facility, and held it pending receipt of a new certificate of publication evidencing correction of errors in the initial publication. 6-0
Air

AS 00-6 In the Matter of: Ford Motor Company (Chicago Assembly Plant) for an Adjusted Standard from 35 Ill. Adm. Code 218.986 - The Board acknowledged receipt of this petition for an adjusted standard from certain volatile organic material requirements on behalf of a Cook County facility and held it pending receipt of certificate of publication. Air

ADMINISTRATIVE CITATIONS

AC 00-15 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against a Sangamon County respondent. 6-0

AC 00-17 IEPA v. Bruce Isaacs - The Board found that this DeWitt County respondent violated Sections 21(p)(1) and 21(p)(4) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(4) (1998)), and ordered respondent to pay a civil penalty of \$1,000. 6-0

AC 00-18 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. 6-0

AC 00-19 Will County v. Kevin B. Dixon - The Board found that this Will 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 \$1,000. 6-0

AC 00-21 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. 6-0

AC 00-23 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. 6-0

AC 00-24 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. 6-0

AC 00-25 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. 6-0

AC 00-26 County of Sangamon v. ESG Watts, Inc. - The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent. 6-0

AC 00-28 County of Sangamon v. William Maulding and Carolyn Maulding - The Board accepted an administrative citation against these Sangamon County respondents.

AC 00-29 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-30 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-31 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

ADJUDICATORY CASES

Decisions

PCB 97-70 People of the State of Illinois v. Demolition and Development, Ltd. and Eugene Lopresti, individually and as President of Demolition and Development, Ltd. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a stipulation and settlement agreement in this air enforcement concerning asbestos demolition and renovation activity performed at various sites in Cook County, ordered respondents to pay a civil penalty of \$20,000, and to cease and desist from further violations.

6-0
A-E

PCB 98-154 People of the State of Illinois v. P&H Manufacturing Company - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a stipulation and settlement agreement in this Resource Conservation Recovery Act enforcement action involving a Shelby County facility, ordered respondent to pay a civil penalty of \$20,000, and to make a donation of \$20,000 to the Midwest Environmental Enforcement Association to be used for environmental enforcement training and coordination in Illinois, and to cease and desist from further violations.

6-0
RCRA-E

PCB 99-112 People of the State of Illinois v. Bi-Petro and Timberlake Transportation and Transfer, 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) (1998)), accepted a stipulation and settlement agreement in this water enforcement involving a Christian County facility, ordered respondents to pay a civil penalty of \$25,000, and to cease and desist from further violations.

6-0
W-E

PCB 99-160 People of the State of Illinois v. Renu Casual Furniture Renovators, 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) (1998)), accepted a stipulation and settlement agreement in this Resource Conservation Recovery Act enforcement involving a Cook County facility, ordered respondent to pay a civil penalty of \$4,000, and to cease and desist from further violations. 6-0
RCRA-E

PCB 00-46 People of the State of Illinois v. PPG Industries, 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) (1998)), accepted a stipulation and settlement agreement in this air enforcement action, concerning one facility located in Lake County and one facility located in Macon County, ordered respondent to pay a civil penalty of \$15,000, and to cease and desist from further violations. 6-0
A-E

Motions and Other Matters

PCB 93-191 People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice & Fuel; Lloyd Wiemann d/b/a Wiemann Ice and Fuel, Cross-complainant v. Texaco Refining and Marketing, Inc. and Eugene and Cheryl Halbrooks, Cross-respondents - No action taken. UST-E

PCB 93-203 The Galesburg Sanitary District v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this National Pollutant Discharge Elimination System permit appeal involving a Knox County facility. 6-0
P-A,
NPDES

PCB 95-170 People of the State of Illinois v. Environmental Control and Abatement, Inc. - No action taken. A-E

PCB 99-45	<u>People of the State of Illinois v. Patrick M. Sullivan and Nick Scarlatis</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.	6-0 W-E
PCB 99-82	<u>Michael R. Pawlowski and Diane K. Pawlowski v. David Johansen and Troy Quinley individually and d/b/a Benchwarmers Pub, Inc.</u> - The Board denied respondents' motion to dismiss this citizens' noise enforcement action.	6-0 N-E Citizens
PCB 99-125	<u>Terrence G. Graf, Marcella Graf, Joe Graf, Louise Grothpietz, Margarie Olszeoski, Leonard Olszeoski, Mike Czebokowski, Lois Czebokowski, and Lucy Catlow v. Emerald Landscaping and CPK Landscaping</u> - The Board granted complainants' motion requesting dismissal of certain complainants from this citizens' noise enforcement action.	6-0 N-E, Citizens
PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> - No action taken.	UST-FRD
PCB 99-178	<u>Stahly Cartage Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	6-0 UST-FRD
PCB 99-180	<u>Mullermist Irrigation Company v. Office of the State Fire Marshal</u> - The Board granted respondent's motion for dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST-FRD
PCB 00-17	<u>Lonza, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was timely filed on behalf of this Peoria County facility.	6-0 P-A

PCB 00-27	<u>Chester Sewage Treatment Plant</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was timely filed on behalf of this Randolph County facility.	6-0 P-A
PCB 00-28	<u>Beelman Truck Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	5-1 Girard dissented UST- Appeal
PCB 00-65	<u>Community Landfill Company and City of Morris v. IEPA</u> - The Board granted respondent's motion to consolidate this appeal with PCB 00-66, granted the motion for relief from copy requirements, and accepted for hearing this Resource Conservation Recovery Act permit appeal involving a Grundy County facility.	6-0 P-A, RCRA
PCB 00-66	<u>Community Landfill Company and City of Morris v. IEPA</u> - The Board granted respondent's motion to consolidate this appeal with PCB 00-65, granted the motion for relief from copy requirements, and accepted for hearing this Resource Conservation Recovery Act permit appeal involving a Grundy County facility.	6-0 P-A, RCRA
PCB 00-67	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> - The Board accepted for hearing this Resource Conservation Recovery Act enforcement action against a Cook County facility.	6-0 RCRA-E
PCB 00-68	<u>Village of White City v. IEPA</u> - The Board entered an order directing petitioner to file an amended petition within 30 days in this request for a public water supply variance on behalf of a Macoupin County facility.	6-0 PWS-V

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



OCTOBER 21, 1999
CHICAGO OFFICE
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

October 7, 1999

RULEMAKINGS

ADJUSTED STANDARDS

AS 94-20	<u>In the Matter of: Petition of the Galesburg Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 304.105 - Petitioner's Voluntary Dismissal (10/14)</u>	Flemlal Water
----------	---	------------------

ADJUSTED STANDARDS (CONTINUED)

AS 00-4	<u>In the Matter of: Petition of Takasago International Corporation (U.S.A.) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - Petitioner's Certificate of Publication (9/23)</u>	McFawn Water
AS 00-5	<u>In the Matter of: Petition of The Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103) - (See Petitioner's Motion to Refile Adjusted Standard Petition and to Incorporate the Record in AS 00-3 filed 9/23) - Awaiting Certificate of Publication</u>	Melas Air
AS 00-6	<u>In the Matter of: Ford Motor Company (Chicago Assembly Plant) for an Adjusted Standard from 35 Ill. Adm. Code 218.986 - Awaiting Certificate of Publication</u>	McFawn Air

ADMINISTRATIVE CITATIONS

AC 00-15	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
AC 00-17	<u>IEPA v. Bruce Isaacs - Default Order</u>	Manning
AC 00-18	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
AC 00-19	<u>Will County v. Kevin B. Dixon - Default Order</u>	Manning
AC 00-21	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
AC 00-23	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning

ADMINISTRATIVE CITATIONS (CONTINUED)

AC 00-24	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
AC 00-25	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
AC 00-26	<u>County of Sangamon v. ESG Watts, Inc. - Accept for Hearing Order</u>	Manning
AC 00-28	<u>County of Sangamon v. William Maulding and Carolyn Maulding - Accept Case - No Order</u>	Manning
AC 00-29	<u>County of Sangamon v. ESG Watts, Inc. - Accept Case - No Order</u>	Manning
AC 00-30	<u>County of Sangamon v. ESG Watts, Inc. - Accept Case - No Order</u>	Manning
AC 00-31	<u>County of Sangamon v. ESG Watts, Inc. - Accept Case - No Order</u>	Manning

ADJUDICATORY CASES

Decisions

PCB 97-70	<u>People of the State of Illinois v. Demolition and Development, Ltd. and Eugene Lopresti, individually and as President of Demolition and Development, Ltd. - Stipulation</u>	Melas A-E
PCB 98-154	<u>People of the State of Illinois v. P&H Manufacturing Company - Stipulation</u>	McFawn RCRA-E
PCB 99-112	<u>People of the State of Illinois v. Bi-Petro and Timberlake Transportation and Transfer, Inc. - Stipulation</u>	Melas W-E

ADJUDICATORY CASES (CONTINUED)

Decisions (Continued)

PCB 99-160	<u>People of the State of Illinois v. Renu Casual Furniture Renovators, Inc. - Stipulation</u>	Flemal RCRA-E
------------	--	------------------

PCB 00-46	<u>People of the State of Illinois v. PPG Industries, Inc. - Stipulation</u>	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.

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 & Fuel; Lloyd Wiemann d/b/a Wiemann Ice and Fuel, Cross-complainant v. Texaco Refining and Marketing, Inc. and Eugene and Cheryl Halbrooks, Cross-respondents - Cross-Respondents' Motion to Dismiss Amended Complaint filed by the Office of the Attorney General (10/12)</u>	Manning UST-E
------------	--	------------------

PCB 93-203	<u>The Galesburg Sanitary District v. IEPA - Petitioner's Voluntary Dismissal (10/14)</u>	Flemal P-A, NPDES
------------	---	-------------------------

PCB 95-170	<u>People of the State of Illinois v. Environmental Control and Abatement, Inc. - Complainant's Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment (9/28), Respondent's Motion for Summary Judgment (9/28), Respondent's Response to Complainant's Motion for Summary Judgment (10/13)</u>	McFawn A-E
------------	--	---------------

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-45	<u>People of the State of Illinois v. Patrick M. Sullivan and Nick Scarlatis</u> - Agreed Motion to Request Relief from the Hearing Requirement (10/7)	Melas W-E
PCB 99-82	<u>Michael R. Pawlowski and Diane K. Pawlowski v. David Johansen and Troy Quinley individually and d/b/a Benchwarmers Pub, Inc.</u> - Respondents' Motion to Dismiss (9/30), Complainants' Response to Respondents' Motion to Dismiss (10/4), Respondent's Reply to Complainants' Response to Respondents' Motion to Dismiss (10/12)	Girard N-E Citizens
PCB 99-125	<u>Terrence G. Graf, Marcella Graf, Joe Graf, Louise Grothpietz, Margarie Olszeoski, Leonard Olszeoski, Mike Czebokowski, Lois Czebokowski, and Lucy Catlow v. Emerald Landscaping and CPK Landscaping</u> - Board Order	Kezelis N-E, Citizens
PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> - Petitioner's Motion for Summary Judgment (10/15)	Girard UST-FRD
PCB 99-178	<u>Stahly Cartage Company v. IEPA</u> - Petitioner's Motion to Withdraw Appeal (10/18)	Girard UST-FRD
PCB 99-180	<u>Mullermist Irrigation Company v. Office of the State Fire Marshal</u> - Respondent's Motion to Dismiss (9/9)	McFawn UST-FRD
PCB 00-17	<u>Lonza, Inc. v. IEPA</u> - Dismissal Order	Manning P-A
PCB 00-27	<u>Chester Sewage Treatment Plant</u> - Dismissal Order	Manning P-A

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 00-28	<u>Beelman Truck Company v. IEPA</u> - Accept for Hearing Order	Flemal UST- Appeal
PCB 00-65	<u>Community Landfill Company and City of Morris v. IEPA - (See Agency Motion to Consolidate Appeals and Motion for Leave from Copy Requirements filed 10/18)</u> - Accept for Hearing Order	Girard P-A, RCRA
PCB 00-66	<u>Community Landfill Company and City of Morris v. IEPA - (See Agency Motion to Consolidate Appeals and Motion for Leave from Copy Requirements filed 10/18)</u> - Accept for Hearing Order	Girard P-A, RCRA
PCB 00-67	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> - Accept for Hearing Order	Manning RCRA-E
PCB 00-68	<u>Village of White City v. IEPA</u> - Additional Information Order	Kezelis PWS-V
PCB 00-69	<u>CAM, L.L.C. v. Office of the Illinois State Fire Marshal</u> - Accept for Hearing Order	Manning UST-FRD
PCB 00-70	<u>E.G. Vogt Oil Company, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (10/14) - Order	Manning UST-FRD
PCB 00-71	<u>Robert Cheek v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (10/18) - Order	Manning UST-FRD

CASES PENDING DECISION

OTHER ITEMS

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 2000

January 6	July 13
January 20	July 27
February 3	August 10
February 17	August 24
March 2	September 7
March 16	September 21
April 6	October 5
April 20	October 19
May 4	November 2
May 18	November 16
June 8	December 7
June 22	December 21

All meetings will be held in Conference Room 9-040 unless otherwise noted.

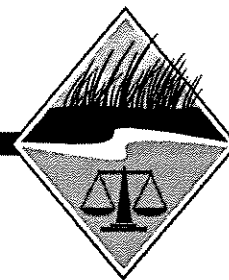
ADJOURNMENT

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 OCTOBER 7, 1999 BOARD MEETING

AS 00-6	In the Matter of: Petition of Ford Motor Company (Chicago Assembly Plant) for an Adjusted Standard from 35 Ill. Adm. Code 218.986
AC 00-28	County of Sangamon v. William Maulding and Carolyn Maulding
AC 00-29	County of Sangamon v. ESG Watts, Inc.
AC 00-30	County of Sangamon v. ESG Watts, Inc.
AC 00-31	County of Sangamon v. ESG Watts, Inc.
PCB 00-65	Community Landfill Company and City of Morris v. IEPA
PCB 00-66	Community Landfill Company and City of Morris v. IEPA
PCB 00-67	People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation
PCB 00-68	Village of White City v. IEPA
PCB 00-69	CAM, L.L.C. v. Office of the Illinois State Fire Marshal
PCB 00-70	E.G. Vogt Oil Company, Inc. v. IEPA
PCB 00-71	Robert Cheek v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999

September 9
September 23

November 4 *
November 18

October 7 **
October 21

December 2
December 16

* This Board Meeting 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