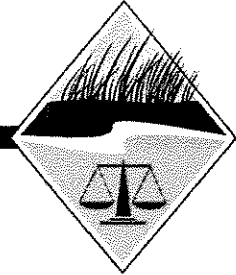


ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



DECEMBER 2, 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 November 18, 1999 meeting were approved by a vote of 6-0.

RULEMAKINGS

- | | | |
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| R00-5 | <u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 1999 through June 30, 1999)</u> - The Board adopted a final opinion and order in this "identical-in-substance" rulemaking to amend the Board's hazardous waste disposal regulations. | 6-0
R, Land |
| R00-8 | <u>In the Matter of: SDWA Update, Amendments to 35 Ill. Adm. Code 611.102, Definition of "Public Water Supply"</u> - The Board adopted a final opinion and order in this "identical-in-substance" rulemaking to amend the Board's public water supply regulations. | 6-0
R, PWS |
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ADJUSTED STANDARDS

AS 00-7 In the Matter of: Petition of Central Illinois Public Service Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208 - No action taken. Water

ADMINISTRATIVE CITATIONS

AC 00-48 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-49 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-50 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-51 County of Sangamon v. ESG Watts, Inc. - The Board accepted an administrative citation against this Sangamon County respondent.

AC 00-52 County of Will v. Plum Valley Nursery and Tim Van Baren - The Board accepted an administrative citation against these Will County respondents.

ADJUDICATORY CASES

Provisional Variances

PCB 00-91 Envirofil of Illinois, Inc. v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this McDonough County facility a 45-day provisional variance, subject to conditions, from the effluent discharge limits set forth in 35 Ill. Adm. Code 304.141(b). This is an extension of a previously granted provisional variance in Envirofil of Illinois, Inc. v. IEPA (October 7, 1999), PCB 00-64 which expired on November 13, 1999. 6-0
W-V

Motions and Other Matters

PCB 93-191	<u>People of the State of Illinois v. Estate of Lloyd Wiemann and Cheryl Halbrooks; and Estate of Lloyd Wiemann, Cross-complainant v. Cheryl Halbrooks, Cross-respondent</u> - The Board accepted the cross-complaint of the Estate of Lloyd Wiemann for hearing.	5-1 McFawn dissented UST-E
PCB 95-170	<u>People of the State of Illinois v. Environmental Control and Abatement, Inc.</u> - No action taken.	A-E
PCB 98-62 PCB 98-67	<u>Raymond S. Hara v. IEPA</u> - The Board granted respondent's motion to dismiss with prejudice these underground storage appeals involving a Cook County facility.	6-0 UST-FRD
PCB 99-109	<u>People of the State of Illinois v. Donald and Robert Hastie d/b/a Hastie Trucking and Mining Company</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action against a Hardin County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> - No action taken.	UST-FRD
PCB 00-35	<u>Austin Walsh and Lisa Walsh v. Max Kolpas and Betty Kolpas</u> - No action taken.	N-E, Citizens
PCB 00-53 PCB 00-54	<u>The C.P. Hall Company v. IEPA</u> - The Board granted petitioner's motion to consolidate PCB 00-53 and PCB 00-54 for purpose of hearing.	6-0 A-V
PCB 00-55	<u>Illico Independent Oil Company, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Fulton County facility.	6-0 UST-FRD

PCB 00-89 Illinois State Toll Highway Authority (Des Plaines Oasis - I-90 South) v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility. 5-0
Melas
abstained
UST-
Appeal
90-Day Ext.

PCB 00-90 Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Randolph County facility. N-E
Citizens

CASES PENDING DECISION

PCB 97-50 Lionel Trepanier, Wes Wager, Maureen Minnick, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois McFawn
A-E
Citizens

PCB 99-31 Cass County Service Company v. IEPA Manning
T-C, Appeal

PCB 99-98 Kendall-Grundy FS, Inc. v. IEPA Manning
T-C, Appeal

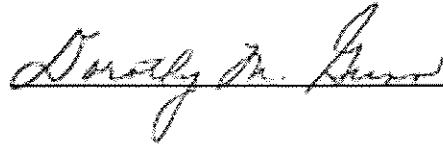
OTHER ITEMS

The Chairman's motion under Section 2(c)(4) of the Open Meetings Act for Closed Deliberative Sessions to be held on January 6, 2000, immediately following the regularly scheduled Board meeting, and on January 7, 2000, at 10:30 a.m., was granted by a vote of 6-0.

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 10:55 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 16th day of December 1999 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



DECEMBER 2, 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

November 18, 1999

RULEMAKINGS

R00-5	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 1999 through June 30, 1999) - Adopted Rule, Final Order, Opinion and Order</u>	Kezelis R, Land
R00-8	<u>In the Matter of: SDWA Update, Amendments to 35 Ill. Adm. Code 611.102, Definition of "Public Water Supply" - Adopted Rule, Final Order, Opinion and Order</u>	Flemal R, PWS

ADJUSTED STANDARDS

AS 00-7	<u>In the Matter of: Petition of Central Illinois Public Service Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208 - Petitioner's Certificate of Publication (11/29), Agency Motion for Leave to File Response Instantly and Response (11/29)</u>	Melas Water
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ADMINISTRATIVE CITATIONS

AC 00-48	<u>County of Sangamon v. ESG Watts, Inc. - Accept Case - No Order</u>	Manning
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AC 00-49	<u>County of Sangamon v. ESG Watts, Inc. - Accept Case - No Order</u>	Manning
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AC 00-50	<u>County of Sangamon v. ESG Watts, Inc. - Accept Case - No Order</u>	Manning
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AC 00-51	<u>County of Sangamon v. ESG Watts, Inc. - Accept Case - No Order</u>	Manning
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AC 00-52	<u>County of Will v. Plum Valley Nursery and Tim Van Baren - Accept Case - No Order</u>	Manning
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ADJUDICATORY CASES

Decisions

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.

PCB 00-91	<u>Envirofil of Illinois, Inc. v. IEPA</u> - Provisional Variance	Manning Water
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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. Estate of Lloyd Wiemann and Cheryl Halbrooks; and Estate of Lloyd Wiemann, Cross-complainant v. Cheryl Halbrooks, Cross-respondent</u> - Cross-Claim of Estate of Lloyd Wiemann (11/10)	Manning UST-E
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PCB 95-170	<u>People of the State of Illinois v. Environmental Control and Abatement, Inc.</u> - 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), Complainant's Combined Response to Respondent's Motion for Summary Judgment and Respondent's Response to Complainant's Motion for Summary Judgment (10/27)	McFawn A-E
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PCB 98-62	<u>Raymond S. Hara v. IEPA</u> - Agency Motion to Dismiss with Prejudice (11/22)	Kezelis
PCB 98-67		UST-FRD

PCB 99-109	<u>People of the State of Illinois v. Donald and Robert Hastie d/b/a Hastie Trucking and Mining Company</u> - Motion for Relief from Hearing Requirement (11/24)	Kezelis A-E
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PCB 99-127	<u>Ted Harrison Oil Company v. IEPA - Petitioner's Motion for Summary Judgment (10/15), Agency Motion for Leave to File Instant Response to Petitioner's Motion for Summary Judgment (11/15)</u>	Girard UST-FRD
PCB 00-35	<u>Austin Walsh and Lisa Walsh v. Max Kolpas and Betty Kolpas - Respondents' Motion to Dismiss Complaint (11/12)</u>	Kezelis N-E, Citizens
PCB 00-53 PCB 00-54	<u>The C.P. Hall Company v. IEPA - Petitioner's Motion to Consolidate Petitions for Variance for Purpose of Hearing (11/24)</u>	Flemal A-V
PCB 00-55	<u>Illico Independent Oil Company, Inc. v. IEPA - Dismissal Order</u>	Manning UST-FRD
PCB 00-89	<u>Illinois State Toll Highway Authority (Des Plaines Oasis - I-90 South) v. IEPA - Joint Request for 90-Day Extension of Appeal Period - Order</u>	Manning UST- Appeal 90-Day Ext.
PCB 00-90	<u>Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation - Hold for Duplicitous/Frivolous Determination - No Order</u>	Manning N-E Citizens

CASES PENDING DECISION

PCB 97-50	<u>Lionel Trepanier, Wes Wager, Maureen Minnick, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois</u>	McFawn A-E Citizens
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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 NOVEMBER 18, 1999 BOARD MEETING

AC 00-48	County of Sangamon v. ESG Watts, Inc.
AC 00-49	County of Sangamon v. ESG Watts, Inc.
AC 00-50	County of Sangamon v. ESG Watts, Inc.
AC 00-51	County of Sangamon v. ESG Watts, Inc.
AC 00-52	County of Will v. Plum Valley Nursery and Tim Van Baren
PCB 00-89	Illinois State Toll Highway Authority (Des Plaines Oasis - I-90 South) v. IEPA
PCB 00-90	Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation
PCB 00-91	Envirofil of Illinois, Inc. v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999

December 2
December 16

Board Meetings in Chicago will be in Conference Room 9-040

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

* This Board Meeting will be in Conference Room 9-031. All other Board Meetings in Chicago will be in Conference Room 9-040 unless otherwise noted.