

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



FEBRUARY 18, 1999 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting, and introduced new staff attorney Steven Langhoff.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the February 4, 1999 meeting were approved by a vote of 7-0.

RULEMAKINGS

R99-11	<u>In the Matter of: Definition of VOM Update, USEPA Regulations (July 1, 1998 through December 31, 1998)</u> - The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic material regulations during the update period of July 1, 1998, through December 31, 1998.	7-0 R, Air
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ADJUSTED STANDARDS (CONTINUED)

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| R99-13 | <u>In the Matter of: UIC Update, USEPA Regulations (July 1, 1998 through December 31, 1998)</u> - The Board dismissed this reserved identical-in-substance docket because the two United States Environmental Protection Agency amendments to the underground injection control regulations during the update period of July 1, 1998, through December 31, 1998, were added to the Board's rules in the consolidated dockets R98-21/R99-2/R99-7 adopted on December 17, 1998. | 7-0
R, Land |
| R99-16 | <u>In the Matter of: UST Update, USEPA Regulations (July 1, 1998 through December 31, 1998)</u> - The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 1998, through December 31, 1998. | 7-0
R, Land |
| R99-19 | <u>In the Matter of: Regulated Recharge Area Designation, Durand, Winnebago County</u> - No action taken. | R, PWS |
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ADMINISTRATIVE CITATIONS

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| AC 98-41 | <u>IEPA v. Bradley G. White</u> - The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (1996)) and assessing a penalty of \$1,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. | 7-0 |
| AC 99-20 | <u>IEPA v. Lawrence County Disposal Centre, Inc., S&S Grading of Illinois, Inc., and Gary McLaren</u> - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Lawrence County facility, the Board found respondents violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1996)) and ordered respondents to pay a civil penalty of \$1,000. | 7-0 |
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ADMINISTRATIVE CITATIONS (CONTINUED)

AC 99-27 IEPA v. Ed Wright - The Board found that this Sangamon 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) (1996)) and ordered respondent to pay a civil penalty of \$1,000. 7-0

AC 99-28 IEPA v. A.J. Roofing Company, Inc. - The Board found that this Cook County respondent violated Sections 21(p)(1) and 21(p)(5) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(5) (1996)) and ordered respondent to pay a civil penalty of \$500. 7-0

AC 99-32 IEPA v. Roland Ransom III - The Board accepted an administrative citation against this Scott County respondent.

AC 99-33 IEPA Randy Davis - The Board accepted an administrative citation against this Scott County respondent.

ADJUDICATORY CASES

Decisions

PCB 99-100 People of the State of Illinois v. Hinz Lithographing 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) (1996)), accepted a stipulation and settlement agreement in this air enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$5,000, and to cease and desist from further violations. 7-0
A-E

PCB 99-102 People of the State of Illinois v. The Scotts Company, an Ohio corporation - 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 land enforcement action involving a Kendall County facility, ordered respondent to pay a civil penalty of \$5,000, and to cease and desist from further violations. 7-0
L-E

ADJUDICATORY CASES (CONTINUED)
MOTIONS AND OTHER MATTERS (CONTINUED)

Motions and Other Matters

PCB 97-50	<u>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</u> - The Board denied respondent's motions for sanctions and to dismiss.	7-0 A-E Citizens
PCB 98-54	<u>Edward Malina v. Jean Day</u> - The Board denied both parties' motions for summary judgment.	6-1 UST-E Citizens Flemal dissented
PCB 98-80	<u>People of the State of Illinois v. Craig Linton and Randy Rowe</u> - The Board denied complainant's motion to reconsider.	7-0 L-E, Tires Hennessey and McFawn concurred
PCB 98-114	<u>David Mulvain v. Village of Durand</u> - No action taken.	W-E, Citizens
PCB 99-36	<u>Nina Enterprises, Inc. v. IEPA</u> - The Board vacated its order of September 3, 1998 accepting this case for hearing and dismissed this matter because petitioner failed to file this appeal within the 35-day appeal time period.	7-0 P-A, Air
PCB 99-69	<u>Land and Lakes Company v. Randolph County Board of Commissioners</u> - No action taken.	Pollution Control Facility Siting Review

ADJUDICATORY CASES (CONTINUED)**MOTIONS AND OTHER MATTERS (CONTINUED)**

PCB 99-75	<u>General Electric Company v. IEPA</u> - The Board accepted for hearing this permit appeal involving a LaSalle County facility.	7-0 P-A, Air
PCB 99-76	<u>Northrup Oil Company v. IEPA</u> - 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 Peoria County facility.	7-0 UST-Appeal
PCB 99-77	<u>Howard Warsaw v. IEPA</u> - 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 Tazewell County facility.	7-0 UST-Appeal
PCB 99-81	<u>Equilon Enterprises v. IEPA</u> - 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 Cook County facility.	7-0 UST-Appeal
PCB 99-83	<u>Illinois State Toll Highway Authority (Hinsdale Oasis East) v. IEPA</u> - 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 Cook County facility.	6-0 UST-Appeal Melas abstained
PCB 99-111	<u>People of the State of Illinois v. Gerry Rich d/b/a Rich Pork Farm</u> - The Board accepted for hearing this air enforcement action against a Tazewell County facility.	W-E
PCB 99-112	<u>People of the State of Illinois v. Bi-Petro, Inc. and Timberlake Transportation and Transfer, Inc.</u> - The Board accepted for hearing this air enforcement action against a Christian County facility.	W-E

ADJUDICATORY CASES (CONTINUED)
MOTIONS AND OTHER MATTERS (CONTINUED)

CASES PENDING DECISION

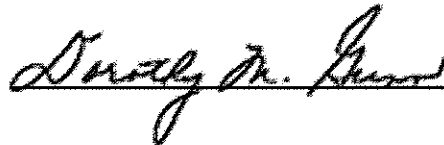
R99-8	<u>In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141 - Proposed Rule, First-Notice Opinion and Order</u>	Girard Manning Melas R, Water
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PCB 94-373	<u>People of the State of Illinois v. Wayne Berger and Berger Waste Management - Interim Opinion and Order</u>	McFawn L-E
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ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:02 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 4th day of March 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



FEBRUARY 18, 1999 CHICAGO, ILLINOIS
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

February 4, 1999

RULEMAKINGS

R99-11	<u>In the Matter of: Definition of VOM Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - Proposed Rule, Dismissal Order</u>	Girard R, Air
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R99-13	<u>In the Matter of: UIC Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - Proposed Rule, Dismissal Order</u>	Kezelis R, Land
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RULEMAKINGS (CONTINUED)

R99-16	<u>In the Matter of: UST Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - Proposed Rule, Dismissal Order</u>	McFawn R, Land
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 98-41	<u>IEPA v. Bradley G. White - Interim Opinion and Order</u>	Kezelis
AC 99-20	<u>IEPA v. Lawrence County Disposal Centre, Inc., S&S Grading of Illinois, Inc., and Gary McLaren - Joint Stipulation of Settlement and Dismissal of Respondents' Petition for Administrative Review (2/11)</u>	Melas
AC 99-27	<u>IEPA v. Ed Wright - Default Order</u>	Manning
AC 99-28	<u>IEPA v. A.J. Roofing Company, Inc. - Default Order</u>	Manning
AC 99-32	<u>IEPA v. Roland Ransom III - Accept Case - No Order</u>	
AC 99-33	<u>IEPA Randy Davis - Accept Case - No Order</u>	

ADJUDICATORY CASES

Decisions

PCB 99-100	<u>People of the State of Illinois v. Hinz Lithographing Company - Stipulation</u>	Manning A-E
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ADJUDICATORY CASES (CONTINUED)

Decisions (Continued)

PCB 99-102 People of the State of Illinois v. The Scotts Company - Stipulation Manning
L-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 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 - Respondent's Motion to Dismiss and for Sanctions (1/21), Respondent's Motion to Dismiss Complainant Maxworks Garden Cooperative (1/25), Complainant Wes Wager's Response to Respondent's Motion to Dismiss (2/5), Complainant Lionel P. Trepanier's Motion for Extension of Time to File Response to Respondent's Motion to Dismiss (2/5), Complainant Avi Pandya's Response to Respondent's Motion to Dismiss (2/10), Complainant Lorenz Joseph's Response to Respondent's Motion to Dismiss (2/10), Respondent's Motion for Leave to File Reply to the Responses to its Motion to Dismiss (2/10) Hennessey
A-E
Citizens

PCB 98-54 Edward Malina v. Jean Day - Complainant's Motion for Summary Judgment (10/30), Respondent's Response to Complainant's Motion for Summary Judgment and Cross-Motion for Summary Judgment (12/7), Complainant's Reply to Respondent's Response to Complainant's Motion for Summary Judgment (12/17) Kezelis
UST-E
Citizens

PCB 98-80 People of the State of Illinois v. Craig Linton and Randy Rowe - Complainant's Motion for Reconsideration of December 3, 1998 Board Order (1/4) McFawn
L-E, Tires

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-114	<u>David Mulvain v. Village of Durand, Rockford Blacktop Construction Company, Inc. - Complainant's Motion for Summary Judgment (2/1)</u>	Girard W-E, Citizens
PCB 99-36	<u>Nina Enterprises, Inc. v. IEPA - Dismissal Order</u>	Melas P-A, Air
PCB 99-69	<u>Land and Lakes Company v. Randolph County Board of Commissioners - Board Order</u>	Girard Pollution Control Facility Siting Review
PCB 99-75	<u>General Electric Company v. IEPA - Accept for Hearing Order</u>	Hennessey P-A, Air
PCB 99-76	<u>Northrup Oil Company v. IEPA - Dismissal Order</u>	Manning UST-Appeal
PCB 99-77	<u>Howard Warsaw v. IEPA - Dismissal Order</u>	Manning UST-Appeal
PCB 99-81	<u>Equilon Enterprises v. IEPA - Dismissal Order</u>	Manning UST-Appeal
PCB 99-83	<u>Illinois State Toll Highway Authority (Hinsdale Oasis East) v. IEPA - Dismissal Order</u>	Manning UST-Appeal
PCB 99-111	<u>People of the State of Illinois v. Gerry Rich d/b/a Rich Pork Farm - Hearing Mandatory - No Order</u>	Manning W-E
PCB 99-112	<u>People of the State of Illinois v. Bi-Petro, Inc. and Timberlake Transportation and Transfer, Inc. - Hearing Mandatory - No Order</u>	Melas W-E

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

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 - Proposed Rule, First Notice, Opinion and Order</u>	Girard Manning Melas R, Water
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PCB 94-373	<u>People of the State of Illinois v. Wayne Berger and Berger Waste Management - Interim Opinion and Order</u>	McFawn L-E
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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 FEBRUARY 4, 1999 BOARD MEETING

AC 99-32	IEPA v. Roland Ransom III
AC 99-33	IEPA v. Randy Davis
PCB 99-111	People of the State of Illinois v. Gerry Rich d/b/a Rich Pork Farm
PCB 99-112	People of the State of Illinois v. Bi-Petro, Inc. and Timberlake Transportation and Transfer, Inc.

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