

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



DECEMBER 6, 2001 SPRINGFIELD OFFICE
600 South Second Street – Suite 403
Hearing Room
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Chairman Manning then introduced recently appointed Board Member Michael Tristano, who would abstain from voting. The Chairman noted that Member Johnson was absent and that Member Flemal would be moving his orders.

ROLL CALL

The Administrative Assistant to the Chairman called the roll. All Board Members answered present except for Board Member Johnson who was absent.

APPROVAL OF MINUTES

Minutes of the November 15, 2001 meeting were approved by a vote of 5-0.

RULEMAKINGS

R00-19(C)	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (MTBE): 35 Ill. Adm. Code 742</u> – The Board adopted a second notice opinion and order in this rulemaking which proposes to add methyl tertiary-butyl ether (MTBE) as a contaminant to be tested for under the TACO standards.	5-0 R, Land
R01-13	<u>In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, 102.800, 102.810, 102.820, and 102.830</u> – Board adopted a second notice opinion and order in this matter to amend the Board’s antidegradation water regulations.	5-0 R, Water

R01-14	<u>In the Matter of: Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s public water supply regulations by adding a groundwater quality standard for methyl tertiary-butyl ether (MTBE).	5-0 R, PWS
R02-8	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240.191-240.193</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations as required under the Vehicle Code .	5-0 R, Air
R02-10	<u>In the Matter of: Amendments to General Permitting Provisions for Portable Emission Units: Amendments to 35 Ill. Adm. Code 201</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s November 30, 2001 proposal to amend the Board’s air pollution control regulations.	5-0 R, Air
R02-11	<u>In the Matter of: Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s November 9, 2001 proposal to amend the Board’s water pollution control regulations.	5-0 R, Water

ADJUSTED STANDARDS

AS 01-10	<u>In the Matter of: Petition of Dixon Marquette Cement Company for Adjusted Standard from 35 Ill. Adm. Code Parts 811 and 814</u> – The Board granted the parties’ joint stipulation to correct caption and pleadings to show Prairie Material Sales, Inc. as petitioner and dismissed Dixon Marquette Cement Company from this matter.	5-0 Water
AS 02-1	<u>In the Matter of: Material Service Corporation Petition for an Adjusted Standard From 35 Ill. Adm. Code 302.208, 406.202 and 304.105</u> – Pending receipt of the certificate of publication, the Board held this Cook County facility’s petition for an adjusted standard from the water regulations.	Water

ADMINISTRATIVE CITATIONS

AC 01-16 County of Sangamon v. Everett Daily – No action taken.

AC 01-17

Cons.

AC 01-42 IEPA v. Alan Smith – The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent. 5-0

AC 01-43 IEPA v. City of Eldorado – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Saline County facility, the Board found respondent violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (2000)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties' joint motions to dismiss respondent's petition for review and the alleged violation of Section 21(p)(1), (p)(4), and (p)(7) of the Act. 415 ILCS 5/21(p)(1), (p)(4), (p)(7) (2000). 5-0

AC 02-7 IEPA v. Terry and Latisha Springer – The Board dismissed respondent's petition for review for failure to file an amended petition by November 22, 2001 as ordered on October 18, 2001. The Board found that these Jersey County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondents to pay a civil penalty of \$1,500. 5-0

AC 02-14 IEPA v. Knox County Landfill Committee – The Board found that this Knox County respondent violated Sections 21(o)(5) and 21(o)(12) of the Environmental Protection Act (Act) (415 ILCS 5/21(o)(5) and (o)(12)(2000)), and ordered respondent to pay a civil penalty of \$1,000. 5-0

AC 02-15	<u>Ogle County v. Steven and Karen Gilbert, and Curtis Nelson</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Ogle County facility, the Board found respondent Curtis Nelson (Nelson) violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)) and ordered Nelson to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motions to dismiss the alleged violation of Section 21(p)(3) and (p)(7) of the Act. 415 ILCS 5/21(p)(1), (p)(7) (2000).	5-0
AC 02-16	<u>IEPA v. Brad Krstic</u> – The Board accepted this petition for review of an administrative citation against this Mercer County respondent.	5-0
AC 02-18	<u>IEPA v. Bradney Luckhart</u> – The Board ordered respondent to file an amended petition for review no later than January 5, 2002.	5-0
AC 02-19	<u>IEPA v. Walter Foster and Tim Brown d/b/a Brown Excavating and Demolition</u> – The Board found that these Knox County respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 02-20	<u>IEPA v. Housewright Lumber Company, William A. Housewright, and George Hartmann</u> – No action taken.	
AC 02-21	<u>IEPA v. Dale Knapp</u> – The Board found that this Peoria County respondent violated Sections 21(p)(1), (3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (3), (p)(7) (2000)), and ordered respondent to pay a civil penalty of \$4,500.	5-0
AC 02-23	<u>IEPA v. Kim Joines</u> – The Board accepted an administrative citation against this Douglas County respondent.	
AC 02-24	<u>IEPA v. Robert Dennis</u> – The Board accepted an administrative citation against this Cass County respondent.	

AC 02-25 IEPA v. Robert Wiersema – The Board accepted an administrative citation against this Cook County respondent.

ADJUDICATORY CASES

Decisions

PCB 01-170 Community Landfill Company and City of Morris v. IEPA – The Board affirmed the May 11, 2001 decision of the Illinois Environmental Protection Agency denying petitioners’ supplemental permit application. 5-0
P-A, Land

PCB 02-20 City of Charleston v. IEPA – The Board granted petitioner, a variance, subject to conditions, from 35 Ill. Adm. Code 611.743(a)(1) for its existing drinking water treatment plant in Coles County, Illinois. 5-0
PWS-V

Provisional Variances

PCB 02-68 Kimble Glass, Inc. v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from the air pollution control regulations set forth in 35 Ill. Adm. Code 212.321 and conditions 7.5.5(b) and 7.5.6(a) of its Title V Permit. 5-0
W-V

Motions and Other Matters

PCB 96-20 Edward Wesolowski; Jacqueline Wesolowski; Will Burgess; Dorothy Burgess; Frank Rubino; Toby Gruszecki; and Mike Gruszecki v. U.S. Postal Service, Barrington, Illinois – The Board granted respondent’s motion to dismiss Toby and Mike Gruszecki as complainants and the parties’ joint motion to dismiss this citizen noise enforcement action involving a Cook County facility. 5-0
Citizens,
N-E

PCB 97-2 People of the State of Illinois v. Jersey Sanitation Corporation – No action taken. A,W&L-E

PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, f/d/b/a S & S Petroleum Products, Peter Anest, f/d/b/a S & S Petroleum Products, Charles Abraham, Josephine Abraham, and Milstream Service, Inc.; Charles Abraham, Josephine Abraham, and Millstream Services, Inc., Cross-Complainants v. William Anest and Peter Anest, Cross-Respondents</u> – No action taken.	L&W-E
PCB 98-148	<u>People of the State of Illinois v. Doren Poland; Lloyd Yoho; and Briggs Industries, Inc.</u> – No action taken.	L-E
PCB 99-142	<u>American National Bank and Trust Company of Chicago, a/t/u Trust No. 10357705 v. Robert Dunham, individually and d/b/a Dunham Cleaners</u> – The Board granted the parties’ joint motion to dismiss this citizen this Resource Conservation and Recovery Act enforcement action involving a Cook County facility.	5-0 RCRA-E Citizens
PCB 00-9	<u>People of the State of Illinois v. Brake’s Enterprises, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this underground storage tank enforcement action involving a Champaign County facility, the Board ordered publication of the required newspaper notice.	5-0 UST-E
PCB 00-67	<u>People of the State of Illinois v. American Disposal, Inc. and Consolidated Rail Corporation</u> – No action taken.	RCRA-E
PCB 00-110	<u>People of the State of Illinois v. Joe Decicco Demolition, Inc.</u> – No action taken.	A-E
PCB 00-188	<u>Ozinga Transportation Services v. IEPA</u> – No action taken.	UST Fund
PCB 00-206	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> – The Board granted petitioner’s motion to voluntarily dismiss PCB 00-206, PCB 00-207, and PCB 00-208. The Board denied petitioner’s motions for summary judgment and directed that PCB 01-62, PCB 01-63, and PCB 01-64 they proceed to hearing.	5-0 P-A, Land
PCB 00-207		
PCB 00-208		
PCB 01-62		
PCB 01-63		
PCB 01-64		

PCB 01-17	<u>People of the State of Illinois v. N.E. Finch and New Castle Properties, L.L.C.</u> – The Board granted motion to correct complainant’s misnomer of New Castle Properties, and correcting the name to H.S.S Partners.	5-0 A-E
PCB 01-86	<u>Robert and Yvonne Gardner v. Township High School District 211, Gerald Chapman, Superintendent</u> – The Board denied respondent’s motion for summary judgment.	5-0 Citizens N-E
PCB 01-139	<u>ESG Watts, Inc. v. IEPA</u> –The Board denied petitioner’s motion for summary judgment.	5-0 P-A, Land
PCB 01-144	<u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, PrairieLand Construction, Inc. and Rich Williams d/b/a C.R. Williams & Associates Architects; PrairieLand Construction, Inc. Cross-Complainant v. City of Pana, Housing Authority of Christian County, and Rich Williams d/b/a C.R. Williams & Associates Architects, Cross-Respondents</u> – Upon receipt of a request for hearing in this matter, the Board denied parties’ motion for relief from hearing requirement. The Board directed this matter to proceed to hearing.	5-0 PWS-E
PCB 01-154	<u>David P. Houghtaling v. Tire Management, Inc.</u> – No action taken.	Citizens A-E
PCB 02-5	<u>People of the State of Illinois v. Environmental Management & Abatement, Inc., and Danny G. Kohrtdt individually and as President of Environmental Management & Abatement, Inc.</u> – No action taken.	L-E
PCB 02-8	<u>People of the State of Illinois v. Royster-Clark, Inc.</u> – No action taken.	W-E
PCB 02-11	<u>Doris Glave v. Brent and Patty Harris and Winds Chant Kennel, Inc.</u> – No action taken.	Citizens N-E

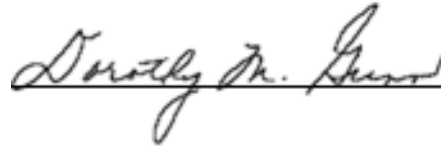
PCB 02-14	<u>Ila M. Neathery and Denise C. Fleck v. Greg and Karen Bouillon d/b/a Thirsty's, and Terrill L. and Sarah E. Loving</u> – No action taken.	Citizens N-E
PCB 02-21	<u>People of the State of Illinois v. J&F Hauling, Inc.</u> – No action taken.	RCRA-E
PCB 02-38	<u>Mecalux Illinois, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Cook County facility.	5-0 P-A, Air
PCB 02-41	<u>Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder</u> – No action taken.	Citizens A&N-E
PCB 02-42	<u>City of Canton v. IEPA</u> – The Board entered an order directing petitioner to file an amended petition on or before December 31, 2001.	5-0 PWS-V
PCB 02-58	<u>Sauer-Danfoss (US) Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal and granted attorney for petitioner's motion to appear <i>pro hac vice</i> .	5-0 UST Appeal
PCB 02-59	<u>MAC Investments 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 this Cook County facility.	5-0 UST Fund 90-Day Ext.
PCB 02-60	<u>City of East Moline v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Rock Island County facility.	5-0 P-A, 90-Day Ext.

PCB 02-61	<u>Amtrak (Lumber Street Yard, Lust Incident No. 980039) 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 this Cook County facility.	5-0 UST Appeal 90-Day Ext.
PCB 02-62	<u>Amtrak (Lumber Street Yard, Lust Incident Nos. 980038, 982270 and 912018) 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 this Cook County facility.	5-0 UST Appeal 90-Day Ext.
PCB 02-63	<u>People of the State of Illinois v. MII, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Peoria County facility.	5-0 A-E
PCB 02-64	<u>McNeill Twins Oil Company v. IEPA</u> – The Board granted petitioner 30 days in which to retain an attorney and for that attorney to file an amended petition for review. If petitioner does not file an amended petition for review on or before January 5, 2002 this matter will be dismissed, and the docket closed.	5-0 UST Fund
PCB 02-65	<u>GBF Graphics, Inc. v. IEPA</u> – No action taken.	A-V
PCB 02-66	<u>J&J Farms, L.L.C. v. IEPA</u> - The Board found and certified that specified facilities of J&J Farms, L.L.C. located in Pike County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	5-0 T-C
PCB 02-67	<u>Shinn Lane Production v. IEPA</u> – The Board found and certified that specified facilities of Shinn Lane Production located in Pike County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	5-0 T-C

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Manning adjourned the meeting at 11:55.a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 20th day of December 2001 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