

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



September 18, 2003 CHICAGO OFFICE
100 W. Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Johnson welcomed members of the public and staff to the meeting.

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present except for Board Members Marovitz and Padovan who were absent.

APPROVAL OF MINUTES

Minutes of the September 4, 2003 meeting were approved by a vote of 4-0. Board Member Melas abstained.

RULEMAKINGS

R03-15	<u>In the Matter of: SWDA Update, USEPA Amendments (July 1, 2002 through December 31, 2002</u> – No action taken.	R, PWS
R04-10	<u>In the Matter of: Clean-Up Amendments to 35 Ill. Adm. Code Part 214</u> – The Board accepted for hearing the Illinois Environmental Protection Agency's September 2, 2003 proposal to amend the formula in Section 214.184 of the Board's air pollution control regulations.	5-0 R, Air

ADJUSTED STANDARDS

AS 03-5	<u>In the Matter of: Petition of Cromwell-Phoenix, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Subpart F, Section 218.204(c) (the "Paper Coating Rule")</u> – The Board granted this Cook County petitioner an adjusted standard, with conditions, from volatile organic material emission requirements.	5-0 Air
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ADMINISTRATIVE CITATIONS

AC 03-35	<u>IEPA v. Denny D. Richey</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a McLean County facility.	5-0
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AC 04-01	<u>County of Montgomery v. Luie and Mary Pease</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Montgomery County facility.	5-0
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AC 04-2	<u>County of Sangamon v. William McGlauchlen</u> – The Board found that this Sangamon County respondent violated Section 21(p)(1) and (3) of the Act (415 ILCS 5/21(p)(1), (3) (2002)) and ordered respondent to pay a civil penalty of \$3,000.	5-0
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AC 04-04	<u>IEPA v. Edward Sapp</u> – The Board accepted for hearing this petition for review of an administrative citation against this Logan County respondent.	5-0
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AC 04-6	<u>IEPA v. Mary Lou Record and H. Frank Record</u> – The Board accepted for hearing this petition for review of an administrative citation against these Logan County respondents.	5-0
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AC 04-07	<u>City of Chicago v. Marvin J. Wilson</u> – The Board accepted an administrative citation against this Cook County respondent.	
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AC 04-08 IEPA v. Roger Ray – The Board accepted an administrative citation against this Moultrie County respondent.

AC 04-09 IEPA v. Larry Lord – The Board accepted an administrative citation against this Marshall County respondent.

AC 04-10 County of Vermilion v. Bill Wernigk – The Board found that this Vermilion County respondent violated Section 21(p)(1) and (7) of the Act (415 ILCS 5/21(p)(1), (7) (2002)) and ordered respondent to pay a civil penalty of \$3,000. 5-0

AC 04-11 IEPA v. Ricky and Jerry Hess – The Board accepted an administrative citation against these Mclean County respondents.

ADJUDICATORY CASES

Decisions

PCB 97-9 People of the State of Illinois v. C&S Recycling, Inc., Flood Brothers Disposal Company, Inc., William Flood, individually and as treasurer of C&S Recycling, Inc., and Brian Flood, individually and as president of C&S Recycling, Inc. – In this land enforcement action concerning a Cook County facility, the Board granted complainant’s motion to dismiss William Flood and Brian Flood. The Board also granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement between the complainant and Flood Brothers Disposal Company, Inc., ordered the respondent to pay a total civil penalty of \$45,000, and to cease and desist from further violations. 5-0
L-E

Motions and Other Matters

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Co., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick individually and as owner and Vice President of Skokie Valley Asphalt, Co., Inc. – No action taken. W-E

PCB 96-143	<u>People of the State of Illinois v. Michel Grain Company, Inc. d/b/a Michel Fertilizer, Caryle Michel, and Ronnie Todd</u> – No action taken.	W-E
PCB 97-119	<u>People of the State of Illinois v. G&M Total, Inc., George Papas, individually and as President of G&M Total, Inc.</u> – No action taken.	L-E
PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board granted the parties’ joint motion for stay of proceedings until December 1, 2003.	5-0 W-E
PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – The Board denied respondent’s motion to reconsider its June 19, 2003 order.	5-0 A-E
PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – No action taken.	L-E
PCB 02-03	<u>People of the State of Illinois v. Texaco Refining & Marketing, Inc.</u> – No action taken.	L&W-E
PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc.</u> – No action taken.	L-E
PCB 03-73	<u>People of the State of Illinois v. Riverdale Recycling, Inc. and Tri-State Disposal, Inc.</u> – The Board granted complainant’s motion to dismiss the respondents’ affirmative defenses. The Board granted respondent 30 days from the date of this order, or until October 17, 2003 to provide the Board with a supplemental answer outlining additional facts in support of each affirmative defense asserted.	4-1 Johnson dissented Girard concurred L-E

PCB 03-125	<u>City of Kankakee v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Merlin Karlock v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Michael Watson v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Keith Runyon v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc. – No action taken.</u>	L-E
PCB 03-133		
PCB 03-134		
PCB 03-135		
PCB 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc., and the City of Morris – No action taken.</u>	L-E
PCB 03-218	<u>Rochelle Waste Disposal, L.L.C. v. City Council of the City of Rochelle, Illinois – The Board granted respondent’s motion for extension of time to file the record, as well as as to file a reduced number of copies.</u>	5-0 UST Appeal
PCB 03-219	<u>Randall Industries v. IEPA – The Board found the petition deficient in this underground storage tank appeal involving a DuPage County facility. The Board ordered petitioner to file an amended petition to cure deficiencies no later than October 17, 2003, or the petition would be subject to dismissal. Petitioner was instructed to retain counsel prior to filing an amended petition.</u>	5-0 UST Appeal
PCB 03-225	<u>Pete’s Marathon (November 2, 2002 to November 30, 2002) v. IEPA – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Marion County facility.</u>	5-0 UST Appeal
PCB 03-227	<u>Pete’s Marathon (December 1, 2002 to December 31, 2002) v. IEPA – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Marion County facility.</u>	5-0 UST Appeal

PCB 03-228	<u>Graham C-Stores Company 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 filed on behalf of this Kane County facility.	5-0 UST Appeal
PCB 03-229	<u>Graham Oil Company 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 filed on behalf of this Cook County facility.	5-0 UST Appeal
PCB 03-236	<u>Citizens Against Landfill Expansion (CALE) v. American Disposal Services of Illinois, Inc. and Livingston County Board</u> – The Board granted petitioner’s motion for voluntary dismissal of this pollution control facility siting appeal involving a Livingston County facility.	5-0 P-C-F-S-R 3d party
PCB 04-12	<u>Teresa L. Shepro, as Trustee of the Justice W. Shepro Trust, and Teresa L. Shepro and Frank Wiemerslage, as beneficiaries under Trust No. 898, of the Chicago Trust Company v. Newby Oil Company, David E. Tripp and Janice Tripp</u> – The Board held for a later duplicative/frivolous determination this citizen’s enforcement action involving a DeKalb County facility.	Citizens L&W-E
PCB 04-19	<u>Paul and Donna Fredrickson v. Jeff Grelyak</u> – The Board found that the alleged violations in the complaint were neither duplicative nor frivolous, and accepted for hearing this matter involving a McHenry County facility.	Citizens A&N
PCB 04-24	<u>People of the State of Illinois v. Tri-K Development, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E

PCB 04-25	<u>Gary Svacina 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 04-26	<u>Lynn Erickson v. Charleston Classic Homes and Lawrence E. VanSomeren, Jr.</u> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a DuPage County facility.	Citizens N-E
PCB 04-27	<u>Eastman Chemical Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a Resource Conservation and Recovery Act permit appeal on behalf of this Kane County facility.	5-0 RCRA P-A 90-Day Ext.
PCB 04-28	<u>People of the State of Illinois v. Village of Rantoul</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Champaign County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 04-29	<u>The City of Chicago v. Purex Industries, Inc, Federal Chicago Corp., Federal Die Casting Co. and Raymond E. Cross</u> – The Board held for a later duplicative/frivolous determination this citizen’s land enforcement action involving a Cook County facility. The Board took no action on the motion to consolidate this case and PCB 03-55.	Citizens L-E
PCB 04-30	<u>People of the State of Illinois v. Village of Enfield</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a White County facility, the Board ordered publication of the required newspaper notice.	5-0 PWS-E

PCB 04-31 Broadus Oil 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 LaSalle County facility. 5-0
UST
Appeal
90 Day
Ext.

PCB 04-32 Roy Strom Building Corporation 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 Lake County facility. 5-0
UST
Appeal
90 Day
Ext.

CASES PENDING DECISION

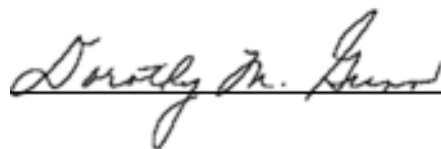
PCB 03-221 Low Transfer, Inc. and Marshall Lowe v. County Board of McHenry County, Illinois – (due 10/2) P-C-F-S-R

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Johnson adjourned the meeting at 11:40 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 2, 2003, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board