

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**October 20, 2005 CHICAGO OFFICE**  
**100 W. Randolph Street**  
**Conference Room 9-040**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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Minutes of the October 6, 2005 meeting were approved by a vote of 4-0. Chairman Novak abstained.

### **RULEMAKINGS**

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<b>R06-5</b>	<u>In the Matter of: UIC Corrections, USEPA Amendments (January 1, 2005 through June 30, 2005); In the Matter of: RCRA Subtitle D</u>	5-0
<b>R06-6</b>	<u>Update, USEPA Amendments (January 1, 2005 through June 30,</u>	R, Land
<b>R06-7</b>	<u>2005); In the Matter of: RCRA Subtitle C Update, USEPA</u>	
<b>(cons.)</b>	<u>Amendments (January 1, 2005 through June 30, 2005) – The Board adopted a proposal for public comment in this consolidated “identical-in-substance” rulemaking to amend the Board’s underground injection control, municipal solid waste landfill, and hazardous waste regulations.</u>	

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**R06-8**                    In the Matter of: Proposed Site-Specific Perlite Waste Disposal Regulation Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810) – No action taken.                    R, Land

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**R06-9**                    In the Matter of: Amendments to the Procedural Rules – “Pollution Control Facility” Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) – The Board adopted for second notice its own proposal to amend its procedural rules. The proposed rules will reflect three recent amendments to the definition of “pollution control facility” in the Environmental Protection Act (Act) (415 ILCS 5/1 et seq. (2004)).                    5-0  
R, Proc.  
Rules

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**R06-10**                    In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) – The Board accepted for hearing the Illinois Environmental Protection Agency September 30, 2005 proposal to amend the Board’s land pollution control regulations.                    5-0  
R, Land

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**ADJUSTED STANDARDS**

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**AS 05-2**                    In the Matter of: Petition of the Village of Bensenville for an Adjusted Standard from 35 Ill. Adm. Code 620.410 Regarding Chloride – The Board granted this DuPage County petitioner an adjusted standard, with conditions, from the chloride Class I groundwater quality standard.                    5-0  
PWS

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**AS 05-7**                    In the Matter of: Petition of Waste Management of Illinois, Inc. for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721 and for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122 for Treatment Residual of CID Recycling and Disposal Facility Biological Liquid Treatment Center – No action taken.                    Land

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**AS 06-1**            In the Matter of: Petition of Lafarge Midwest, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 739.161 Pursuant to 35 Ill. Adm. Code 720.132 and 720.133 – The Board directed petitioner to file an amended petition to cure noted deficiencies within 45 days from the date of this order, or the Board will dismiss this matter.            5-0  
Land

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**ADMINISTRATIVE CITATIONS**

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**AC 05-20**            IEPA v. John Groff – The Board entered an interim opinion and order finding respondent violated Section 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)) and assessing a penalty of \$4,5000. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. The Board will then issue a final order assessing hearing costs.            5-0

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**AC 05-80**            County of Kankakee v. South Holland Trust #10897 and John & Ella Hall – No action taken.

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**AC 06-8**            County of Ogle v. Thomas Ray Ramando d/b/a Oregon Iron Metal Reclaimers, Inc. – The Board found that this Ogle County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$3,000.            5-0

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**AC 06-10**            IEPA v. Guiffre II, L.L.C. – The Board accepted an administrative citation against this Winnebago County respondent.

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**AC 06-11**            IEPA v. Paul Freeman and Freeman Environmental Services, Inc. – The Board accepted an administrative citation against these Williamson County respondents.

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**AC 06-12**            IEPA v. Beardstown Truck Wash, L.L.C. – The Board accepted an administrative citation against this Cass County respondent.

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## ADJUDICATORY CASES

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### Decisions

**PCB 05-28**      People of the State of Illinois v. Color Communications, Inc. – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$90,000 and to cease and desist from further violations.      5-0  
A-E

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**PCB 05-95**      People of the State of Illinois v. Wienmar, Inc d/b/a Marble Works – In this air enforcement action concerning a Kane County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$55,000 and to cease and desist from further violations.      5-0  
A-E

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**PCB 05-200**      People of the State of Illinois v. Greg Rudeen individually and d/b/a Rock River Townhomes and d/b/a Rudeen and Associates – In this water enforcement action concerning a Winnebago County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$8,000 and to cease and desist from further violations.      5-0  
W-E

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<b>PCB 06-4</b>	<u>People of the State of Illinois v. Leonard Foster d/b/a Rivercrest Mobile Home Park</u> – In this public water supply enforcement action concerning a Kankakee County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000 and to cease and desist from further violations.	5-0 PWS-E
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*Motions and Other Matters*

<b>PCB 96-98</b>	<u>People of the State of Illinois v. Skokie Valley Asphalt, Inc., an Illinois corporation, 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.</u> – No action taken.	W-E
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<b>PCB 00-104</b>	<u>People of the State of Illinois v. The Highlands, L.L.C. and Murphy Farms, Inc.</u> – The Board granted respondent Murphy Farms leave to withdraw the alleged statutes of limitations defense. The Board granted complainant’s motion to strike Murphy Farms’ alleged affirmative defense that the odor air pollution claims in count III are unconstitutionally vague. Finally, the Board directed Murphy Farms to file an amended pleading by November 19, 2005, or the Board will strike the affirmative defense of <i>laches</i> .	5-0 A-E
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<b>PCB 03-22</b>	<u>People of the State of Illinois v. Saint-Gobain Containers, Inc.</u> – No action taken.	A-E
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<b>PCB 03-54</b>	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST
<b>PCB 03-56</b>		Appeal
<b>PCB 03-105</b>		
<b>PCB 03-179</b>		
<b>PCB 04-2</b>		
<b>(cons.)</b>		
<b>PCB 03-191</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – No action taken.	L-E
<b>PCB 04-7</b>	<u>People of the State of Illinois v. 4832 S. Vincennes, L.P. and Batteast Construction Company, Inc.</u> – No action taken.	A-E
<b>PCB 04-13</b>	<u>People of the State of Illinois v. Intermatic Incorporated</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 involving a McHenry County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
<b>PCB 04-48</b>	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 04-88</b>	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – No action taken.	P-A, NPDES
<b>PCB 04-185</b>	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Appeal

<b>PCB 04-216</b>	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
<b>PCB 04-226</b>	<u>People of the State of Illinois v. P&amp;J Super Auto Body Shop, Inc. and Julio Gallegos</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 Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
<b>PCB 05-49</b>	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – The Board granted summary judgment in favor of respondent on counts II through VI of the complaint. The Board denied both parties’ motions for summary judgment on count I of the complaint. The Board also granted respondent’s motion to strike and admonish, but denied complainant’s motion to strike and admonish. The Board directed the hearing officer to resolve the remaining outstanding motions relating to discovery and to proceed expeditiously to hearing on count I of the complaint.	5-0 A&L-E
<b>PCB 05-74</b>	<u>Hartford Working Group v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Madison County facility.	5-0 P-A, Air
<b>PCB 05-84</b>	<u>Gateway FS, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Randolph County facility.	5-0 UST Appeal
<b>PCB 05-128</b>	<u>A&amp;R, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
<b>PCB 05-157</b>	<u>Grand Pier Center L.L.C. American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C., v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Kerr-McGee Chemical L.L.C.</u> – No action taken.	Citizens L-E

<b>PCB 05-186</b>	<u>Midwest Petroleum Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	5-0 UST Appeal
<b>PCB 05-193</b>	<u>Vernon and Elaine Zohfeld v. Robert Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton and Steve Kinder</u> – No action taken.	Citizens A-E
<b>PCB 06-10</b>	<u>Kane Illinois Properties 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 Lake County facility.	5-0 UST Appeal
<b>PCB 06-11</b>	<u>Silbrico Corporation v. IEPA</u> – The Board granted petitioner’s motion for extension of time to file an amended petition until October 24, 2005.	5-0 L-V
<b>PCB 06-29</b> <b>PCB 06-31</b>	<u>Carroll Scientific, Inc. (Operating Permit) v. IEPA and Carroll Scientific, Inc. (Construction Permit) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated permit appeals involving a Cook County facility.	5-0 P-A, Air
<b>PCB 06-48</b>	<u>People of the State of Illinois v. STS Consultants, Ltd.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.	5-0 PWS-E
<b>PCB 06-49</b>	<u>People of the State of Illinois v. Premier Waste &amp; Recycling, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Cook County.	5-0 L-E
<b>PCB 06-50</b>	<u>E&amp;L Trucking Company v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 06-51</b>	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – The Board accepted for hearing this air, land and water enforcement action involving a site located in Edwards County.	5-0 A,L,W-E

**PCB 06-52**      Knapp Oil Company, Don's 66 v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Richland County facility.      5-0  
UST  
Appeal

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**CASES PENDING DECISION**

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**PCB 06-11**      Silbrico Corporation v. IEPA – (due 11/3/05)      L-V

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**OTHER ITEMS**

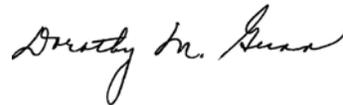
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**ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:30 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 3, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board