

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**JANUARY 20, 2000 CHICAGO OFFICE  
VIDEO CONFERENCE ROOM 9-036  
10:30 A.M.**

### **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. (The audio connection between the Springfield and Chicago sites was of good quality throughout the meeting, but the video connection was established only toward the end of the meeting.)

### **ROLL CALL**

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The Clerk of the Board called the roll. The Board members answered as follows: Chairman Manning and Board Member Kezelis from Springfield, and Board Members Flemal, Girard, McFawn, and Melas from Chicago.

### **APPROVAL OF MINUTES**

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Minutes of the January 6, 2000 meeting were approved by a vote of 6-0.

### **RULEMAKINGS**

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<b>R00-7</b>	<u>In the Matter of: Wastewater Pretreatment 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 wastewater pretreatment regulations.	6-0 R, Water
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<b>R00-16</b>	<u>In the Matter of: Vehicle Scrappage Activities Adoption of 35 Ill. Adm. Code 207</u> - The Board accepted the Illinois Environmental Protection Agency's January 6, 2000 proposal to amend the Board's air pollution control regulations, granted the motion to waive the requirement, and adopted a proposal for public comment, noting that the rules must be adopted 180-days from the filing of the proposal.	6-0 R, Air
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## ADJUSTED STANDARDS

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**AS 00-8**      In the Matter of: Petition of Vonco Products, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the “Flexographic Printing Rule”) - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from certain air pollution control requirements on behalf of a Lake County facility.      Air

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**AS 00-9**      In the Matter of: Petition of Bema Film Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the “Flexographic Printing Rule”) - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from certain air pollution control requirements on behalf of a DuPage County facility.      Air

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**AS 00-10**      In the Matter of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the “Flexographic Printing Rule”) - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from certain air pollution control requirements on behalf of a Cook County facility.      Air

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**ADMINISTRATIVE CITATIONS**

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**AC 00-3**      County of Sangamon v. ESG Watts, Inc. - No action taken.

**AC 00-4**

**AC 00-5**

**AC 00-6**

**AC 00-7**

**AC 00-8**

**AC 00-15**

**AC 00-18**

**AC 00-21**

**AC 00-23**

**AC 00-24**

**AC 00-25**

**AC 00-26**

**AC 00-29**

**AC 00-30**

**AC 00-31**

**AC 00-37**

**AC 00-38**

**AC 00-39**

**AC 00-40**

**AC 00-41**

**AC 00-42**

**AC 00-43**

**AC 00-44**

**AC 00-45**

**AC 00-46**

**AC 00-47**

**AC 00-48**

**AC 00-49**

**AC 00-50**

**AC 00-51**

**AC 00-53**

**AC 00-54**

**AC 00-55**

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**AC 00-16**      IEPA v. Olen G. Parkhill, Jr. - No action taken.

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**AC 00-33**     County of Sangamon v. American Tree Service, Roy F. Throop - 5-0  
The Board on its motion vacated its January 6, 2000 order     Kezelis  
accepting this matter for hearing, and dismissed the petition for     abstained  
review as untimely filed. The Board then found that these  
Sangamon County respondents violated Section 21(p)(3) of the Act  
(415 ILCS 5/21(p)(3) (1998)), and ordered respondents to pay a  
civil penalty of \$500.

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**AC 00-52**     Will County v. Plum Valley Nursery and Tim Van Baren - The 6-0  
Board found that these Will County respondents violated Sections  
21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1), 21(p)(3)  
(1998)), and ordered respondents to pay a civil penalty of \$1,000.

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**AC 00-62**     Wayne County Health Department v. John Heem - The Board 6-0  
granted complainant's second motion to amend and accepted this  
administrative citation against this Wayne County respondent.

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**AC 00-63**     County of Vermilion v. Illinois Landfills, Inc. - The Board  
accepted an administrative citation against this Vermilion County  
respondent.

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## ADJUDICATORY CASES

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### Decisions

**PCB 00-98**     People of the State of Illinois v. City of Joliet, Illinois - The Board 6-0  
granted relief from the hearing requirement of Section 31(c)(2) of     PWS-E  
the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)),  
accepted a stipulation and settlement agreement in this public  
water supply enforcement action concerning a facility located in  
Will County, Illinois, ordering respondent to pay a civil penalty of  
\$25,000, and to cease and desist from further violations.

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**PCB 99-31**     Cass County Service Company v. IEPA - The Board certified that 6-0  
the petitioner's steel building is a "pollution control facility" under     T-C, Appeal  
the Property Tax Code (35 ILCS 200/11-10 (1998)), and directed  
the Illinois Environmental Protection Agency to timely provide  
any additional documentation of the tax certification that the  
Department of Revenue may require. \_

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## Provisional Variances

**PCB 00-121** Department of the Air Force v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 27-day provisional variance to this St. Clair County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). 6-0  
RCRA -V

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**PCB 00-123** Berlin Industries v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this DuPage County facility a four-day provisional variance, subject to conditions, from the requirements to use an afterburner to reduce 90% of volatile organic material emissions and to use an afterburner at all times when operating a printing line. These requirements are set forth in 35 Ill. Adm. Code 218.407(a)(1)(C) and 218.407(a)(1)(E) and conditions 7.1.3(f)(i)(C) and 7.1.3(f)(i)(E) of petitioner's Clean Air Act Permit Program permit. 6-0  
A-V

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## Motions and Other Matters

**PCB 95-170** People of the State of Illinois v. Environmental Control and Abatement, Inc. - No action taken. A-E

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**PCB 97-180** Atkinson Landfill Company v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Henry County facility. 6-0  
P-A, Land

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**PCB 98-59** Morton College Board of Trustees of Illinois, Community College District No. 527 v. Town of Cicero - No action taken. RCRA-E  
Citizens

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**PCB 99-109** People of the State of Illinois v. Donald and Robert Hastie d/b/a Hastie Trucking and Mining Company - The Board granted the parties' request to amend the Board order of January 6, 2000 to allow payment of the penalty within 60 days. 6-0  
A-E

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<b>PCB 99-111</b>	<u>People of the State of Illinois v. Gerry Rich d/b/a Rich Pork Farm</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Tazewell County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
<b>PCB 99-125</b>	<u>Terrence G. Graf, Joe Graf, Marcella Graf, Louise Grothpietz, Marjorie Olszeoski, Leonard Olszeoski, Mike Czebokowski, Lois Czebokowski v. Emerald Landscaping and CPK Landscaping</u> - No action taken.	N-E, Citizens
<b>PCB 00-75</b>	<u>Delta Sonic Car Wash Systems, 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 DuPage County facility.	6-0 UST-FRD
<b>PCB 00-76</b>	<u>State Street Shell v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility. The Board also granted petitioner's motion for corrected caption to show East Side Acquisitions, Inc. as petitioner instead of State Street Shell.	6-0 UST-FRD
<b>PCB 00-81</b>	<u>Northwestern University 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 Cook County facility.	6-0 UST- Appeal
<b>PCB 00-82</b>	<u>Jersey Sanitation Corporation v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Jersey County facility.	6-0 P-A, Land
<b>PCB 00-83</b>	<u>Kathe's Auto Service Center, 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 Cook County facility.	6-0 UST- Appeal

<b>PCB 00-84</b>	<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 timely filed on behalf of this McHenry County facility.	6-0 UST-FRD
<b>PCB 00-85</b>	<u>Libertyville Lumber 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 timely filed on behalf of this Lake County facility.	6-0 UST- Appeal
<b>PCB 00-87</b>	<u>E.G. Vogt 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 St. Clair County facility.	6-0 UST-FRD
<b>PCB 00-113</b>	<u>People of the State of Illinois v. Illinois-American Water Company</u> - The Board accepted for hearing this public water supply enforcement action against this Peoria County facility.	6-0 PWS-E
<b>PCB 00-114</b>	<u>Three County Public Water District v. IEPA</u> - The Board entered an order directing petitioner to file an amended petition within 45 days in this request for a public water supply variance on behalf of a Macoupin County facility.	6-0 PWS-V
<b>PCB 00-115</b>	<u>People of the State of Illinois v. Yetter Manufacturing Company, Inc.</u> - The Board accepted for hearing this air enforcement action against this Madison County facility.	6-0 A-E
<b>PCB 00-116</b>	<u>Fox River Water Reclamation District v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this McHenry County facility.	6-0 P-A, NPDES 90-Day Ext.

**PCB 00-117** Ophelia Niemann, formerly d/b/a Barney's Garage, Inc. v. IEPA - 6-0  
The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility. UST-FRD

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**PCB 00-118** Community Landfill Company and City of Morris v. IEPA - The 6-0  
Board accepted for hearing this permit appeal involving a Grundy P-A, Land  
County facility.

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**PCB 00-119** Wholesale Oil Company (Laflin) v. IEPA - No action taken. UST-FRD  
90-Day Ext.

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**PCB 00-120** Wholesale Oil Company v. IEPA - No action taken. UST-FRD  
90-Day Ext.

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**PCB 00-122** People of the State of Illinois v. City of Lawrenceville, John A. 6-0  
Gordon, P.E., Gordon & Price, Inc., David Guillaum, d/b/a D&G  
Construction, and Wayne Lappington, d/b/a Lappington Trucking  
and Excavating - The Board accepted for hearing this public water PWS-E  
supply enforcement action against this Lawrence County facility.

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### **CASES PENDING DECISION**

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

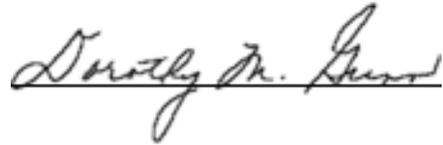
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### **ADJOURNMENT**

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Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:15 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 3rd day of February 2000 by a vote of 5-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board