

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



August 4, 2006
Chicago/Springfield Videoconference
CHICAGO OFFICE - 100 W. Randolph Street
Videoconference Room 11-512
And
SPRINGFIELD OFFICE – 1021 N. Grand Avenue East
Oliver Holmes Conference Room 2012 N – Second Floor
1:30 P.M.

ANNOUNCEMENTS

Chairman Girard welcomed members of the public and staff.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the July 20, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

R06-13	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	4-0 R, Water
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R06-27 In the Matter of: Amendments to 35 Ill. Adm. Code 201 (New Section 201.501 PSD Construction Permits) – The Board granted the Illinois Environmental Protection Agency’s motion to withdraw this rulemaking proposal. 4-0
R, Air

R07-8 In the Matter of: Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811 – No action taken. R, Land

ADJUSTED STANDARDS

AS 06-4 In the Matter of: Petition of Big River Zinc for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c) – The Board granted petitioner’s motion to expedite and accepted this St. Clair County facility’s petition for a “waste delisting” adjusted standard from the Board’s waste rules. The Board reserved ruling on whether to request additional information or to order that a hearing be held despite petitioner’s request for a hearing waiver. 4-0
Land

AS 07-1 In the Matter of: Petition of BP Products North America Inc. for an Adjusted Standard Pursuant to 35 Ill. Adm. Code 720.122 – Pending receipt of the certificate of publication, the Board held this Madison County facility’s petition for an adjusted standard to delist certain waste the Board’s rules under the Resource Conservation and Recovery Act. Land

ADMINISTRATIVE CITATIONS

AC 06-13 IEPA v. Lyndell Heinzmann – No action taken.

AC 06-50 IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kingsley Lewis – The Board ordered respondent Mark Gates to file an amended petition to cure noted deficiencies postmarked on or before September 5, 2006, or the matter would be subject to dismissal. The Board also ordered complainant to file proof of service regarding remaining respondents Marla Lewis Gates and Mark Kingsley Lewis on or before September 5, 2006. 4-0

AC 06-52 IEPA v. Charles L. Riggins – The Board found that this Fulton County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)). Because this is a subsequent violation of Section 21(p), respondent was ordered to pay a civil penalty of \$3,000. 4-0

AC 06-53 County of Ogle v. George C. Heal – The Board accepted for hearing this petition for review of an administrative citation against this Ogle County respondent. 4-0

AC 06-55 County of Wayne v. Julian Buchanan – The Board found that this Wayne County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500. 4-0

AC 06-56 IEPA v. Lake Wildwind Park, L.L.C. – The Board accepted for hearing this petition for review of an administrative citation against this Woodford County respondent. 4-0

AC 06-57 IEPA v. Ron Lawver – The Board found that this Fulton County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)), and ordered respondents to pay a civil penalty of \$3,000. 4-0

AC 07-4 IEPA v. Frank Wilhelm – The Board accepted an administrative citation against this Macon County respondent.

ADJUDICATORY CASES

Decisions

PCB 04-7	<u>People of the State of Illinois v. 4832 S. Vincennes, L.P.</u> – 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)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$2,500, and to cease and desist from further violations.	4-0 A-E
PCB 05-181	<u>People of the State of Illinois v. Pattison Associates L.L.C. and 5701 South Calumet L.L.C.</u> – 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)), and accepted a stipulation and settlement agreement, ordering the respondents to pay a total civil penalty of \$20,000, and to cease and desist from further violations.	4-0 A-E
PCB 05-215 PCB 06-103 (cons.)	<u>People of the State of Illinois v. First Rockford Group, Inc. and Schlichting & Sons Excavating, Inc.; People of the State of Illinois v. First Rockford Group, Inc.</u> – In this public water supply 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 as to Schlichting & Sons Excavating, Inc. (Schlichting) only, ordering Schlichting to pay a total civil penalty of \$10,000, and to cease and desist from further violations.	4-0 PWS-E

PCB 06-191	<u>People of the State of Illinois v. Louie’s Trenching Service, Inc. and City of Galena</u> – In this water enforcement action concerning a Jo Daviess 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)), and accepted a stipulation and settlement agreement, ordering the respondents to pay a total civil penalty of \$9,000, and to cease and desist from further violations.	4-0 W-E
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Motions and Other Matters

PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt, Co., Inc., 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 Asphalt Co., Inc.</u> – No action taken.	W-E
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PCB 02-79	<u>People of the State of Illinois v. Walter F. Deemie d/b/a River City Demolition</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 Sangamon County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
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PCB 02-215	<u>Perfetti Van Melle USA, Inc. v. IEPA</u> – The Board granted this Lake County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
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PCB 04-31	<u>Broadus Oil v. IEPA</u> – No action taken.	UST Fund
PCB 05-43 (cons.)		

PCB 04-107	<u>People of the State of Illinois v. Peter Babaniotis</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a Will County facility, the Board ordered publication of the required newspaper notice.	4-0 L&W-E
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Appeal
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	Citizens A&L-E
PCB 05-203	<u>People of the State of Illinois and Homewood Disposal Service, 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 Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 06-16	<u>People of the State of Illinois v. Ogoco, Inc.</u> – No action taken.	W-E
PCB 06-33	<u>People of the State of Illinois v. J&S Companies, Inc. and First Choice Construction, Inc.</u> – No action taken.	L-E
PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
PCB 06-141	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage</u> – No action taken.	Citizens W-E
PCB 06-171	<u>American Bottom Conservancy v. IEPA and United States Steel Corporation – Granite City Works</u> – No action taken.	P-A, NPDES 3d Party

PCB 06-173	<u>People of the State of Illinois v. First Country Homes, L.L.C.</u> – No action taken.	W-E
PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – No action taken.	L-E
PCB 06-182	<u>People of the State of Illinois v. Kirsea Builders, Inc.</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 involving a Will County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 07-4	<u>People of the State of Illinois v. Village of Tinley Park</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 involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 07-5	<u>City of Des Plaines (Former A&K Mini Mart) 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.	4-0 UST Appeal 90-Day Ext.
PCB 07-6	<u>J.D. Streett & Company, Inc. v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies postmarked on or before September 5, 2006, or the matter would subject to dismissal.	4-0 UST Appeal
PCB 07-7	<u>People of the State of Illinois v. City of Belvidere and CES, Inc.</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 involving a Boone County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

CASES PENDING DECISION

R06-19 In the Matter of: Clean Construction or Demolition Debris Fill Operations Under P.A. 94-272 (35 Ill. Adm. Code 1100) – Adopted Rule, Final Order, Opinion and Order (due 8/17) R, PWS

R06-23 In the Matter of: Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination Under P.A. 94-314: New 35 Ill. Adm. Code Part 1505 – Adopted Rule, Final Order, Opinion and Order (due 9/7) R, PWS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 2:05 p.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 18, 2006, by a vote of .

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board