

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**JANUARY 6, 2000 CHICAGO OFFICE  
VIDEO CONFERENCE ROOM 9-036  
10:30 A.M.**

### **ANNOUNCEMENTS**

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After calling the video conference meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Chairman Manning noted that a staff attorney Karen Kavanagh-Mack, was leaving the Board for the private practice of law, and thanked her for her valuable contributions to the Board.

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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Minutes of the December 16, 1999 meeting were approved by a vote of 6-0.

### **RULEMAKINGS**

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| <b>R00-9</b>  | <u>In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999, through December 31, 1999. | R, Air |
| <hr/>         |  |        |
| <b>R00-10</b> | <u>In the Matter of: SDWA Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999, through December 31, 1999.              | R, PWS |
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**R00-11**      In the Matter of: UIC Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999, through December 31, 1999.      R, Land

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**R00-12**      In the Matter of: RCRA Subtitle D Municipal Solid Waste Landfill Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999, through December 31, 1999.      R, Land

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**R00-13**      In the Matter of: RCRA Subtitle C Hazardous Waste Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999, through December 31, 1999.      R, Land

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**R00-14**      In the Matter of: UST Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999, through December 31, 1999.      R, Land

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**R00-15**      In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 1999, through December 31, 1999.      R, Water

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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  
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AC 00-54  
AC 00-55

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<b>AC 00-27</b>	<u>IEPA v. John Simpson</u> - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cumberland County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (1998)) and ordered respondent to pay a civil penalty of \$500. The Board also granted complainant's motion to dismiss the alleged violation of Section 21(p)(7)(i) of the Act (415 ILCS 5/21(p)(7)(i) (1998), as amended by Pub. Act 91-72, eff. July 9, 1999), prohibiting open dumping of general construction or demolition debris.	6-0
<b>AC 00-33</b>	<u>County of Sangamon v. American Tree Service, Roy F. Throop</u> - The Board accepted for hearing this petition for review of an administrative citation against these Sangamon County respondents.	5-0 Kezelis abstained
<b>AC 00-36</b>	<u>IEPA v. David Swearingen</u> - The Board found that this Moultrie County respondent violated Sections 21(p)(1) and 21(p)(7)(i) of the Act (415 ILCS 5/21(p)(1), 21(p)(7)(i) (1998)), and ordered respondent to pay a civil penalty of \$1,000.	6-0
<b>AC 00-56</b>	<u>IEPA v. Tom Zang</u> - The Board accepted for hearing this petition for review of an administrative citation against this Cumberland County respondent.	6-0
<b>AC 00-59</b>	<u>County of Will v. James and Joan Haggard</u> - The Board accepted an administrative citation against these Will County respondents.	
<b>AC 00-60</b>	<u>IEPA v. Knox County, Illinois, Knox County Landfill #3, and Thomas D. Wagher</u> - The Board accepted an administrative citation against these Knox County respondents.	
<b>AC 00-61</b>	<u>IEPA v. Don Myers</u> - The Board accepted an administrative citation against this Union County respondent.	
<b>AC 00-62</b>	<u>Wayne County Health Department v. John Heem</u> - No action taken.	

## ADJUDICATORY CASES

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### Decisions

**PCB 96-111** People of the State of Illinois v. John Chalmers, individually and d/b/a John Chalmers Hog Farm - The Board found that this respondent violated various sections of the Environmental Protection Act and Board regulations and ordered respondent to pay a civil penalty of \$5,750 in this water enforcement action concerning a facility located in Menard County. 6-0  
Kezelis and Manning concurred  
W-E

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**PCB 97-50** Lionel Trepanier, Wes Wager, Maureen Minnick, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois - The Board found no violations of the Environmental Protection Act or the Board's regulations in this citizens' air and land enforcement action involving demolition of a Cook County facility. 6-0  
A, L-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 relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a stipulation and settlement agreement in this air enforcement action concerning a facility located in Hardin County, Illinois, ordered respondent to pay a civil penalty of \$6,000, and to cease and desist from further violations. 6-0  
A-E

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### Provisional Variances

**PCB 00-112** Plexus Scientific Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Will County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 237.102, which prohibits open burning without a permit. 6-0  
A-V

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### Motions and Other Matters

**PCB 89-178** Olin Corporation v. IEPA - The Board granted the parties' joint motion for voluntary dismissal of this permit appeal involving a Madison County facility. 6-0  
P-A, RCRA

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<b>PCB 94-373</b>	<u>People of the State of Illinois v. Wayne Berger and Berger Waste Management, Inc.</u> - The Board granted in part and denied in part respondent's motion for a stay of the Board's May 6, 1999 order.	5-1 Kezelis dissented  L-E
<b>PCB 95-170</b>	<u>People of the State of Illinois v. Environmental Control and Abatement, Inc.</u> - No action taken.	A-E
<b>PCB 96-132</b>	<u>People of the State of Illinois v. Northern Railroad Company, Beazer East and Koppers Industries, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action against a Knox County facility, the Board ordered publication of the required newspaper notice.	6-0 RCRA-E
<b>PCB 97-23</b>	<u>City of Lockport v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Will County facility.	6-0 P-A, NPDES
<b>PCB 97-217</b>	<u>People of the State of Illinois v. Bigelow Group, 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 against a Lake County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
<b>PCB 98-37</b>	<u>People of the State of Illinois v. American Waste Processing, LTD</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.	6-0 RCRA-E
<b>PCB 98-59</b>	<u>Morton College Board of Trustees of Illinois, Community College District No. 527 v. Town of Cicero</u> - No action taken.	RCRA-E Citizens

<b>PCB 99-42</b>	<u>International Environmental Consultants Inc., and Memorial Park District v. IEPA</u> - The Board granted petitioners' motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST-Appeal
<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 99-165</b>	<u>Formel Industries, Inc v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this request for an air variance involving a Cook County facility.	6-0 A-V
<b>PCB 99-167</b>	<u>Vonco Products, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this request for an air variance involving a Lake County facility.	6-0 A-V
<b>PCB 99-170</b>	<u>Bema Film Systems, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this request for an air variance involving a DuPage County facility.	6-0 A-V
<b>PCB 00-53</b> <b>PCB 00-54</b>	<u>The C.P. Hall Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of the request for a variance in PCB 00-53 involving a Cook County facility.	6-0 A-V
<b>PCB 00-60</b>	<u>Sullivan Community Unit School District #300 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 Moultrie County facility.	6-0 UST-FRD
<b>PCB 00-69</b>	<u>CAM, L.L.C. v. Office of the Illinois State Fire Marshal</u> - The Board granted petitioners' motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	6-0 UST-FRD

<b>PCB 00-71</b>	<u>Robert Cheek 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 Pulaski County facility.	6-0 UST-FRD
<b>PCB 00-74</b>	<u>Wayne Foster v. IEPA</u> - The Board granted motion for corrected caption to show Freeburg Investors Groups as petitioner instead of Wayne Foster. The Board also accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	6-0 UST-FRD
<b>PCB 00-77</b>	<u>Susan Carson 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 Kane County facility.	6-0 UST-FRD
<b>PCB 00-90</b>	<u>Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation</u> - The Board found that, pursuant to 35 Ill. Adm. Code 103.124(a) of the Board's rules, the alleged violations of the Environmental Protection Act and the Board's rules, were neither duplicitous nor frivolous, and accepted this citizens' noise enforcement action involving a Randolph County facility for hearing.	6-0 N-E Citizens
<b>PCB 00-92</b>	<u>Colony of Longmeadow HOA v. Dominick's (Mundelein Facility)</u> - The Board found that, pursuant to 35 Ill. Adm. Code 103.124(a) of the Board's rules, the alleged violations of the Environmental Protection Act and the Board's rules, were neither duplicitous nor frivolous, and accepted this citizens' noise enforcement action involving a Lake County facility for hearing. The complainant was ordered to file an amended complaint with the Clerk of the Board by February 5, 2000.	6-0 N-E Citizens
<b>PCB 00-102</b>	<u>People of the State of Illinois v. Babson Brothers Company</u> - The Board accepted for hearing this land enforcement action against this Kane County facility.	6-0 L-E

<b>PCB 00-103</b>	<u>People of the State of Illinois v. Mano Negra Wrecking Corporation, previously known as Mano Negra Corporation, and Fernando O. Zamora, individually and as president of Mano Negra Wrecking Corporation</u> - The Board accepted for hearing this air enforcement action involving two facilities located in Cook County.	6-0 A-E
<b>PCB 00-104</b>	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc.</u> - The Board accepted for hearing this air enforcement action against this Knox County facility.	6-0 A-E
<b>PCB 00-105</b>	<u>People of the State of Illinois v. Britt Industries, Inc.</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 against a Cook County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
<b>PCB 00-106</b>	<u>Village of Downers Grove 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 DuPage County facility.	6-0 UST- Appeal 90-Day Ext.
<b>PCB 00-107</b>	<u>The Dow Chemical Company (Joliet Plant) 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 Will County facility.	6-0 RCRA-PA 90-Day Ext.
<b>PCB 00-108</b>	<u>People of the State of Illinois v. E &amp; E Hauling, Inc. and BFI Waste Systems of North America</u> - The Board accepted for hearing this air enforcement action against this DuPage County facility.	6-0 L-E
<b>PCB 00-109</b>	<u>People of the State of Illinois v. Arturo Rivero, d/b/a Swiss Cleaners</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	6-0 A-E
<b>PCB 00-110</b>	<u>People of the State of Illinois v. Joe Decicco Demolition, Inc.</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	6-0 A-E

PCB 00-111 People of the State of Illinois v. R. Freitsch Company, Inc. - The Board accepted for hearing this air enforcement action against this Peoria County facility. 6-0  
A-E

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**CASES PENDING DECISION**

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PCB 99-31 Cass County Service Company v. IEPA Manning  
T-C, Appeal

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

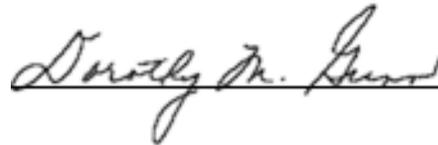
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**ADJOURNMENT**

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Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:14 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 January 2000 by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board