

DRAFT ILLINOIS POLLUTION CONTROL BOARD MEETING MINUTES



NOVEMBER 1, 2001
CHICAGO OFFICE-100 West Randolph
VIDEO CONFERENCE ROOM 11-512
and
SPRINGFIELD OFFICE-600 South Second Street
VIDEO CONFERENCE ROOM 402
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present except for Board Member Lawton who was absent.

APPROVAL OF MINUTES

Minutes of the October 18, 2001 meeting were approved by a vote of 6-0.

RULEMAKINGS

R01-26	<u>In the Matter of: Amendments to Regulation of Petroleum Leaking Underground Storage Tanks: 35 Ill. Adm. Code 732</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s underground storage tank regulations.	6-0 R, Land
R01-27	<u>In the Matter of: Site Remediation Program: Amendments to 35 Ill. Adm. Code 740; In the Matter of: Site Remediation Program</u>	6-0
R01-29	<u>35 Ill. Adm. Code 740, and Subpart H (Public Schools)</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s site remediation program regulations.	R, Land
Cons.		

R01-28 In the Matter of: Amendments to Livestock Waste Regulations: 35 Ill. Adm. Code 506 – The Board adopted a final opinion and order in this rulemaking to amend the Board’s livestock waste regulations. 6-0
R, Land

ADMINISTRATIVE CITATIONS

AC 00-84 IEPA v. James Day - The Board entered an order requiring respondent to pay the Board and the Environmental Protection Agency hearing costs in the amount of \$957 and \$181.25 respectively, and a civil penalty of \$1,500. This order follows the Board's interim order of July 26, 2001, which found that this respondent had violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2000)) and assessing a penalty of \$3,000 at respondent’s Champaign County facility. 6-0

AC 01-5 IEPA v. Billy Hammond, Sr. – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2000)) and assessing a penalty of \$3,000. 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. 6-0

AC 01-16) County of Sangamon v. Everett Daily – No action taken.

AC 01-17)
Cons.

AC 02-2 IEPA v. Nordean and Susan Simon d/b/a Berman Auto Parts – No action taken.

AC 02-9 IEPA v. Mark and Ann Musser; Pro-Excavating, Ltd.; Charles Heuerman d/b/a Charles Heuerman General Trucking; David Swingler d/b/a Swingler Construction; and Beecher City Community School District – The Board found that these Effingham County respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000)), and ordered respondents to pay a civil penalty of \$3,000. 6-0

PCB 00-176 People of the State of Illinois v. City of Auburn; Benton & Associates, Inc.; and Petersburg Plumbing and Heating – In this public water supply enforcement action concerning a Sangamon County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$7,500, and to cease and desist from further violations. 6-0
PWS-E

PCB 01-76 People of the State of Illinois v. John Crane, 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 Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$166,337, and to cease and desist from further violations. 6-0
A-E

PCB 02-37 People of the State of Illinois v. Crop Production Services, Inc., AEH Construction, Inc., and Gunther Construction Company – In this land enforcement action concerning a Knox County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)), and accepted a final stipulation and settlement agreement. The Board ordered the respondents to each pay a civil penalty of 5,000 (for a total civil penalty of \$15,000), and to cease and desist from further violations. 6-0
L-E

Motions and Other Matters

PCB 93-213 Texaco Refining and Marketing, Inc. (Lockport Plant) v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this Resource Conservation and Recovery Act permit appeal involving a Will County facility. 6-0
P-A, RCRA

PCB 96-143 People of the State of Illinois v. Michel Grain Company, Inc. a/k/a Michel Fertilizer; Caryle Michel; and Ronnie Todd – The Board accepted complainant’s second amended complaint in this water enforcement action involving a site located in Jefferson & Hamilton Counties. 6-0
W-E

PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – No action taken.	L-E
PCB 00-148	<u>Wayne and Sonja Hall v. Richard L. Miller and Mary J. Miller d/b/a R&M Metals</u> – The Board granted complainants’ motion to dismiss this citizen enforcement action involving a site located in Douglas County.	6-0 Citizens L-E
PCB 00-188	<u>Ozinga Transportation Services v. IEPA</u> – No action taken.	UST Fund
PCB 00-206	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> – No action taken.	P-A, Land
PCB 00-207		
PCB 00-208		
PCB 01-62		
PCB 01-63		
PCB 01-64 (cons.)		
PCB 01-86	<u>Robert and Yvonne Gardner v. Township High School District 211, Gerald Chapman, Superintendent</u> – No action taken.	Citizens N-E
PCB 01-139	<u>ESG Watts, Inc. (Sangamon Valley Landfill, Taylor Ridge Landfill, and Viola Landfill) v. IEPA</u> – No action taken.	P-A, Land
PCB 01-140	<u>Nelson Westerberg, Inc. v. Office of the State Fire Marshal</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST Appeal
PCB 01-168	<u>Larry Manns 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 Madison County facility.	6-0 UST Appeal

PCB 02-7	<u>Petro Plus, Inc. f/k/a Gas Stop 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.	6-0 UST Appeal
PCB 02-8	<u>People of the State of Illinois v. Royster-Clark, Inc.</u> – No action taken.	W-E
PCB 02-12	<u>Sensient Flavors, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Lee County facility.	6-0 P-A
PCB 02-13	<u>Bahlman Oil Company, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Will County facility.	6-0 UST Fund
PCB 02-14	<u>Ila M. Neathery and Denise Fleck v. Greg and Karen Bouillon d/b/a Thirsty’s, and Terrill L. and Sarah E. Loving</u> – The Board found that the allegations in the complaint against the Lovings were neither duplicitous nor frivolous, and accepted for hearing this matter involving a Sangamon County facility.	6-0 Citizens N-E
PCB 02-24	<u>St. Joseph Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.	6-0 UST Fund
PCB 02-27	<u>Rezmar Corporation 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 Melas abstained UST Fund
PCB 02-31	<u>Bridgestone/Firestone Off-Road Tire Company v. IEPA</u> – The Board granted petitioner’s request for a stay of effectiveness of the contested permit condition.	6-0 P-A, Air
PCB 02-40	<u>Village of Round Lake Park v. IEPA</u> - The Board accepted for hearing this variance request involving a Lake County facility.	6-0 W-V

PCB 02-41	<u>Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder</u> – The Board ordered complainants to timely effectuate service upon respondent as required by Section 101.304(c) of the Board’s procedural rules (35 Ill. Adm. Code 101.304(c)), no later than December 1, 2001, or the complaint would be subject to dismissal.	6-0 Citizens A&N-E
PCB 02-49	<u>Fox River Reclamation District (South Plant) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Kane County facility.	6-0 P-A 90-Day Ext.
PCB 02-50	<u>Vandalia Community School District #203 v. IEPA</u> - The Board found the petition deficient in this underground storage tank appeal involving a Fayette County facility, and ordered petitioner to file an amended petition to cure deficiencies no later than December 1, 2001, or the petition would be subject to dismissal.	6-0 UST Appeal
PCB 02-51	<u>Prairie Material Sales d/b/a Dixon Marquette Cement v. IEPA</u> - The Board found and certified that specified facilities of Prairie Material Sales d/b/a Dixon Marquette Cement located in Lee County are pollution control facilities under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 T-C

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:40.a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 15th day of November 2001 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board