

DRAFT ILLINOIS POLLUTION CONTROL BOARD MEETING MINUTES



DECEMBER 20, 2001
CHICAGO OFFICE-100 West Randolph
VIDEO CONFERENCE ROOM 11-512
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Assistant Clerk of the Board called the roll and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the December 6, 2001 meeting were approved by a vote of 6-0, Board Member Johnson abstained.

RULEMAKINGS

R02-5	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2001 through June 30, 2001: Arsenic Rule)</u> – The Board granted the request of the United States Environmental Protection Agency for an additional 30 days past December 10, 2001 in which to file public comment.	7-0 R, PWS
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ADJUSTED STANDARDS

AS 01-9	<u>In the Matter of: Petition of Rhodia, Inc. and Thorn Creek Basin Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105</u> – The Board granted petitioners' motion for expedited decision.	7-0 Water
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AS 01-7	<u>In the Matter of: Petition of Progressive Environmental Services, Inc. d/b/a Antifreeze Recycling for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c) – No action taken.</u>	RCRA
AS 02-1	<u>In the Matter of: Material Service Corporation Petition for an Adjusted Standard From 35 Ill. Adm. Code 302.208, 406.202 and 304.105 – No action taken.</u>	Water

ADMINISTRATIVE CITATIONS

AC 01-16	<u>County of Sangamon v. Everett Daily</u> – The Board granted	7-0
AC 01-17	respondent's motion for leave to file a response to complainant's	
Cons.	motion for summary judgment.	
AC 01-19	<u>IEPA v. William Basil Flynn & Olen G. Parkhill, Jr.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found respondents violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (2000)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties' joint motions to dismiss respondent's petition for review.	7-0
AC 02-6	<u>IEPA v. Larry Beam</u> – No action taken.	
AC 02-17	<u>IEPA v. Charles Goodwin</u> – The Board accepted respondent's amended petition for review and directed this matter to proceed to hearing.	7-0
AC 02-20	<u>IEPA v. Housewright Lumber Company, William A. Housewright, and George Hartmann</u> – The Board accepted for hearing this petition for review of an administrative citation against these Hancock County respondents.	7-0
AC 02-24	<u>IEPA v. Robert Dennis</u> – The Board granted complainant's motion to withdraw this administrative citation involving a Cass County facility.	7-0

AC 02-26 IEPA v. Maurice Newcomer – The Board accepted an administrative citation against this Carroll County respondent.

AC 02-27 IEPA v. John Firebaugh – The Board accepted an administrative citation against this Jefferson County respondent.

ADJUDICATORY CASES

Decisions

PCB 00-9	<u>People of the State of Illinois v. Brake's Enterprises, Inc. d/b/a Brake's Amoco</u> – In this underground storage tank enforcement action concerning a Champaign 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations.	7-0 UST-E
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PCB 01-3	<u>People of the State of Illinois v. R & G Construction</u> – In this public water supply enforcement action concerning a Scott 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations.	7-0 PWS-E
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PCB 01-134	<u>People of the State of Illinois v. Kucera Disposal Company</u> – In this land enforcement action concerning a Champaign 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$12,000, and to cease and desist from further violations.	7-0 L-E
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Motions and Other Matters

PCB 94-292	<u>Ernie and Frank Tagliere d/b/a Ravinia Auto Service Center v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	7-0 UST Fund
PCB 96-180	<u>Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc.</u> – The Board granted the parties’ joint motion to dismiss this citizen water enforcement action involving a Montgomery County facility.	7-0 W-E Citizens
PCB 97-2	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	A,W&L-E
PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, f/d/b/a S & S Petroleum Products, Peter Anest, f/d/b/a S & S Petroleum Products, Charles Abraham, Josephine Abraham, and Milstream Service, Inc.; Charles Abraham, Josephine Abraham, and Millstream Services, Inc., Cross-Complainants v. William Anest and Peter Anest, Cross-Respondents</u> – No action taken.	L&W-E
PCB 98-148	<u>People of the State of Illinois v. Doren Poland; Lloyd Yoho; and Briggs Industries, Inc.</u> – No action taken.	L-E
PCB 99-74	<u>General Mills Operations, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this trade secret appeal involving a Kane County facility.	7-0 T-S
PCB 00-67	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> – No action taken.	RCRA-E
PCB 00-92	<u>Stephen M. Lardner v. Dominick’s Finer Foods, Inc., The Landowner of Longmeadow Commons, Waste Management, Mundelein Disposal, and Onyx Waste Services, Inc.</u> – The Board granted the parties’ joint motion to dismiss this citizen noise enforcement action involving a Lake County facility.	7-0 Citizens N-E

PCB 00-181	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties and the Board of Education of Belvidere District 100</u> – No action taken.	UST-E Citizens
PCB 00-188	<u>Ozinga Transportation Services v. IEPA</u> – The Board granted respondent’s motions for summary judgment, to strike, and for leave to file a surreply. The Board denied petitioner’s cross motion for summary judgment. The Board affirmed the respondent’s April 3, 1998 denial of petitioner’s claim for reimbursement.	6-0 Tristano abstained UST Fund
PCB 01-66	<u>People of the State of Illinois v. Camelot Enterprises, Inc., Stephen Einfeldt individually and as president of Camelot Enterprises, Inc., Ivan Johnson individually and as co-owner of Camelot Enterprises, 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 Kankakee County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 01-154	<u>David P. Houghtaling v. Tire Management, Inc.</u> – No action taken.	Citizens A-E
PCB 02-5	<u>People of the State of Illinois v. Environmental Management & Abatement, Inc., and Danny G. Kohrdt individually and as President of Environmental Management & Abatement, Inc.</u> - The Board denied respondent’s motions to strike and directed that this matter proceed to hearing.	7-0 L-E
PCB 02-8	<u>People of the State of Illinois v. Royster-Clark, Inc.</u> – No action taken.	W-E
PCB 02-11	<u>Doris Glave v. Brent and Patty Harris and Winds Chant Kennel, Inc.</u> – No action taken.	Citizens N-E
PCB 02-14	<u>Ila M. Neathery and Denise C. Fleck v. Greg and Karen Bouillon d/b/a Thirsty’s, and Terrill L. and Sarah E. Loving</u> – The Board granted complainants’ motion to dismiss this citizen noise enforcement action involving a Sangamon County facility.	7-0 Citizens N-E

PCB 02-21	<u>People of the State of Illinois v. J&F Hauling, Inc.</u> – No action taken.	RCRA-E
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.	7-0 Melas abstained UST Fund
PCB 02-33	<u>Dynegy Midwest Generation, Inc.</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 Macon County facility.	7-0 P-A
PCB 02-41	<u>Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder</u> – No action taken.	Citizens A&N-E
PCB 02-58	<u>Sauer-Danfoss (US) Company v. IEPA</u> – Respondent’s motion to extend time for filing record was referred to the hearing officer for disposition.	UST Appeal
PCB 02-65	<u>GBF Graphics, Inc. v. IEPA</u> – No action taken.	A-V
PCB 02-69	<u>Fairview Acres, Inc. v. IEPA</u> – The Board found and certified that specified facilities of Fairview Acres, Inc. located in Logan County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-70	<u>Bruce Duesterhaus-Fowler v. IEPA</u> – The Board found and certified that specified facilities of Bruce Duesterhaus-Fowler located in Adams County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C

PCB 02-71	<u>People of the State of Illinois v. FIC America Corporation</u> – The Board accepted for hearing this water enforcement action involving a DuPage County facility.	7-0 W-E
PCB 02-72	<u>Aux Sable Liquid Products v. IEPA</u> – The Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-73	<u>People of the State of Illinois v. Bernie C. Morris</u> – The Board accepted for hearing this water enforcement action involving a Edgar County facility.	7-0 W-E
PCB 02-74	<u>Dan & Jackie Borrowman Farm v. IEPA</u> – The Board found and certified that specified facilities of Dan & Jackie Borrowman Farm located in Pike County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-75	<u>Spectrum Preferred Meats, Inc.-Mt. Morris v. IEPA</u> – The Board found and certified that specified facilities of Spectrum Preferred Meats, Inc.-Mt. Morris located in Ogle County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-76	<u>The American Coal Company-Galatia v. IEPA</u> – The Board found and certified that the specified perimeter ditch of the American Coal Company-Galatia located in Saline County is a “pollution control facility” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)). The Board opened a separate docket PCB 02-83 to address petitioner’s request for preferential tax certification for its landfill.	7-0 T-C
PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc.</u> – The Board accepted for hearing this land enforcement action involving a Cook County facility.	7-0 L-E

PCB 02-78	<u>Ecolab, Inc. v. Occidental Chemical Corporation</u> – The Board held for a later duplicitous/frivolous determination this citizen’s underground storage tank enforcement action involving a Cook County facility.	UST-E Citizens
PCB 02-79	<u>People of the State of Illinois v. Walter Deemie d/b/a River City Demolition</u> – The Board accepted for hearing this land enforcement action involving a Sangamon County facility.	7-0 A-E
PCB 02-83	<u>The American Coal Company-Galatia v. IEPA</u> – The Board opened a docket to address petitioner’s request for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)) for its facility located in Saline County. Petitioner must file a petition to contest with the Clerk of the Board within 35 days after the respondent served the recommendation. If petitioner fails to timely file a petition, the Board may deny tax certification for the landfill based solely on respondent’s recommendation.	7-0 T-C

ADJOURNMENT

OTHER ITEMS

Closed Deliberative Session for December 27, 2001 is cancelled.

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:50.a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 10th day of January 2002 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board