

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



MAY 18, 2000 SPRINGFIELD OFFICE
600 South Second Street - Suite 403
Hearing Room
10:30 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Administrative Assistant to the Chairman called the roll and Board Members Manning, Flemal, Kezelis, Lawton, McFawn, and Melas answered present. Board Member Girard was absent.

APPROVAL OF MINUTES

Minutes of the May 4, 2000 meeting were approved by a vote of 6-0.

RULEMAKINGS

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| R00-13 | <u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board adopted a final opinion and order in this "identical-in-substance" rulemaking to amend the Board's hazardous waste regulations. | 6-0
R, Land |
| R00-19 | <u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)</u> - The Board accepted for hearing this Illinois Environmental Protection Agency proposal to amend the standards for tiered approach to corrective action objectives. | 6-0
R, Land |
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ADJUSTED STANDARDS

AS 00-14	<u>In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1) -</u> No action taken.	RCRA
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ADMINISTRATIVE CITATIONS

AC 00-3 et al. (Cons.)	<u>County of Sangamon v. ESG Watts, Inc.</u> - In response to a joint stipulation and settlement agreement in these consolidated administrative citations involving a Sangamon County facility, the Board dismissed respondent's petitions for review in each action. The Board also granted complainant's motion to dismiss the following administrative citations: AC 00-51 (SCDPH 99-AC-36); AC 00-53 (SCDPH 99-AC-37); AC 00-54 (SCDPH 99-AC-38); AC 00-55 (SCDPH 99-AC-39); AC 00-64 (SCDPH 99-AC-40); AC 00-65 (SCDPH 99-AC-41); and AC 00-66 (SCDPH 99-AC-42). The Board dismissed the alleged violations of Section 21(o)(9) of the Illinois Environmental Protection Act (Act) from each of the remaining administrative citations, and dismissed the alleged violation of Section 21(o)(6) of the Act from AC 00-50 (SCDPH 99-AC-35). 415 ILCS 5/21(o)(6), (o)(9) (1998). The Board found respondent had violated Sections 21(o)(5) and (o)(6) of the Act (415 ILCS 5/21(o)(5), (o)(6) (1998)) in each of the remaining administrative citations, and ordered respondent to pay a civil penalty of \$29,500.	6-0
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AC 00-69	<u>IEPA v. Raymond Pollock</u> - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cumberland County facility, the Board dismissed respondent's petition for review, found respondent had 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 \$1,500.	6-0
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AC 00-73	<u>IEPA v. Landfill 33, Ltd., and Richard Deibel</u> - The Board found that these Effingham County respondents violated Sections 21(o)(5) and 21(o)(12) of the Act (415 ILCS 5/21(o)(5), 21(o)(12) (1998)), and ordered respondents to pay a civil penalty of \$3,000.	6-0
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AC 00-74	<u>IEPA v. William J. Heap and H&G Construction, Inc.</u> - The Board found that these McDonough County respondents violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (1998)), and ordered respondents to pay a civil penalty of \$4,500.	6-0
AC 00-81	<u>IEPA v. Jesse Lockhart</u> - The Board accepted for hearing this petition for review of an administrative citation against this Kankakee County respondent.	6-0

ADJUDICATORY CASES

Decisions

PCB 96-209	<u>People of the State of Illinois v. Macon County Landfill Corporation</u> - In this land enforcement action concerning a facility located in Macon County, Illinois, the Board, after hearing, accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$37,500, and ordered respondent to cease and desist from further violations.	6-0	L-E
PCB 97-207	<u>People of the State of Illinois v. Inspiration Development Company</u> - In this air and land enforcement action concerning a facility located in Jo Daviess County, Illinois, 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 final stipulation and settlement agreement, ordered the respondent to reimburse the State \$22,531 for its oversight, assistance, and guidance in the reclamation, regrading, and revegetation of the site, and ordered respondent to cease and desist from further violations.	6-0	A&L-E

- PCB 98-162** People of the State of Illinois v. Judy Davis - In this land enforcement action concerning a facility located in Henry County, Illinois, 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 final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$2,000, and ordered respondent to cease and desist from further violations. 6-0
L-E

Provisional Variances

Since the Board must decide provisional variances within forty-eight hours of their filing, any provisional variances filed prior to this meeting will be included here.

- PCB 00-193** Acme Steel Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 212.443(c)(1)(A), which prohibits average opacity during pushing operations of greater than 20 percent for four consecutive pushes. 6-0
A-V

Motions and Other Matters

- PCB 97-9** People of the State of Illinois v. C&S Recycling, Inc., Flood Brothers Disposal Company, Inc., William Flood, individually and as President of C&S Recycling, and Brian Flood, individually and as Treasurer of C&S Recycling - No action taken. L-E
- PCB 97-103** People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&S Petroleum Products, Peter Anest, an individual f/d/b/a S&S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Milstream Service, Inc. - The Board denied complainant's motion to strike the affirmative defense of laches and granted in part and denied in part respondents Anests' motion to strike and dismiss the second amended cross complaint. 6-0
L&W-E

PCB 97-189	<u>Frederick Cooper Lamps, Inc. v. IEPA</u> - The Board granted the parties' joint motion for voluntary dismissal of this permit appeal involving a Cook County facility.	6-0 P-A, Air
PCB 97-234	<u>Antonio D. H. Nam v. Kikon Suh</u> - No action taken.	UST-E, Citizens
PCB 98-144	<u>People of the State of Illinois v. Edward Van Der Molen and Peter T. Barton d/b/a Shadow Lakes Resort</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 facility located in Will County, the Board ordered publication of the required newspaper notice.	6-0 W-E
PCB 98-169	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Barge-Way Systems, Inc., Joseph Kellogg, Nielsen's Barge-Way, Robert Nielsen, Robert F. Atkins, and Mobil Oil Company</u> - The Board granted complainant's motion to voluntarily dismiss the following respondents: Robert F. Atkins, Barge-Way Systems, Inc., and Mobil Oil Company. The Board also granted complainant's attorney's motion to appear <i>pro hac vice</i> .	6-0 UST-E
PCB 99-152	<u>People of the State of Illinois v. Eagle-Picher 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 involving a facility located in Edgar County, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 99-177	<u>Village of Oak Lawn v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST-FRD

PCB 00-31	<u>People of the State of Illinois v. Reilly 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 involving a facility located in Madison County, the Board ordered publication of the required newspaper notice.	6-0 RCRA-E
PCB 00-67	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> - The Board denied respondent Consolidated Rail Corporation's motion to dismiss this Resource Conservation and Recovery Act enforcement action involving a facility located in Cook County.	6-0 RCRA-E
PCB 00-138	<u>Granite City Sheet Metal v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	6-0 UST-FRD
PCB 00-139	<u>L. Wolf Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	6-0 UST-FRD
PCB 00-143	<u>Curtis Masterson v. City of Fairfield</u> - No action taken.	A-E, Citizens
PCB 00-144	<u>Federal-Mogul 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 timely filed on behalf of this Cook County facility.	6-0 UST- Appeal
PCB 00-145	<u>Marathon Ashland Petroleum, L.L.C. 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- Appeal

PCB 00-149	<u>Northwestern Steel and Wire Company v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was timely filed on behalf of this Whiteside County facility.	6-0 P-A
PCB 00-150	<u>AC Humko (Morgan Specialties) v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was timely filed on behalf of this Edgar County facility.	6-0 P-A
PCB 00-153	<u>Frank Gentile v. IEPA</u> - No action taken.	UST- Appeal
PCB 00-154	<u>Kathryn Cooper v. City of Fairfield</u> - No action taken.	A-E, Citizens
PCB 00-155	<u>Robert Lichtenberger and Wilma Lichtenberger v. City of Fairfield</u> - No action taken.	A-E, Citizens
PCB 00-158	<u>ESG Watts, Inc. (Viola Landfill) v. IEPA</u> - No action taken.	P-A, Land
PCB 00-159	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> - No action taken.	P-A, Land
PCB 00-160	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> - No action taken.	P-A, Land
PCB 00-177	<u>Michael D. Logsdon, Darrell E. Mann, Kathy Mann, Russell Spillman, Marilyn Spillman, Rita Martin, A. Abbott, Kathy Abbott, Diana Collins, Dave Collins v. South Fork Gun Club</u> - No action taken.	N-E, Citizens

PCB 00-180	<u>People of the State of Illinois v. Jacobs Energy Corporation</u> - The Board accepted for hearing this air and land enforcement action against this Rock Island County facility.	6-0 A&L-E
PCB 00-181	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties, and Board of Education of Belvidere District 100</u> - The Board held for a later duplicitous/frivolous determination this citizen underground storage tank enforcement action involving a Boone County facility.	UST-E, Citizens
PCB 00-182	<u>People of the State of Illinois v. Ralph Campbell</u> - The Board dismissed this enforcement action against this Champaign County facility, finding that it lacks jurisdiction to hear cases brought pursuant to the Gasoline Storage Act.	6-0 UST-E
PCB 00-183	<u>People of the State of Illinois v. Delno E. Smith individually and d/b/a Smitty's Friendly Service</u> - The Board dismissed this enforcement action against this Crawford County facility, finding that it lacks jurisdiction to hear cases brought pursuant to the Gasoline Storage Act.	6-0 UST-E
PCB 00-184	<u>People of the State of Illinois v. M&R Wrecking, Ltd. and Roderick Enterprises, Inc.</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	6-0 A-E
PCB 00-185	<u>National Car Rental System, Inc. 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.	6-0 UST- Appeal 90-Day Ext.

PCB 00-186	<u>Corn Belt Electric Cooperative 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 McLean County facility.	6-0 UST- Appeal 90-Day Ext.
PCB 00-187	<u>Broderick Teaming Company 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.	6-0 UST- Appeal 90-Day Ext.
PCB 00-188	<u>Ozinga Transportation Services 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.	6-0 UST- Appeal 90-Day Ext.
PCB 00-189	<u>People of the State of Illinois v. Fox River Water Reclamation District</u> - The Board accepted for hearing this water enforcement action against this Kane County facility.	6-0 W-E
PCB 00-190	<u>People of the State of Illinois v. Truserv Corporation</u> - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this McHenry County facility.	6-0 RCRA-E
PCB 00-191	<u>Sunburst Energy, Inc. 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 Fayette County facility.	6-0 UST-FRD 90-Day Ext.
PCB 00-192	<u>People of the State of Illinois v. Wismarq Corporation</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	6-0 A-E

CASES PENDING DECISION

R00-16 In the Matter of: Vehicle Scrappage Activities Adoption of 35 Ill. Adm. Code 207 - Adopted Rule, Final Order, Opinion and Order R, Air

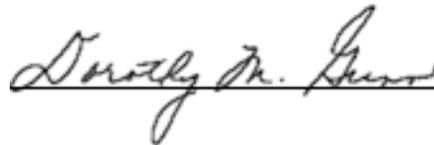
PCB 97-121 Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson RCRA-E, Citizens

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:20 a.m. to an Executive Session.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 8th day of June 2000 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board