

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**April 6, 2000 CHICAGO OFFICE
CONFERENCE ROOM 9-040
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 Clerk of the Board called the roll. All Board Members were present.

APPROVAL OF MINUTES

Minutes of the March 16, 2000 meeting were approved by a vote of 6-0. Board Member Girard abstained.

ADJUSTED STANDARDS

AS 00-6	<u>In the Matter of: Petition of Ford Motor Company (Chicago Assembly Plant) for an Adjusted Standard from 35 Ill. Adm. Code 218.986</u> - The Board granted this Cook County facility an adjusted standard, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.986.	7-0 Air
AS 00-11	<u>In the Matter of: Petition of BEMA Film Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a), (b) and (c) (“Flexographic Printing Rule”)</u> - The Board accepted for hearing this request for an adjusted standard from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.401(a), (b), and (c), on behalf of a DuPage County facility.	7-0 Air

AS 00-12 In the Matter of: Petition of VONCO Products, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a),(b) and (c)(the “Flexographic Printing Rule”) - The Board accepted for hearing this request for an adjusted standard from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.401(a), (b), and (c), on behalf of a Lake County facility. 7-0
Air

AS 00-13 In the Matter of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a),(b) and (c)(the “Flexographic Printing Rule”) - The Board accepted for hearing this request for an adjusted standard from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.401(a), (b), and (c), on behalf of a Cook County facility. 7-0
Air

AS 00-14 In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1) - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from the Resource Conservation and Recovery Act certification requirements found at 35 Ill. Adm. Code 702.126(d)(1), on behalf of a Lake County facility. RCRA

ADMINISTRATIVE CITATIONS

AC 00-70 IEPA v. American Disposal Services of Illinois, Inc. and Dave Bryant- The Board found that these Livingston County respondents violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (1998)), and ordered respondents to pay a civil penalty of \$500. 7-0

AC 00-71 IEPA v. Opal Bresnahan - The Board accepted an administrative citation against this Warren County respondent.

AC 00-73 IEPA v. Landfill 33, Ltd., and Richard Deibel - The Board accepted an administrative citation against these Effingham County respondents.

AC 00-74 IEPA v. William J. Heap and H&G Construction, Inc. - The Board accepted an administrative citation against these McDonough County respondents.

AC 00-75 IEPA v. Wayne Williams and Zora Williams - The Board accepted an administrative citation against these Peoria County respondents.

ADJUDICATORY CASES

Decisions

PCB 95-163 People of the State of Illinois v. Clark Refining & Marketing, Inc. - 7-0
In this air, water, and Resource Conservation and Recovery Act enforcement action concerning a facility located in Madison 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, and ordered the respondent to pay a civil penalty of \$37,500, and to cease and desist from further violations. A,W & RCRA - E

PCB 96-240 People of the State of Illinois v. Rogers O'Hare Motor Terminal Limited and Carolina Freight Carriers Corporation - In this water and underground storage tank enforcement action concerning a facility located in Jefferson 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 stipulation and settlement agreement, and ordered the respondents to pay a civil penalty of \$17,500, and to cease and desist from further violations. 7-0 W&UST-E

PCB 99-82 Michael Pawlowski and Diane K. Pawlowski v. David Johansen and Troy Quinley, individually and d/b/a Benchwarmers Pub, Inc. - 7-0
- The Board found that these respondents violated Section 24 of the Environmental Protection Act (415 ILCS 5/24 (1998)) and 35 Ill. Adm. Code 900.102 of the Board's noise pollution control regulations. Respondents were ordered to submit a report prepared by a qualified acoustical consultant detailing sound control methods that can be implemented to alleviate the sound levels and vibrations reaching complainants' residence by June 5, 2000. N-E, Citizens

Provisional Variances

PCB 00-170	<u>City of Rock Island v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Rock Island County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.120 and 304.141(a), and National Pollutant Discharge Elimination System Permit Number IL0030783.	7-0 W-V
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Motions and Other Matters

PCB 94-176	<u>ESG Watts, Inc. v. IEPA</u> - No action taken.	P-A, Land
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PCB 96-119	<u>People of the State of Illinois v. We Shred It, Inc.</u> - No action taken.	L-E
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PCB 96-146	<u>Heritage Environmental Services, Inc. v. IEPA</u> - The Board granted respondent's motion to dismiss this RCRA permit appeal involving a Cook County facility, and directed the respondent to strike Special conditions (B)(10) and (B)(11) and Attachments 1, 2, & 3 of Section VI (Special Conditions) of petitioner's Resource Conservation and Recovery Act (RCRA) Part B Permit.	7-0 P-A, RCRA
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PCB 97-103	<u>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.</u> - No action taken.	L&W-E
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PCB 98-59	<u>The Town of Cicero v. National Jockey Club</u> - No action taken.	RCRA-E
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PCB 99-69	<u>Land and Lakes Company v. Randolph County Board of Commissioners</u> - The Board denied both parties' motions for summary judgment and directed that this matter proceed to hearing.	6-1 McFawn dissented P-C-F-S-R
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PCB 00-102	<u>People of the State of Illinois v. Babson Brothers Company</u> - No action taken.	L-E, Tires
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PCB 00-115	<u>People of the State of Illinois v. Yetter Manufacturing Company, 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 McDonough County, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 00-120	<u>Wholesale Oil Company (Belmont) v. IEPA</u> - The Board dismissed this underground storage tank appeal for petitioner's failure to timely file an amended petition, as ordered on February 3, 2000, and dismissed respondent's motion to dismiss as moot.	6-0 Melas abstained UST-FRD
PCB 00-127	<u>People of the State of Illinois v. Dayne Rogers, an individual, Black Gold International, and Crosby & Associates, P.C.</u> - No action taken.	L-E, Tires
PCB 00-128	<u>Apple Chevrolet 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.	7-0 UST- Appeal
PCB 00-133	<u>John M. Giertych, Oak Ridge Property Owners v. Tyson Corporation</u> - The Board held for a later duplicitous/frivolous determination this citizen noise enforcement action involving a Kankakee County facility.	N-E, Citizens
PCB 00-136	<u>People of the State of Illinois v. Sullivan Marina and Campground, L.L.C.</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 Moultrie County, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 00-140	<u>Gladys L. Knox and David A. Knox v. Turris Coal Company and AEI Resources, Inc.</u> - The Board held for a later duplicitous/frivolous determination this citizen noise enforcement action involving a Sangamon County facility.	N-E, Citizens

PCB 00-143	<u>Curtis Masterson v. City of Fairfield</u> - The Board held for a later duplicitous/frivolous determination this citizen air enforcement action involving a Wayne County facility.	A-E, Citizens
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 held for a later duplicitous/frivolous determination this citizen noise enforcement action involving a Douglas County facility.	N-E, Citizens
PCB 00-153	<u>Frank Gentile v. IEPA</u> - No action taken.	UST- Appeal 90-Day Ext.
PCB 00-154	<u>Kathryn Cooper v. City of Fairfield</u> - The Board held for a later duplicitous/frivolous determination this citizen air enforcement action involving a Wayne County facility.	A-E, Citizens
PCB 00-155	<u>Robert Lichtenberger and Wilma Lichtenberger v. City of Fairfield</u> - The Board held for a later duplicitous/frivolous determination this citizen air enforcement action involving a Wayne County facility.	A-E, Citizens
PCB 00-156	<u>People of the State of Illinois v. Kenneth Minor and Keith Minor, individually and d/b/a Motorsport Park, and Moto Sports, Inc.</u> - The Board accepted for hearing this water enforcement action against this Will County facility.	7-0 W-E
PCB 00-157	<u>Michael R. Pawlowski and Diane K. Pawlowski v. Dave Johansen, a/k/a David Johansen, Troy Quinley, and Benchwarmers Pub, Inc.</u> - The Board held for a later duplicitous/frivolous determination this citizen noise enforcement action involving a Livingston County facility.	N-E, Citizens
PCB 00-158	<u>ESG Watts, Inc. (Viola Landfill) v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Mercer County facility.	7-0 P-A, Land

PCB 00-159	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Rock Island County facility.	7-0 P-A, Land
PCB 00-160	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Sangamon County facility.	7-0 P-A, Land
PCB 00-161	<u>People of the State of Illinois v. Home State Bank, N.A., as Trustee of Trust No. 1466 and Ethyl A. Veugeler as the Beneficiary of Trust No. 1466</u> - The Board accepted for hearing this land enforcement action against this McHenry County facility.	7-0 L-E
PCB 00-162	<u>1625 Waukegan Limited Partnership v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a site remediation program appeal on behalf of this Cook County facility.	7-0 SRP-Appeal 90-Day Ext.
PCB 00-163	<u>David & Jacquelym McDonough v. Gary Robke</u> - The Board held for a later duplicitous/frivolous determination this citizen noise enforcement action involving a Clinton County facility.	N-E, Citizens
PCB 00-164	<u>Kenneth R. Boster v. City of Fairfield</u> - The Board held for a later duplicitous/frivolous determination this citizen air enforcement action involving a Wayne County facility.	A-E, Citizens
PCB 00-165	<u>People of the State of Illinois v. David Cohen, d/b/a Dave's Auto Repair and Service</u> - The Board accepted for hearing this underground storage tank enforcement action against this Lake County facility.	7-0 UST-E
PCB 00-166	<u>People of the State of Illinois v. AutoResearch Laboratories, 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 Cook County, the Board ordered publication of the required newspaper notice.	7-0 A-E

PCB 00-167 Bond County Community School District v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Bond County facility. 7-0
UST-FRD
90-Day Ext.

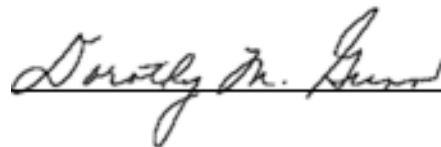
PCB 00-168 Interstate Brands Corporation v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Sangamon County facility. 7-0
UST-FRD
90-Day Ext.

PCB 00-169 Estate of Robert Behrends v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Logan County facility. 7-0
UST-
Appeal
90-Day Ext.

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:05 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 April 2000 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board