

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



FEBRUARY 17, 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. All Board Members were present.

APPROVAL OF MINUTES

Minutes of the February 3, 2000 meeting were approved by a vote of 5-0, Board Member Flemal abstained.

RULEMAKINGS

R00-9	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic material regulations during the update period of July 1, 1999, through December 31, 1999.	6-0 R, Air
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R00-12	<u>In the Matter of: RCRA Subtitle D Municipal Solid Waste Landfill Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its non-hazardous waste regulations during the update period of July 1, 1999, through December 31, 1999.	6-0 R, Land
R00-14	<u>In the Matter of: UST Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 1999, through December 31, 1999.	6-0 R, Land
R00-17	<u>In the Matter of: Amendments to 35 Ill. Adm. Code Part 617, Regulated Recharge Area for Pleasant Valley Public Water District</u> - No action taken.	R, PWS

ADJUSTED STANDARDS

AS 00-2	<u>In the Matter of: Petition of Horsehead Resource and Development Company, Inc. for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c)</u> - The Board granted this Cook County facility an adjusted standard from the definition of solid waste, pursuant to 35 Ill Adm. Code 720.131(c), subject to conditions.	6-0 RCRA
AS 00-8	<u>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”)</u> - The Board granted petitioner’s motion for voluntary dismissal of this request for an adjusted standard involving a Lake County facility.	6-0 Air
AS 00-9	<u>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”)</u> - The Board granted petitioner’s motion for voluntary dismissal of this request for an adjusted standard involving a DuPage County facility.	6-0 Air

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 granted petitioner’s motion for voluntary dismissal of this request for an adjusted standard involving a Cook County facility. 6-0
Air

ADMINISTRATIVE CITATIONS

AC 00-20 County of Will v. Dorothy V. Fisch - The Board granted complainant’s motion for voluntary dismissal of this administrative citation action involving a Will County facility. 6-0

AC 00-33 County of Sangamon v. American Tree Service, Roy F. Throop - No action taken.

AC 00-58 Tazewell County v. Waste Professionals, Inc. - The Board granted complainant’s motion for voluntary dismissal of this administrative citation action involving a Tazewell County facility. 6-0

AC 00-63 County of Vermilion v. Illinois Landfill, Inc. - The Board found that this Vermilion County respondent violated Section 21(o)(12) of the Act (415 ILCS 5/21(o)(12) (1998)), and ordered respondent to pay a civil penalty of \$500. 6-0

AC 00-68 Will County v. Oscar Smith - The Board accepted an administrative citation against this Will County respondent.

AC 00-69 IEPA v. Raymond Pollock - The Board accepted an administrative citation against this Douglas County respondent.

ADJUDICATORY CASES

Decisions

PCB 96-132 People of the State of Illinois v. Burlington Northern Railroad Company, Beazer East, Inc., and Koppers Industries, Inc. - 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)), and accepted a stipulation and settlement agreement in this Resource Conservation and Recovery Act enforcement action concerning a facility located in Knox County, Illinois, ordered the respondent to pay a civil penalty of \$173,000, and to cease and desist from further violations. 6-0
RCRA-E

PCB 99-98 Kendall-Grundy FS, Inc. v. IEPA - The Board certified that the petitioner's steel building is a "pollution control facility" under the Property Tax Code (35 ILCS 200/11-10 (1998)), and directed the Illinois Environmental Protection Agency to timely provide any additional documentation of the tax certification that the Department of Revenue may require. 6-0
T-C, Appeal

PCB 99-111 People of the State of Illinois v. Gerry Rich d/b/a Rich Pork Farm - 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 water enforcement action concerning a facility located in Tazewell County, Illinois, ordered the respondent to pay a civil penalty of \$5,000, and to cease and desist from further violations. 6-0
W-E

PCB 00-54 The C.P. Hall Company v. IEPA - The Board granted this Cook County facility a variance from the air pollution control regulations found at 35 Ill. Adm. Code 218.501(a) and 281.504(d)(1), (2), subject to conditions. 6-0
A-V

Motions and Other Matters

PCB 95-109 ESG Watts, Inc. v. IEPA - No action taken. P-A, Land

PCB 95-110	<u>ESG Watts, Inc. v. IEPA</u> - No action taken.	P-A, Land
PCB 95-126	<u>Excel Corporation v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Cass County facility.	6-0 P-A, Water
PCB 95-170	<u>People of the State of Illinois v. Environmental Control and Abatement, Inc.</u> - The Board granted both complainant's and respondent's motions for summary judgment in part and sent this air enforcement action to hearing to settle any unresolved issues still pending.	6-0 A-E
PCB 96-209	<u>People of the State of Illinois v. Macon County Landfill Corporation</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a facility located in Macon County, the Board ordered publication of the required newspaper notice.	6-0 L-E
PCB 98-10	<u>The Village of Niles v. Mobil Oil Corporation</u> - The Board granted complainant's motion for voluntary dismissal of this underground storage tank enforcement action involving a Cook County facility.	6-0 UST-E, Citizens
PCB 99-69	<u>Land and Lakes Company v. Randolph County Board of Commissioners</u> - No action taken.	P-C-F-S-R
PCB 99-152	<u>People of the State of Illinois v. Eagle-Picher Industries</u> - No action taken.	A-E
PCB 00-38	<u>John Johnson Landscaping, Inc. 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 00-57	<u>People of the State of Illinois v. J&J Services, 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 Jefferson County, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 00-92	<u>Colony of Longmeadow HOA v. Dominick's (Mundelein Facility)</u> - No action taken.	N-E, Citizens
PCB 00-94	<u>Linneman Oil Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Monroe County facility.	6-0 UST-FRD
PCB 00-95	<u>Champion Gas & Oil 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 Sangamon County facility.	6-0 UST- Appeal
PCB 00-96	<u>Duck's Tire Service 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 Fulton County facility.	6-0 UST-FRD
PCB 00-97	<u>People of the State of Illinois v. Southern Mold, 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 Williamson County, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 00-114	<u>Three County Public Water District v. IEPA</u> - The Board accepted petitioner's amended petition and granted the motion for expedited decision consistent with the Board's resources and decision deadlines.	5-1 McFawn dissented PWS-V

PCB 00-132 People of the State of Illinois v. Illinois Industrial Plating - The Board accepted for hearing this air enforcement action against this Peoria County facility. 6-0
A-E

PCB 00-133 John M. Giertych, Oak Ridge Property Owners v. Tyson Corporation - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Kankakee County facility. N-E,
Citizens

PCB 00-134 Schrock Cabinet Company v. IEPA - The Board accepted for hearing this permit appeal involving a Douglas County facility. 6-0
P-A, Air

PCB 00-135 People of the State of Illinois v. Berge Plating Works, Inc. - The Board accepted for hearing this air enforcement action against this Rock Island County facility. 6-0
A-E

PCB 00-136 People of the State of Illinois v. Sullivan Marina and Campground L.L.C. - The Board accepted for hearing this water enforcement action against this Moultrie County facility. 6-0
W-E

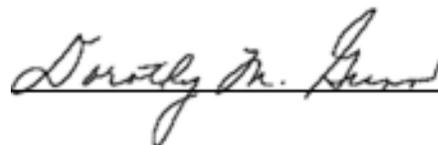
CASES PENDING DECISION

R00-13 In the Matter of: RCRA Subtitle C Hazardous Waste Update, USEPA Amendments (July 1, 1999 through December 31, 1999) - Proposal for Public Comment, Proposed Opinion and Order Kezelis
R, Land

ADJOURNMENT

Moved and seconded, by a vote of 6-0, 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 2nd day of March 2000 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board