

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**AUGUST 23, 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

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

### ROLL CALL

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

### APPROVAL OF MINUTES

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Minutes of the August 9, 2001 meeting were approved by a vote of 6-0. Board Member Johnson abstained.

### RULEMAKINGS

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|--------------|---|----------------|
| <b>R02-2</b> | <u>In the Matter of: UST Update, USEPA Regulations (January 1, 2001 through June 30, 2001)</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.   | 7-0<br>R, Land |
| <b>R02-4</b> | <u>In the Matter of: Exemptions from the Definition of VOM Update, USEPA Regulations (January 1, 2001, through June 30, 2001)</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. | 7-0<br>R, Air  |
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**R02-6**      In the Matter of: UIC Update, USEPA Regulations (January 1, 2001, through June 30, 2001) – 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 underground injection control regulations during the update period.      7-0  
R, Land

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**R02-7**      In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 2001, through June 30, 2001) – 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.      7-0  
R, Land

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**R02-8**      In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240.191 – 240.193 – The Board accepted the Illinois Environmental Protection Agency’s August 20, 2001 proposal to amend the Board’s air pollution control regulations as required under the Vehicle Code . The Board adopted a proposal for public comment, noting that the rules must be adopted 120-days from the filing of the proposal.      7-0  
R, Air

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### **ADJUSTED STANDARDS**

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**AS 01-5**      In the Matter of : Petition of the City of Sycamore for an Adjusted Standard from 35 Ill. Adm. Code Sections 306.305(b) and 304.121 – No action taken.      Water

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### **ADMINISTRATIVE CITATIONS**

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**AC 02-2**      IEPA v. Dean and Susan Simon d/b/a Berman Auto Parts – The Board accepted for hearing this petition for review of an administrative citation against these Boone County respondents. No action was taken on respondents motion to stay administrative proceedings.      7-0

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**AC 02-3**      IEPA v. Marvin Hammack and Doris Baker – The Board accepted for hearing this petition for review of an administrative citation against these Boone County respondents.      7-0

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**AC 02-5**      County of LaSalle v. Mr. And Mrs. Gary Kempiaik – The Board accepted this petition for review of an administrative citation against these LaSalle County respondents.

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**ADJUDICATORY CASES**

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*Provisional Variances*

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**PCB 02-22**      Village of Gridley v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this McLean County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.120(b) and 304.141(a).      7-0  
W-V

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*Motions and Other Matters*

**PCB 96-31**      Central Illinois Public Service Company v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Crawford County facility.      7-0  
P-A,  
NPDES

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**PCB 97-193**      People of the State of Illinois v. Community Landfill Company, Inc. – The Board granted the parties’ joint motion for clarification of its July 26, 2001 Board order, by stating that respondent’s cross motion for summary judgment with respect to count 12 was granted.      7-0  
L-E

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**PCB 99-149**      Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc. – The Board granted complainant’s motion for voluntary dismissal of this citizen enforcement action involving a Cook County facility.      7-0  
UST-E,  
Citizens

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**PCB 00-82**      Jersey Sanitation Corporation v. IEPA – No action taken.      P-A, Land

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<b>PCB 00-176</b>	<u>People of the State of Illinois v. Benton &amp; Associates, Inc. and Petersburg Plumbing and Heating</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 Sangamon County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
<b>PCB 00-181</b>	<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
<b>PCB 00-188</b>	<u>Ozinga Transportation Services v. IEPA</u> – No action taken.	UST-FRD
<b>PCB 00-221</b>	<u>James Glasgow, Vickie Glasgow, Bill Hoppe, and Pat Hoppe v. Granite City Steel</u> – No action taken.	A&N-E, Citizens
<b>PCB 01-104</b>	<u>People of the State of Illinois v. City of Waukegan</u> – The Board denied complainant’s motion for summary judgment in Count III only with respect to 35 Ill. Adm. Code 306.305(c) of the Board’s regulations. The Board granted complainant’s motion for summary judgment with respect to Sections 12(a), 12(c), and 12(f) of the Environmental Protection Act (415 ILCS 5/12(a), 12(c), 12(f) (2000)) and 35 Ill. Adm. Code 304.141(b), 306.102(a), 306.304, 309.102(a) of the Board’s regulations.	7-0 W-E
<b>PCB 01-105</b>	<u>Pete’s Marathon 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 Marion County facility.	7-0 UST-FRD
<b>PCB 01-140</b>	<u>Nelson Westerberg, Inc. v. Office of the State Fire Marshal</u> – No action taken.	UST- Appeal
<b>PCB 01-144</b>	<u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, Prairieland Construction, Inc., and Rich Williams d/b/a C.R. Williams and Associates Architects</u> – The Board granted the motion by respondent’s attorney Gerald M. Dunne to withdraw as attorney for Prairie Land Construction., Inc.	7-0 PWS-E

<b>PCB 01-152</b>	<u>Johnson Oil Company 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 Kankakee County facility.	7-0 UST-FRD
<b>PCB 01-155</b>	<u>People of the State of Illinois v. Alloy Engineering &amp; Casting Company</u> – No action taken.	A-E
<b>PCB 01-157</b>	<u>LaSalle Bank, N.A. 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 UST- Appeal
<b>PCB 01-169</b>	<u>Gerry Blohm v. Dominick’s Finer Foods</u> – The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous, and accepted for hearing this matter involving a Lake County facility.	7-0 N-E, Citizens
<b>PCB 01-170</b>	<u>Community Landfill Company and City of Morris v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Grundy County facility and granted petitioner’s motion for expedited review.	7-0 P-A, Land
<b>PCB 02-1</b>	<u>People of the State of Illinois v. Stein Steel Mill Services, Inc.</u> – The Board granted complainant’s request to file an amended complaint, but reserved ruling on respondent’s motion to dismiss until after complainant has filed the amended complaint.	7-0 A-E
<b>PCB 02-9</b>	<u>Mahanbir Dhillon d/b/a Express Food &amp; Gas v. IEPA</u> – The Board accepted petitioner’s amended petition for review in this underground storage tank appeal involving a Cook County facility.	7-0 UST- Appeal
<b>PCB 02-10</b>	<u>Rebecca S. Lawrence v. Northpoint Grade School</u> – The Board granted respondent’s request for an extension of time to file a response. The Board also instructed respondent to retain an attorney prior to filing its response to the complaint in this matter	7-0 N-E, Citizens

<b>PCB 02-11</b>	<u>Doris Glave v. Brent and Patty Harris</u> – The Board held for a later duplicitous/frivolous determination this citizen’s noise enforcement action involving a Lake County facility.	N-E, Citizens
<b>PCB 02-14</b>	<u>Ila M. Neathery and Denise C. Fleck v. Greg and Karen Bouillon d/b/a Thirsty’s</u> – The Board held for a later duplicitous/frivolous determination this citizen’s noise enforcement action involving a Sangamon County facility.	N-E, Citizens
<b>PCB 02-16</b>	<u>City of Chicago Department of Water v. IEPA</u> – No action taken.	PWS-V
<b>PCB 02-18</b>	<u>People of the State of Illinois v. Williamsburg Place of Crete, Inc.</u> – The Board accepted for hearing this water enforcement matter involving a Will County facility.	7-0 W-E
<b>PCB 02-19</b>	<u>ChemRex, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST- Appeal
<b>PCB 02-20</b>	<u>City of Charleston v. IEPA</u> – No action taken.	PWS-V
<b>PCB 02-21</b>	<u>People of the State of Illinois v. J&amp;F Hauling, Inc.</u> – The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action involving a Cook County facility.	7-0 RCRA-E

### **CASES PENDING DECISION**

<b>PCB 97-234</b>	<u>Antonio D.H. Nam v. Kikon Suh</u>	Manning UST-E, Citizens
<b>PCB 98-148</b>	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. a/k/a Briggs Plumbing Products, Inc.; Briggs Industries, Inc. Third-Party Complainant v. Loren West and Abingdon Salvage Company, Inc., Third Party Respondents</u>	Kezelis L-E

PCB 00-90 Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation

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N-E,  
Citizens

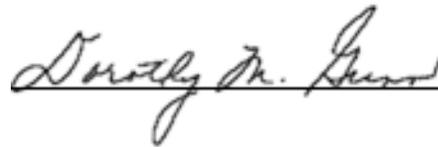
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**ADJOURNMENT**

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Moved and seconded, by a vote of 7-0, 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 6th day of September 2001 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board