

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**AUGUST 9, 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. All Board Members answered present except for Board Member Johnson who was absent.

### **APPROVAL OF MINUTES**

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Minutes of the July 26, 2001 meeting were approved by a vote of 5-0. Chairman Manning abstained.

### **RULEMAKINGS**

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<b>R01-25</b>	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	6-0 R, Water
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<b>R01-30</b>	<u>In the Matter of: UIC Corrections, USEPA Amendments (July 1, 1999, through June 30, 2000)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s underground injection control regulations. This docket addresses concerns raised by the United States Environmental Protection Agency regarding the recently adopted rules in <u>UIC Update, USEPA Amendments (July 1, 1999, through December 31, 1999)</u> and <u>UIC Update, USEPA Amendments (January 1, 2000, through June 30, 2000)</u> (December 7, 2000), R00-11/R01-1 (consolidated).	6-0 R, Land
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**ADMINISTRATIVE CITATIONS**

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<b>AC 01-22</b>	<u>IEPA v. Leroy P. David</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motions to dismiss the alleged violation of Section 21(p)(4) of the Act (415 ILCS 5/21(p)(4) (2000) and to dismiss respondent’s petition for review.	6-0
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<b>AC 01-26</b>	<u>IEPA v. Jack Busby</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation action involving a Marion County facility.	6-0
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<b>AC 01-44</b>	<u>IEPA v. Charles Haley d/b/a Haley Brothers Construction</u> – The Board accepted this amended petition for review of an administrative citation against this Iroquois County respondent.	6-0
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<b>AC 02-4</b>	<u>IEPA v. Mound City</u> – The Board accepted an administrative citation against this Pulaski County respondent.	
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## ADJUDICATORY CASES

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### Decisions

<b>PCB 00-127</b>	<u>People of the State of Illinois v. Dayne Rogers and Black Gold International</u> - The Board found that these Winnebago County respondents were liable to the State of Illinois for punitive damages in the amount of \$77,460.92, pursuant to Section 55.3(h) of the Act (415 ILCS 5/55.3(h) (2000)) in addition to \$32, 730.46 in corrective action costs awarded in the Board's November 2, 2000 interim order.	6-0 L-E, Tires
<b>PCB 00-211</b>	<u>People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyo America, Inc.</u> – In this Resource Conservation and Recovery Act enforcement action concerning a Will County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)), accepted a stipulation and partial settlement agreement for counts III, IV, V, VI, and VII of the complainant's complaint, and imposed a \$31, 500 penalty and to cease and desist from further violations. This matter shall proceed to hearing as to the allegations in Counts I and II of the complaint.	6-0 RCRA-E
<b>PCB 01-61</b>	<u>People of the State of Illinois v. Roll Service, Inc.</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Illinois 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 \$15,000, and to cease and desist from further violations.	6-0 A-E
<b>PCB 01-112</b>	<u>Prairie Rivers Network v. IEPA and Black Beauty Coal Company</u> – The Board affirmed the December 27, 2000 decision of the Illinois Environmental Protection Agency granting an National Pollutant Discharge Elimination System permit to this Vermilion County mining operation.	6-0 P-A, NPDES, 3rd Party

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<b>PCB 01-174</b>	<u>People of the State of Illinois v. Lakewood Homes, Inc.</u> – In this water enforcement action concerning a Lake County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Illinois Environmental Protection Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$25,000, and to cease and desist from further violations. Respondent also agreed to pay \$35,000 to the Lake County Forest Preserve District for the purposes specified in the stipulation.	6-0 W-E
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### Provisional Variances

<b>PCB 02-17</b>	<u>Exelon Generation Company, L.L.C. (Dresden Nuclear Power Station) v. IEPA</u> – Upon receipt of an Agency recommendation, the Board granted this facility a 45-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements as applicable to the Dresden Nuclear Power Station in Grundy County. These requirements are set forth in 35 Ill. Adm. Code 302.211 and 304.141(b) of the Board's water regulations, National Pollutant Discharge Elimination System Permit No. IL0002224304 special condition 4C, and in the Board's order, <u>In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station</u> (July 8, 1981), PCB 79-134.	6-0 W-V
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### Motions and Other Matters

<b>PCB 96-98</b>	<u>People of the State of Illinois v. Skokie Valley Asphalt, Inc.</u> – The Board denied reconsideration of its May 5, 2001 order denying complainant's motion for summary judgment. The Board also denied the petition for oral argument on the motion to reconsider.	6-0 W-E
<b>PCB 98-38</b>	<u>ESG Watts, Inc. (Taylor Ridge Landfill) v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Rock Island County facility.	6-0 P-A, Land

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<b>PCB 00-50</b>	<u>People of the State of Illinois v. A.E. Staley Manufacturing Company</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 Macon County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
<b>PCB 00-92</b>	<u>Stephen M. Lardner v. Dominick’s Finer Foods, Inc., The Landowner of Longmeadow Commons, Waste Management, Mundelein Disposal, and BFI</u> – The Board granted complainant’s motion for voluntary dismissal as to Onyx Waste Services, Inc. and denied complainant’s motions for voluntary dismissal and acceptance of stipulation and proposal for settlement as to Mundelein Disposal, Inc and Waste Management, directing the hearing officer to contact the parties regarding further proceedings.	6-0 N-E, Citizens
<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> – The Board ordered respondent Board of Education of Belvidere District 100 to file proof of service of its proposed third party complaint on the City of Belvidere.	6-0 UST-E, Citizens
<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 01-48</b> <b>PCB 01-49</b> <b>(Cons.)</b>	<u>Community Landfill Company and City of Morris v. IEPA</u> – The Board denied petitioners’ motion for stay pending appeal of the Board’s April 5, 2001 order affirming certain permit conditions.	6-0 P-A, Land
<b>PCB 01-104</b>	<u>People of the State of Illinois v. City of Waukegan</u> – No action taken.	W-E
<b>PCB 01-130</b>	<u>J.R. &amp; Sons, Inc. v. IEPA</u> – The Board ordered respondent to file an amended petition no later than August 23, 2001.	6-0 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, Prairie Land Construction, Inc. and Rich Williams d/b/a C.R. Williams &amp; Associates Architects</u> – Having received respondent Prairie Land Construction, Inc.’s objection and request for hearing, the Board denied the July 10, 2001 request for relief for hearing and ordered this matter to proceed to hearing.	6-0 PWS-E
<b>PCB 01-149</b>	<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 filed on behalf of this Whiteside County facility.	6-0 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 01-169</b>	<u>Gerry Blohm v. Dominick’s Finer Foods</u> – The Board held for a later duplicitous/frivolous determination this citizen’s noise enforcement action involving a McHenry County facility.	N-E, Citizens
<b>PCB 01-173</b>	<u>Cole Taylor Bank under Trust #40323; as Successor Trustee to Michigan Avenue National Bank of Chicago, under Trust #1904 v. Rowe Industries, Inc., Successor to Coleman Cable and Wire Company, and Chapco Carton Company</u> – The Board held for a later duplicitous/frivolous determination this citizen’s land enforcement action involving a Cook County facility.	6-0 L-E, Citizens
<b>PCB 02-4</b>	<u>City of Streator v. IEPA</u> – The Board granted petitioner’s motion for expedited review and denied respondent’s motion to dismiss, but ordered the filing of an amended petition within 30 days.	6-0 W-V, NPDES
<b>PCB 02-9</b>	<u>Express Food &amp; Gas v. IEPA</u> – No action taken.	UST- Appeal

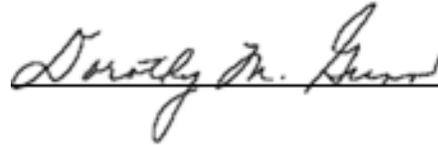
<b>PCB 02-10</b>	<u>Rebecca S. Lawrence v. Northpoint Grade School</u> – The Board held for a later duplicitous/frivolous determination this citizen’s noise enforcement action involving a McLean County facility.	N-E, Citizens
<b>PCB 02-11</b>	<u>Doris Glave v. Brent and Patty Harris</u> – The Board held for a later duplicitous/frivolous determination this citizen’s noise enforcement action involving a Lake County facility.	N-E, Citizens
<b>PCB 02-12</b>	<u>Sensient Flavors, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Lee County facility.	6-0 P-A, 90-Day Ext.
<b>PCB 02-13</b>	<u>Bahlman Oil Company, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of this Will County facility.	6-0 UST-FRD 90-Day Ext.
<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 02-15</b>	<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 water enforcement action involving a Macon County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
<b>PCB 02-16</b>	<u>City of Chicago Department of Water v. IEPA</u> – No action taken.	PWS-V

**ADJOURNMENT**

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Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:45 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 23rd day of August 2001 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board