

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**JULY 12, 2001, CHICAGO OFFICE
100 W. RANDOLPH STREET
CONFERENCE ROOM 9-040
11:00 A.M.**

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting, Chairman Manning then introduced recently appointed Board Member Thomas E. Johnson, and noted that Member Johnson would be voting only on PCB 00-120, Plexus Scientific Corporation v. IEPA.

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present except for Board Members Flemal and Melas who were absent.

APPROVAL OF MINUTES

Minutes of the June 21, 2001 meeting were approved by a vote of 4-0. Member Johnson abstained.

RULEMAKINGS

R01-15	<u>In the Matter of: Petition of Amerock Corporation, Rockford Facility, for Site-Specific Rulemaking Petition for Amendment to 35 Ill. Adm. Code 304.303</u> – The Board granted petitioner’s motion for extension of time in which to file a second amended petition.	4-0 Johnson abstained R, Water, Site- Specific
R02-1	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2001, through June 30, 2001)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2001, through June 30, 2001.	R, Land

R02-2	<u>In the Matter of: UST Update, USEPA Amendments (January 1, 2001, through June 30, 2001)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2001, through June 30, 2001.	R, Land
R02-3	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2001, through June 30, 2001)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2001, through June 30, 2001.	R, Water
R02-4	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2001, through June 30, 2001)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2001, through June 30, 2001.	R, Air
R02-5	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2001, through June 30, 2001)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2001, through June 30, 2001.	R, PWS
R02-6	<u>In the Matter of: UIC Update, USEPA Amendments (January 1, 2001, through June 30, 2001)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2001, through June 30, 2001.	R, Land
R02-7	<u>In the Matter of: RCRA Subtitle D Update, USEPA Amendments (January 1, 2001, through June 30, 2001)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2001, through June 30, 2001.	R, Land

ADJUSTED STANDARDS

AS 01-2	<u>In the Matter of: Petition of the City of Geneva for an Adjusted Standard from 35 Ill. Adm. Code 807.104</u> – The Board denied petitioner’s motion to reconsider the Board’s May 17, 2001 order in this matter.	4-0 Johnson abstained Land
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ADMINISTRATIVE CITATIONS

AC 01-35	<u>IEPA v. Jody Short and Lorrie Spriggs</u> – The Board granted complainant’s motion to withdraw the administrative citation against respondent Short only. The Board found that respondent Spriggs violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2000)), and ordered respondent to pay a civil penalty of \$3,000.	4-0 Johnson abstained
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ADJUDICATORY CASES

Decisions

PCB 01-3	<u>People of the State of Illinois v. Benton & Associates, Inc., and R&G Construction</u> – In this public water supply enforcement action concerning a Scott 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 final stipulation and settlement agreement for Benton & Associates, Inc (Benton) only, ordered Benton to pay a civil penalty of \$12,000, and to cease and desist from further violations. This matter shall proceed to hearing as to the remaining respondent.	4-0 Johnson abstained PWS-E
PCB 01-120	<u>Plexus Scientific Corporation v. IEPA</u> – The Board granted petitioner a variance from 35 Ill. Adm. Code 237.102, subject to conditions, to allow it to conduct open burning/flushing to decontaminate explosive material on buildings and process equipment and clear vegetation at the Load/Assembly/Package area, and potentially the Manufacturing area of the Joliet Army Ammunition Plant site in Will County, Illinois	4-0 Lawton abstained A-V, Open Burning

PCB 01-165	<u>People of the State of Illinois v. Village of Rantoul and Textron Automotive Exteriors, Inc.</u> – In this public water supply enforcement action concerning a Champaign 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 respondents to pay a total civil penalty of \$18,000, and to cease and desist from further violations.	4-0 Johnson abstained PWS-E
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Motions and Other Matters

PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt, Inc.</u> – No action taken.	W-E
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PCB 97-193	<u>People of the Sate of Illinois v. Community Landfill Company, Inc.</u> – No action taken.	L-E
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PCB 98-63	<u>Exolon-ESK Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Putnam County facility.	4-0 Johnson abstained P-A, Water
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PCB 98-166	<u>People of the State of Illinois v. Brzuskeiwicz Auto Rebuilders, Inc.</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 Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 Johnson abstained L-E
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PCB 00-92	<u>Stephen M. Lardner v. Dominick’s Finer Foods, Inc., The Landowner of Longmeadow Commons, Waste Management, Mundelein Disposal, and BFI</u> – No action taken.	N-E, Citizens
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PCB 00-148	<u>Wayne and Sonja Hall v. Richard L. Miller and Mary J. Miller d/b/a R&M Metals</u> – No action taken.	N-E, Citizens
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PCB 00-211	<u>People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyal America, Inc.</u> – Upon receipt of a proposed stipulation and partial settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Will County facility, the Board ordered publication of the required newspaper notice.	4-0 Johnson abstained RCRA-E
PCB 01-4	<u>Naperville Radiator Services v. IEPA</u> – The Board granted the parties’ motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.	4-0 Johnson abstained UST-FRD
PCB 01-61	<u>People of the State of Illinois v. Roll Service, 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 Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 Johnson abstained A-E
PCB 01-128	<u>B.L.T., Inc. v. Sixth Street Developers Limited Partnership, ORF, Inc., Roland Industries, VT Properties, Inc. and Freesen, Inc.</u> – No action taken.	Girard L-E, Citizens
PCB 01-129	<u>Mac Investments d/b/a Olympic Oldsmobile v. Office of the State Fire Marshal</u> – No action taken.	Manning UST- Appeal
PCB 01-130	<u>J.R. & Sons, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.	4-0 Johnson abstained UST-FRD
PCB 01-131	<u>Wareco Service, Inc. 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 Morgan County facility.	4-0 Johnson abstained UST-FRD

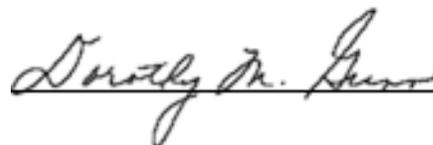
PCB 01-132	<u>Pecora Reality v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this DuPage County facility.	4-0 Johnson abstained UST- Appeal
PCB 01-139	<u>ESG Watts, Inc. (Sangamon Valley Landfill, Taylor Ridge Landfill, and Viola Landfill) v. IEPA</u> – The Board accepted for hearing this permit appeal involving three facilities located in Sangamon, Rock Island, and Mercer Counties.	4-0 Johnson abstained P-A, Land
PCB 01-144	<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 & Associates Architects</u> – Respondent’s motion for leave to file responsive pleading was referred to the hearing officer for disposition.	PWS-E
PCB 01-150	<u>People of the State of Illinois v. Marc Development Corporation and Silver Glen Estates Homeowners’ Association</u> – No action taken.	W-E
PCB 01-159	<u>American Bottoms Conservancy, East St. Louis Community Action Network, Kathy Andria, and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc.</u> – Respondent’s motion for extension of time to file the record was referred to the hearing officer for disposition.	P-C-F-S-R
PCB 01-172	<u>CCL Custom Manufacturing, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Vermilion County facility.	4-0 Johnson abstained P-A, Water

PCB 01-173	<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.	L-E, Citizens
PCB 01-174	<u>People of the State of Illinois v. Lakewood Homes, Inc.</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 Lake County facility, the Board ordered publication of the required newspaper notice.	4-0 Johnson abstained W-E
PCB 02-1	<u>People of the State of Illinois v. Stein Steel Mill Services, Inc.</u> – The Board accepted for hearing this air enforcement matter involving a Madison County facility.	4-0 Johnson abstained A-E
PCB 02-2	<u>Barry Amoco, 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 Grundy County facility.	4-0 Johnson abstained UST-FRD 90-Day Ext.

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Manning adjourned the meeting at 11:35 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 26th day of July 2001 by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board