

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



APRIL 19, 2001
CHICAGO OFFICE-100 West Randolph
VIDEO CONFERENCE ROOM 11-512
and
OFFICE OF THE ILLINOIS STATE BOARD OF EDUCATION
100 NORTH FIRST STREET
THIRD FLOOR VIDEO CONFERENCE ROOM
SPRINGFIELD
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. The Chairman and the Board Members congratulated the Clerk of the Board on completion of 26 years of service with the Board, the Chairman presented her with the proclamation of Governor George H. Ryan declaring April 28, 2001 to be "Dorothy M. Gunn Day".

ROLL CALL

The Clerk of the Board called the roll. The Board Members answered as follows: Chairman Manning and Member Kezelis from Springfield, Board Members Flemal, Lawton, McFawn, and Melas from Chicago. Board Member Girard was absent.

APPROVAL OF MINUTES

Minutes of the April 5, 2001 meeting were approved by a vote of 6-0.

RULEMAKINGS

R01-31	<u>In the Matter of: Provisional Variances from Water Temperature Standards: Proposed New 35 Ill. Adm. Code 301.109</u> – The Board accepted for hearing the Illinois Environmental Protection Agency's April 13, 2001 proposal to amend the Board's water pollution regulations.	6-0 R, Water
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ADJUSTED STANDARDS

AS 01-7	<u>In the Matter of: Progressive Environmental Services, Inc. d/b/a Antifreeze Recycling for an Adjusted Standard from 35 Ill. Adm. Code 720.313(c)</u> – The Board ordered petitioner to file an amended petition in this matter no later than May 21, 2001. In addition, the Board requested petitioner to file additional information in support of its motion for an expedited hearing.	6-0 RCRA
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ADMINISTRATIVE CITATIONS

AC 01-16	<u>County of Sangamon v. Everett Daily</u> – The Board denied respondent’s motion for judgment on the pleadings in these consolidated administrative citations involving a Sangamon County site.	6-0
AC 01-17 (Cons.)		

AC 01-29	<u>IEPA v. Leslie Yocum, Sandra Yocum, Rick L. Yocum, and Shawna B. Yocum</u> – No action taken.	
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AC 01-30	<u>IEPA v. Leslie Yocum and Sandra Yocum</u> – No action taken.	
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AC 01-31	<u>IEPA v. Jeffrey Sides</u> – The Board found that this Union County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (1998)), and ordered respondent to pay a civil penalty of \$3,000.	6-0
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AC 01-32	<u>IEPA v. City of East Moline, Illinois d/b/a East Moline Municipal Landfill and Dave Geier</u> – The Board found that these Rock Island County respondents violated Section 21(o)(11) of the Act (415 ILCS 5/21(o)(11) (1998)), and ordered respondents to pay a civil penalty of \$500.	6-0
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AC 01-36	<u>IEPA v. John Shirley</u> – The Board accepted an administrative citation against this Williamson County respondent.	
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AC 01-37	<u>IEPA v. Kishwaukee Auto Parts</u> – The Board accepted an administrative citation against this Winnebago County respondent.	
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AC 01-38 County of Macon v. Decatur/Macon County Landfill – The Board ordered petitioner to file an amended administrative citation to cure deficiencies no later than May 24, 2001, or the petition would be subject to dismissal. 6-0

ADJUDICATORY CASES

Decisions

PCB 99-79 People of the State of Illinois v. GLC, Inc. d/b/a Midwest Grinding and Recycling – In this air enforcement action concerning five facilities located in Madison County, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$10,000, and to cease and desist from further violations. 6-0
A-E

Provisional Variances

Since the Board must decide provisional variances within forty-eight hours of their filing, any provisional variances filed prior to this meeting will be included here.

PCB 01-142 Hennepin Public Water District v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Putnam County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a), and National Pollutant Discharge Elimination System Permit Number IL0023345. 6-0
W-V,
NPDES

Motions and Other Matters

PCB 91-207 Primex Technologies, Inc. (Marion Facility) and United States Department of Interior, Fish and Wildlife Service v. IEPA – The Board granted the parties' motion for voluntary dismissal of this permit appeal involving a Williamson County facility. 6-0
P-A, RCRA

PCB 96-256 People of the State of Illinois v. Crier Development Company and Bradley S. Cowell – No action taken. W-E

PCB 97-20	<u>People of the State of Illinois v. Bentronics Corporation</u> – The Board granted complainant’s motion for summary judgment and ordered this matter to proceed to hearing concerning penalty issues.	6-0 W-E
PCB 98-148	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc.</u> – No action taken.	L-E
PCB 00-82	<u>Jersey Sanitation Corporation v. IEPA</u> – No action taken.	P-A, Land
PCB 01-17	<u>People of the State of Illinois v. N.E. Finch, a Delaware corporation, and New Castle Properties, L.L.C., an Illinois limited liability corporation</u> – The Board granted complainant’s motion to file an amended complaint and directed complainant to proceed with service on the respondents.	6-0 A-E
PCB 01-32	<u>Waukegan Port District v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Lake County facility.	6-0 UST-FRD
PCB 01-50	<u>Gilbert’s Citgo, L.L.C. v. IEPA, Wheeling Trust & Savings Bank a/k/a Cole Taylor Bank, Successor Trustee, as Trustee Under Trust No. 73-314 and John Caporaso, as Beneficiary of Trust No. 73-314</u> – The Board granted petitioner a water well setback exception for its facility located in Kane County, subject to conditions.	5-1 McFawn dissented WWS
PCB 01-80	<u>People of the State of Illinois v. Nestle USA, 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 Tazewell County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
PCB 01-107	<u>Illinois State Toll Highway Authority (Des Plaines Oasis – South) 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.	6-0 UST- Appeal

PCB 01-111	<u>People of the State of Illinois v. David Livingston, individually, and Brian Siple, individually and d/b/a BCS Farms</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 Stephenson County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
PCB 01-112	<u>Prairie Rivers Network v. IEPA and Black Beauty Coal Company</u> – The Board denied Vermilion Coal Company’s petition to intervene and for a hearing on its petition to intervene, but authorized the filing of an <i>amicus curiae</i> brief.	4-2 Lawton and Melas dissented P-A, NPDES Third Party
PCB 01-116	<u>The Premcor Refining Group, Inc. v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure deficiencies no later than May 24, 2001, or the petition would be subject to dismissal.	6-0 UST- Appeal
PCB 01-119	<u>Stuart C. Nuss v. Village of Durand</u> – No action taken.	W-E, Citizens
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> – The Board held for a later duplicitous/frivolous determination this citizen’s land enforcement action involving a Sangamon County facility.	L-E, Citizens
PCB 01-135	<u>People of the State of Illinois v. Patrick Robert Land Trust</u> – The Board accepted for hearing this land enforcement matter involving a Tazewell County facility.	6-0 L-E
PCB 01-136	<u>Sangamon Prairie Pork Farm v. IEPA</u> – No action taken.	T-C
PCB 01-137	<u>Hog Haven L.L.C. v. IEPA</u> – No action taken.	T-C

PCB 01-138 Larry R. Manns v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility. 6-0
UST-Appeal

PCB 01-139 ESG Watts, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Sangamon County facility. 6-0
P-A, 90-Day Ext.

PCB 01-140 Nelson Westerberg, Inc. v. Office of the State Fire Marshal – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. 6-0
UST-Appeal

PCB 01-141 Limits, L.L.C. 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 Cook County facility. 6-0
UST-FRD

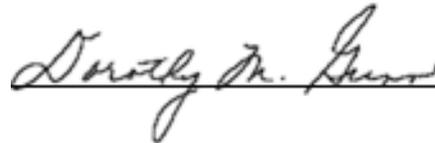
CASES PENDING DECISION

R01-30 In the matter of: UIC Corrections, USEPA Amendments (July 1, 1999, through June 30, 2000) – Proposed Rule, Proposal for Public Comment, Opinion and Order R, Land

ADJOURNMENT

Moved and seconded, by a vote of 6-0, 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 3rd day of May 2001 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board