

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**JUNE 8, 2000 CHICAGO OFFICE  
CONFERENCE ROOM 9-040  
10:30 A.M.**

### **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Chairman Manning then introduced and welcomed new staff members, Alisa Liu, Brad Halloran, and Stacy Meyers.

### **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 May 18, 2000 meeting were approved by a vote of 6-0. Member Girard abstained

### **RULEMAKINGS**

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<b>R00-10</b>	<u>In the Matter of: SDWA Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board adopted a proposal for public comment in this "identical-in-substance" rulemaking to amend the Board's public water supply regulations.	7-0 R, PWS
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<b>R00-16</b>	<u>In the Matter of: Vehicle Scrapage Activities, Adoption of 35 Ill. Adm. Code 207</u> - The Board adopted a final opinion and order in this rulemaking to amend the Board's air pollution control regulations.	7-0 R, Air
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## ADJUSTED STANDARDS

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**AS 00-14**     In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1) - The Board entered an order dismissing this petition for an adjusted standard from the Resource Conservation and Recovery Act certification requirements found at 35 Ill. Adm. Code 702.126(d)(1) as a result of petitioner's failure to file the certificate of publication within fourteen days as required by Section 28.1(d)(1) of the Environmental Protection Act (Act).     7-0  
RCRA

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**AS 00-15**     In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1) - Pending receipt of the certificate of publication, the Board held this Cook County facility's petition for an adjusted standard from the Resource Conservation and Recovery Act certification requirements found at 35 Ill. Adm. Code 702.126(d)(1).     RCRA

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## ADMINISTRATIVE CITATIONS

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**AC 00-73**     IEPA v. Landfill 33, Ltd. and Richard Deibel - The Board on its own motion entered an order which corrected the Board order entered on May 18, 2000. The statutory penalty amount for violating Sections 21(o)(5) and 21(o)(12) of the Act (415 ILCS 5/21(o)(5), 21(o)(12) (1998)) was corrected to \$500 per violation, and respondents were ordered to pay a total civil penalty of \$1,000.     7-0

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**AC 00-76**     IEPA v. Knox County Landfill Committee d/b/a Knox County Landfill #3 and Thomas D. Wagher - The Board granted complainant's motion for default and found that these Knox County respondents violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (1998)), and ordered respondents to pay a civil penalty of \$500.     7-0

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**AC 00-77**     IEPA v. Otis Brymer - The Board found that this Williamson County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$1,500.     7-0

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**AC 00-78**     IEPA v. RCS, Inc. and Rickie Laird - The Board accepted for hearing this petition for review of an administrative citation against these Jersey County respondents.     7-0

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**AC 00-79**     IEPA v. John Appelt - The Board found that this Carroll County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$1,500.     7-0

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**AC 00-81**     IEPA v. Jesse Lockhart - No action taken.

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**AC 00-82**     Ogle County v. Leonard Hagemann - The Board accepted an administrative citation against this Ogle County respondent.

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**AC 00-83**     Ogle County v. Jeff and Stella Allen - The Board accepted an administrative citation against these Ogle County respondents.

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#### ADJUDICATORY CASES

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##### *Decisions*

**PCB 97-121**     Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson - No action taken.     RCRA-E, Citizens

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**PCB 98-144**     People of the State of Illinois v. Edward Van Der Molen and Peter Barton d/b/a Shadow Lakes Resort - No action taken.     W-E

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**PCB 99-152**     People of the State of Illinois v. Eagle-Picher Industries, Inc. - In this air enforcement action concerning a facility located in Edgar County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$66,944.50, and ordered respondent to cease and desist from further violations.     7-0  
A-E

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**PCB 00-179**     City of Springfield, Illinois v. IEPA - The Board granted this Sangamon County petitioner a variance from the water pollution control regulations found at 35 Ill. Adm. Code 302.206 as it relates to dissolved oxygen in the Sangamon River, subject to conditions.     7-0  
W-V

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## Provisional Variances

**PCB 00-213** Exxon Mobil Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a one-day provisional variance to this Will County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). 7-0  
L-V

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**PCB 00-215** City of Belvidere v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Boone County petitioner a 45-day provisional variance, subject to conditions, from the five-day biochemical oxygen demand and suspended solids limits set forth in 35 Ill. Adm. Code 304.120(c) and 304.141(a). 7-0  
W-V

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**PCB 00-216** City of Carlyle v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Clinton County petitioner a 45-day provisional variance, subject to conditions, from the five-day carbonaceous biochemical oxygen demand and total suspended solids limits set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a). 7-0  
W-V

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## Motions and Other Matters

**PCB 97-234** Antonio D. H. Nam v. Kikon Suh - The Board denied respondent's motion to file a third-party complaint for failure to file proof of service as ordered in the Board's order dated May 4, 2000. 7-0  
UST-E,  
Citizens

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**PCB 98-95** People of the State of Illinois v. Meyer Steel Drum, Inc. - No action taken. A-E

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**PCB 98-145** People of the State of Illinois v. Bodine Electric Company - 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 Cook County, the Board ordered publication of the required newspaper notice. 7-0  
A-E

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**PCB 99-75** General Electric Company v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a LaSalle County facility. 7-0  
P-A, Air

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<b>PCB 99-82</b>	<u>Michael R. Pawlowski and Diane K. Pawlowski v. David Johansen and Troy Quinley, individually and d/b/a Benchwarmers Pub, Inc.</u> - No action taken.	N-E, Citizens
<b>PCB 00-124</b>	<u>Agrium U.S. Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this petition for a public water supply variance involving a Marshall County facility.	7-0 PWS-V
<b>PCB 00-141</b>	<u>E.G. Vogt Oil Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Madison County facility	7-0 UST-FRD
<b>PCB 00-143</b>	<u>Curtis Masterson v. City of Fairfield</u> - The Board on its on motion consolidated this action with PCB 00-164 <u>Boster v. City of Fairfield</u> , found that this complaint involving a Wayne County facility was not duplicitous or frivolous, and accepted it for hearing.	7-0 A-E, Citizens
<b>PCB 00-153</b>	<u>Frank Gentile v. IEPA</u> - The Board entered an order dismissing this matter for petitioner's failure to file an amended petition within thirty days as ordered by the Board's order issued on April 20, 2000.	7-0 UST- Appeal
<b>PCB 00-154</b>	<u>Kathryn Cooper v. City of Fairfield</u> - The Board entered an order dismissing this matter for complainant's failure to file proof of service of the complaint upon respondent pursuant to Section 31 of the Act (415 ILCS 5/31 (1998)) within thirty days as ordered by the Board's order issued on May 4, 2000.	7-0 A-E, Citizens
<b>PCB 00-155</b>	<u>Robert Lichtenberger and Wilma Lichtenberger v. City of Fairfield</u> - The Board entered an order dismissing this matter for complainants' failure to file proof of service of the complaint upon respondent pursuant to Section 31 of the Act (415 ILCS 5/31 (1998)) within thirty days as ordered by the Board's order issued on May 4, 2000.	7-0 A-E, Citizens

<b>PCB 00-162</b>	<u>1625 Waukegan Limited Partnership v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no site remediation program appeal was timely filed on behalf of this Cook County facility.	7-0 SRP-Appeal
<b>PCB 00-169</b>	<u>Estate of Robert Behrends 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 Logan County facility.	7-0 UST-Appeal
<b>PCB 00-173</b>	<u>7361-63 West North Avenue Building Partnership 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 Cook County facility.	7-0 UST-Appeal
<b>PCB 00-177</b>	<u>Michael D. Logsdon, Darrell E. Mann, Kathy Mann, Russell Spillman, Marilyn Spillman, Rita Martin, A. Abbott, Kathy Abbott, Diana Collins, Dave Collins v. South Fork Gun Club</u> - No action taken.	N-E, Citizens
<b>PCB 00-181</b>	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties, and Board of Education of Belvidere District 100</u> - The Board held for a later duplicitous/frivolous determination this citizen underground storage tank enforcement action involving a Boone County facility.	UST-E, Citizens
<b>PCB 00-194</b>	<u>Bulkoa, Inc. v. IEPA</u> - 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.	7-0 UST-Appeal 90-Day Ext.
<b>PCB 00-195</b>	<u>Blake Oil Company v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Ogle County facility.	7-0 UST-Appeal 90-Day Ext.

<b>PCB 00-196</b>	<u>Go-Tane Service Stations, Inc. v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD
<b>PCB 00-197</b>	<u>Centerpoint Properties Trust v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.	6-0 Lawton, Jr. abstained P-A, RCRA 90-Day Ext.
<b>PCB 00-198</b>	<u>Merrill's Contractors, Inc. v. IEPA</u> - The Board dismissed this petitioner's request for a 90-day extension as moot. (See joint request docketed as PCB 00-210, below).	7-0 UST-FRD
<b>PCB 00-199</b>	<u>People of the State of Illinois v. Dassinger Hard Chrome, Inc.</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	7-0 A-E
<b>PCB 00-200</b>	<u>American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria, and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc.</u> - The Board accepted for hearing this third-party pollution control facility siting review involving a St. Clair County facility, directing the two petitioner organizations to file amended petitions including appearances of attorneys within 30 days, or be subject to dismissal from this action.	7-0 P-C-F-S-R
<b>PCB 00-201</b>	<u>People of the State of Illinois v. Village of Chesterfield, Lawrence Lipe &amp; Associates, and Moniger Excavating Company, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water enforcement action involving respondents located in Macoupin County, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
<b>PCB 00-202</b>	<u>People of the State of Illinois v. American Driveway Maintenance, Inc.</u> - The Board accepted for hearing this water enforcement action against this Winnebago County facility.	7-0 W-E

<b>PCB 00-203</b>	<u>People of the State of Illinois v. Barron Industries, Inc.</u> - The Board accepted for hearing this air enforcement action against this Winnebago County facility.	7-0 A-E
<b>PCB 00-204</b>	<u>Gutman Leather Company, Inc. v. IEPA</u> - 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.	7-0 P-A, Air 90-Day Ext.
<b>PCB 00-205</b>	<u>Werner Company v. IEPA</u> - The Board granted petitioner's attorney's motion to appear <i>pro hac vice</i> and accepted for hearing this permit appeal involving a Sangamon County facility.	7-0 P-A, Air
<b>PCB 00-206</b>	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Sangamon County facility.	7-0 P-A, Land
<b>PCB 00-207</b>	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Rock Island County facility.	7-0 P-A, Land
<b>PCB 00-208</b>	<u>ESG Watts, Inc. (Viola Landfill) v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Mercer County facility.	7-0 P-A, Land
<b>PCB 00-209</b>	<u>People of the State of Illinois v. Cro-Mat Company</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	7-0 A-E
<b>PCB 00-210</b>	<u>Merrill's Contractors, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Sangamon County facility.	7-0 UST-FRD
<b>PCB 00-211</b>	<u>People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyo America, Inc.</u> - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this Will County facility.	7-0 RCRA-E

**PCB 00-212** People of the State of Illinois v. Kenneth Morrison - The Board accepted for hearing this cost recovery action against this Livingston County facility. 7-0  
CR-E

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**PCB 00-214** General Motors Corporation (Electro-Motive Division) v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility. 7-0  
P-A, Air  
90-Day Ext.

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**OTHER ITEMS**

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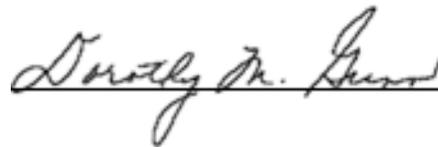
The Chairman thanked Chuck King for his valuable contributions to the board as an attorney assistant to Board Member McFawn, wishing him well in his new position.

**ADJOURNMENT**

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Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:10 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 22nd day of June 2000 by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board