

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**JUNE 22, 2000 CHICAGO OFFICE
CONFERENCE ROOM 9-040
11:30 A.M.**

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting, apologized for the late start of the meeting, and congratulated Board Assistant Joel Sternstein on his upcoming marriage.

ROLL CALL

The Administrative Assistant to the Chairman called the roll and Board Members Manning, Girard, Kezelis, Lawton, McFawn, and Melas answered present. Board Member Flemal was absent.

APPROVAL OF MINUTES

Minutes of the June 8, 2000 meeting were approved by a vote of 6-0.

ADJUSTED STANDARDS

AS 00-15	<u>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).</u>	RCRA
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ADMINISTRATIVE CITATIONS

- AC 00-80** IEPA v. Ken Edwards - The Board found that this Macoupin 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. 6-0
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- AC 00-81** IEPA v. Jesse Lockhart - The Board denied complainant's motion to dismiss this administrative citation against this Kankakee County respondent, directing that a hearing be held as previously ordered. 6-0
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- AC 00-84** IEPA v. James Day - The Board accepted an administrative citation against this Champaign County respondent.
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ADJUDICATORY CASES

Decisions

- PCB 97-121** Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson - The Board found that respondents violated Section 21(e) of the Act (415 ILCS 5/21(e) (1998)) and ordered respondents to perform soil and groundwater remediation. The Board failed to find any violations of Section 21(f)(1) of the Act (415 ILCS 5/21(f)(1) (1998)), Section 12(a) of the Act (415 ILCS 5/12(a) (1998)), and the Board's regulations at 35 Ill. Adm. Code 620.115. 5-1
McFawn
dissented
RCRA-E,
Citizens
-
- PCB 98-144** People of the State of Illinois v. Edward Van Der Molen and Peter Barton d/b/a Shadow Lakes Resort - In this water enforcement action concerning a facility located in Will 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 respondents to pay a civil penalty of \$7,500, and ordered respondents to cease and desist from further violations. 6-0
W-E
-

PCB 00-1	<u>People of the State of Illinois v. Paul Bergmann d/b/a Bergmann Dairy Farm</u> - In this water enforcement action concerning a facility located in Clinton 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 \$3,500, and ordered respondent to cease and desist from further violations.	6-0 W-E
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Provisional Variances

PCB 00-222	<u>Commonwealth Edison Byron Nuclear Generating Station v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Ogle County petitioner a 45-day provisional variance, subject to conditions, from the requirements set forth in 35 Ill. Adm. Code 309.154(a) and (b) and National Pollutant Discharge Elimination System Permit No. IL0048313.	6-0 W-V, NPDES
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Motions and Other Matters

PCB 97-9	<u>People of the State of Illinois v. C&S Recycling, Inc., Flood Brothers Disposal Company, Inc., William Flood, individually and as president of C&S Recycling, Inc., and Brian Flood, individually and as treasurer of C&S Recycling, Inc.</u> - The Board denied complainant's motion to reconsider the hearing officer's April 28, 2000 order and affirmed that ruling.	6-0 L-E
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PCB 98-95	<u>People of the State of Illinois v. Meyer Steel Drum, 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 facility located in Cook County, the Board ordered publication of the required newspaper notice.	6-0 A-E
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PCB 98-169	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen</u> - No action taken.	UST-E, Citizens
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PCB 99-82	<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
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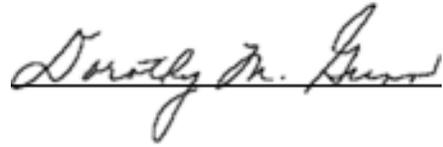
PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> - The Board denied complainant's motions to strike affirmative defenses and to incorporate administrative record and hearing transcript of <u>Panhandle Eastern Pipe Line Company v. IEPA</u> , PCB 98-102, but granted complainant's motion in limine.	6-0 A-E
PCB 00-59	<u>Standard Bank & Trust Company, as Trustee and Derk Ball, Sr. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST-FRD
PCB 00-167	<u>Bond County Community School District 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 Bond County facility.	6-0 UST-FRD
PCB 00-168	<u>Interstate Brands Corporation 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 Sangamon County facility.	6-0 UST-FRD
PCB 00-175	<u>Dersch Energies, 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 timely filed on behalf of this Wabash County facility.	6-0 UST-FRD
PCB 00-177	<u>Michael D. Logsdon, Darrell E. Mann, Kathy Mann, Russell Spillman, Marilyn Spillman, Rita Martin, A. Abbott, Kathy Abbott, Diana Collins, and Dave Collins v. South Fork Gun Club</u> - No action taken.	N-E, Citizens
PCB 00-181	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties, and Board of Education of Belvidere District 100</u> - No action taken.	UST-E, Citizens

PCB 00-187	<u>Broderick Teaming Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. Respondent's motion for extension of time in which to file the administrative record was referred to the hearing officer for disposition.	6-0 UST-FRD
PCB 00-217	<u>Quebecor World Direct, Petty Printing Company v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Effingham County facility.	6-0 P-A, 90-Day Ext.
PCB 00-218	<u>E/M, a Division of Morgan Chemical Products, 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 DuPage County facility.	6-0 P-A, 90-Day Ext.
PCB 00-219	<u>Stephen G. Brill v. Henry Latoria, TL Trucking Foodliner</u> - The Board held for a later duplicitous/frivolous determination this citizen noise enforcement action involving a Cook County facility.	N-E, Citizens
PCB 00-220	<u>A&A McHenry, 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 McHenry County facility.	6-0 UST-FRD 90-Day Ext.
PCB 00-221	<u>James and Vickie Glasgow, and Bill and Pat Hoppe v. Granite City Steel</u> - The Board held for a later duplicitous/frivolous determination this citizen noise and air enforcement action involving a Madison County facility.	N&A-E Citizens

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:40 a.m. to an Executive Session.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 13th day of July 2000 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