

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**AUGUST 10, 2000 SPRINGFIELD OFFICE
600 SOUTH SECOND STREET - SUITE 403
HEARING ROOM
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 and welcomed new staff member Connie Newman and thanked departing staff member Shawna Henderson for her valuable contributions to the Board, wishing her well in her new position.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the July 27, 2000 meeting were approved by a vote of 4-0.

RULEMAKINGS

R00-16	<u>In the Matter of: Vehicle Scrappage Activities Adoption of 35 Ill. Adm. Code 207</u> - The Board denied the Illinois Environmental Agency's motion to reconsider the Board's June 8, 2000 opinion and order, adopting these rules, which were filed and effective June 14, 2000.	5-0 R, Air
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R00-17	<u>In the Matter of: Proposed Regulations Recharge Area for Pleasant Valley Public Water District, Proposed Amendments to 35 Ill. Adm. Code Part 617</u> - The Board adopted a first notice opinion and order in this rulemaking to amend the Board's public water supply regulations to establish the first regulated recharge area under section 17.3 of the Act (415 ILCS 5/17.3 (1998)).	5-0 R, PWS
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ADJUSTED STANDARDS

AS 01-01	<u>In the Matter of: Petition of City of Elgin for an Adjusted Standard from 35 Ill. Adm. Code 304.125 and 35 Ill. Adm. Code 302.204</u> - The Board ordered this Kane County petitioner to file an amended petition by September 25, 2000, or this action will be dismissed. The Board reserved ruling on the Illinois Environmental Protection Agency's request for hearing pending receipt of an amended petition.	5-0 PWS
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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 accepted for hearing this Kane County facility's petition for an adjusted standard from the Resource Conservation and Recovery Act certification requirements found at 35 Ill. Adm. Code 807.104.	5-0 Land
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ADMINISTRATIVE CITATIONS

AC 00-81	<u>IEPA v. Jesse Lockhart</u> - The Board granted complainant's motion for voluntary dismissal of this administrative citation action involving a Kankakee County facility.	5-0
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AC 00-85	<u>IEPA v. Waste Management of Illinois, Inc. d/b/a Prairie Hill Recycling and Disposal and Mike Wiersma</u> - The Board found that these Whiteside 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.	5-0
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AC 00-86	<u>IEPA v. Streator Area Landfill, Inc. and Brian N. Holcomb</u> - The Board found that these Livingston County respondents violated Sections 21(o)(1) and 21(o)(5) of the Act (415 ILCS 5/21(o)(1), 21(o)(5) (1998)), and ordered respondents to pay a civil penalty of \$1,000.	5-0
AC 00-87	<u>IEPA v. Olen G. Parkhill, Jr.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent.	5-0
AC 01-6	<u>IEPA v. Jack Busby</u> - The Board accepted an administrative citation against this Marion County respondent.	

ADJUDICATORY CASES

Decisions

PCB 93-191	<u>People of the State of Illinois v. Estate of Lloyd Wiemann d/b/a Wiemann Ice and Fuel and Cheryl Halbrooks and Estate of Lloyd Wiemann v. Cheryl Halbrooks</u> - In this underground storage tank enforcement action concerning two facilities located in Marion and St. Clair Counties, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), and accepted a final stipulation and settlement agreement which resolves both the complaint and counterclaim between the respondents. The Board ordered respondent Wiemann to pay a civil penalty of \$5,000, and to cease and desist from further violations. The stipulation also sets out various compliance measures to be taken at both sites and various agreements between the respondents.	5-0 UST-E
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Provisional Variances

PCB 01-26	<u>City of Carlyle v. IEPA</u> - 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).	5-0 W-V
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Motions and Other Matters

PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> - No action taken.	L-E
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PCB 98-113	<u>Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA</u> - No action taken.	P-A, RCRA
PCB 99-28		
PCB 99-158		
(Cons.)		

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
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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 99-69	<u>Land and Lakes Company v. Randolph County Board of Commissioners</u> - No action taken.	P-C-F-S-R
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PCB 99-72	<u>People of the State of Illinois v. Lake of Egypt Water District and Gary R. Rhodes</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 supply enforcement action involving a facility located in Williamson County, the Board ordered publication of the required newspaper notice.	5-0 PWS-E
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PCB 00-13	<u>People of the State of Illinois v. Rieck's Enterprises, Inc., Daniel Rieck, individually, and as President of Rieck Enterprises, Inc.</u> - The Board granted complainant's motion for voluntary dismissal of this land enforcement action involving a Cook County facility.	5-0 L-E
PCB 00-113	<u>People of the State of Illinois v. Illinois-American Water Company</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 supply enforcement action involving a facility located in Peoria County, the Board ordered publication of the required newspaper notice.	5-0 PWS-E
PCB 00-158	<u>ESG Watts, Inc. (Viola Landfill) v. IEPA</u> - No action taken.	P-A, Land
PCB 00-159	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> - No action taken.	P-A, Land
PCB 00-160	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> - No action taken.	P-A, Land
PCB 00-178	<u>People of the State of Illinois v. Tom Fato d/b/a Fato Fiberglass</u> - In this air enforcement action concerning a facility located in Kankakee 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.	5-0 A-E
PCB 00-210	<u>Merrill's Contractors, 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 DuPage County facility.	5-0 UST-FRD

PCB 00-214	<u>General Motors Corporation, Electromotive Division v. IEPA</u> - The Board granted petitioner's attorney's motion to appear <i>pro hac vice</i> and accepted for hearing this Clean Air Act Permit Program appeal involving a Cook County facility.	5-0 P-A, Air
PCB 00-217	<u>Quebecor World Direct - Petty Printing Company 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 Effingham County facility.	5-0 P-A
PCB 00-218	<u>E/M, a Division of Morgan Chemical Products, Inc. v. IEPA</u> - No action taken.	P-A
PCB 00-221	<u>James A. Glasgow, Vickie L. Glasgow, Bill Hoppe and Pat Hoppe v. Granite City Steel</u> - No action taken.	A&N-E Citizens
PCB 00-223	<u>Silver Glen Homeowners' Association, Inc. v. IEPA, Mark Kaplan and B. Davidson Custom Homes, Inc.</u> - The Board, on its own motion, dismissed respondents Kaplan and B. Davidson from this permit appeal. Additionally, the Board deferred judgment on the Illinois Environmental Protection Agency's motion to dismiss and ordered the Agency to file its administrative record within 14 days of the date of this order.	5-0 P-A, NPDES
PCB 00-228	<u>Riverdale Recycling, Inc. and Tri-State Disposal, Inc. v. IEPA</u> - The Board denied the Village of Riverdale's motion to intervene, in this permit appeal, but allowed the Village to file an <i>amicus curiae</i> brief.	5-0 P-A Land
PCB 01-6	<u>Philip S. Dallosto v. Village of Hampshire</u> - The Board found that, pursuant to 35 Ill. Adm. Code 103.124(a) of the Board's rules, the alleged violations of the Environmental Protection Act and the Board's rules, were neither duplicitous nor frivolous, and accepted this citizens' noise enforcement action involving a Kane County facility for hearing.	5-0 A-E, Citizens

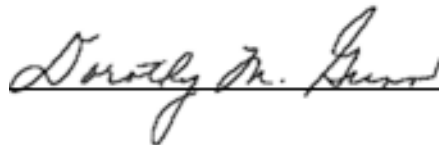
PCB 01-14	<u>General Motors Corporation v. Office of the State Fire Marshal</u> - No action taken.	UST-Appeal
PCB 01-15	<u>Federal-Mogul Corporation v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	5-0 UST-Appeal 90-Day Ext.
PCB 01-16	<u>Ameren Energy Generating Company v. IEPA</u> - The Board ordered petitioner to file an amended petition concerning this Jackson County facility by August 24, 2000, or this action will be dismissed.	5-0 W-V, NPDES
PCB 01-17	<u>People of the State of Illinois v. N.E. Finch</u> - The Board accepted for hearing this air enforcement action against this Peoria County facility.	5-0 A-E
PCB 01-18	<u>Greenville Airport Authority 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 Bond County facility.	5-0 UST-FRD 90-Day Ext.
PCB 01-19	<u>Bond County Community School District 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 Bond County facility.	5-0 UST-FRD 90-Day Ext.
PCB 01-20	<u>Abbott Laboratories v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Lake County facility.	5-0 P-A, Air 90-Day Ext.

PCB 01-21	<u>Michael E. Mellon and Rebecca J. Mellon v. Illinois Department of Transportation</u> - The Board held for a later duplicitous/frivolous determination this citizen air and noise enforcement action involving a Cook County facility.	A&N-E
PCB 01-22	<u>Homewood-Flossmoor Park District 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.	5-0 UST-FRD 90-Day Ext.
PCB 01-23	<u>Hillerich's Car Care 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.	5-0 UST- Appeal 90-Day Ext.
PCB 01-24	<u>U.S. Chrome Corporation of Illinois v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Boone County facility.	5-0 P-A 90-Day Ext.
PCB 01-25	<u>Chrysler Realty Corporation v. Thomas Industries, Inc. and TDY Industries, Inc.</u> - The Board held for a later duplicitous/frivolous determination this citizen underground storage tank enforcement action involving a Cook County facility.	UST-E, Citizens

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Manning adjourned the meeting at 11:35 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 24th day of August 2000 by a vote of 5-0.



Dorothy M. Gunn, Clerk

