

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**JANUARY 18, 2001,
CHICAGO OFFICE-100 West Randolph
VIDEO CONFERENCE ROOM 11-512
And
SPRINGFIELD OFFICE-600 South Second Street
VIDEO CONFERENCE ROOM 403
11:30 A.M.**

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the January 4, 2001 meeting were approved as amended by a vote of 7-0.

RULEMAKINGS

R01-8	<u>In the Matter of: Amendments to Diesel Opacity Rules Required by P.A. 91-254 and P.A. 91-865: Amendments to 35 Ill. Adm. Code 240</u> – The Board adopted a final opinion and order to implement amendments to its regulations on controlling air emissions from motor vehicles.	7-0 R, Air
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R01-15	<u>In the Matter of: Amerock Corporation, Rockford Facility for Site-Specific Rulemaking Petition for Amendment to 35 Ill. Adm. Code 304.303</u> – The Board ordered this Winnebago County petitioner to file a second amended petition by June 29, 2001, or this action will be dismissed. The Board granted in part petitioner’s request to incorporate the record from docket R87-33 and reserved ruling on the petitioner’s request to waive the petition signature requirement.	6-0 McFawn abstained R, Water Site-Specific
R01-16	<u>In the Matter of: Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electrical Power Generation</u> – The Board referred to the hearing officer the Illinois Environmental Protection Agency’s motion to amend its Analysis of Economic and Budgetary Effects of Proposed Rulemaking.	R, Air
R01-27	<u>In the Matter of: Site Remediation Program (Amendments to 35 Ill. Adm. Code 740)</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s January 12, 2001 proposal to amend the Board’s site remediation program regulations.	7-0 R, Land

ADJUSTED STANDARDS

AS 00-11	<u>In the Matter of: Petition of Bema Film Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a), (b) and (c) (the “Flexographic Printing Rule”)</u> – The Board granted this DuPage County facility an adjusted standard, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.401(a), (b), and (c).	7-0 Air
AS 00-12	<u>In the Matter of: Petition of Vonco Products, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a), (b) and (c) (the “Flexographic Printing Rule”)</u> – The Board granted this Lake County facility an adjusted standard, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.401(a), (b), and (c).	7-0 Air
AS 00-13	<u>In the Matter of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a), (b) and (c) (the “Flexographic Printing Rule”)</u> – The Board granted this Cook County facility an adjusted standard, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.401(a), (b), and (c).	7-0 Air

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) – Land, RCRA
No action taken.

ADMINISTRATIVE CITATIONS

AC 01-12 IEPA v. J & T Recycling and John A. Gordon - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Williamson County facility, the Board dismissed Gordon’s petition for review, and found he had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (1998)). Gordon was ordered to pay a civil penalty of \$1,500. Because J & T Recycling failed to file a petition for review within 35 days of the date of service as required by Section 31.1(d) of the Act 415 ILCS 5/31.1(d) (1998), the Board found that this respondent violated Sections 21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21/(p)(1), 21(p)(3) (1998)), and ordered respondent to pay a civil penalty of \$1,500. 7-0

AC 01-15 IEPA v. Terry Reynolds d/b/a Reynolds Manufactured Homes and Transport – The Board found that this Union County respondent violated Section 21(p)(3) of the Act (415 ILCS 5/21/(p)(3), (1998)), and ordered respondent to pay a civil penalty of \$1,500. 7-0

AC 01-18 IEPA v. Joe Alecci – The Board found that this Franklin 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

AC 01-19 IEPA v. William Basil Flynn and Olen G. Parkhill, Jr. – The Board accepted respondent Flynn’s, this petition for review of an administrative citation against these Champaign County respondents. (The Board previously accepted a petition for review on behalf of respondent Parkhill on December 21, 2000.) 7-0

AC 01-23 County of LaSalle v. Clarence and Janet Benson – The Board accepted an administrative citation against these LaSalle County respondents. 7-0

AC 01-24 IEPA v. John Prior and Prior Oil Company – The Board accepted an administrative citation against these Washington County respondents.

AC 01-25 County of LaSalle v. Mike and Janet Brown – The Board accepted an administrative citation against these LaSalle County respondents.

Decisions

PCB 00-109 People of the State of Illinois v. Arturo Rivero d/b/a Swiss Cleaners – In this air enforcement action concerning a Cook County facility, 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 \$800, and to cease and desist from further violations. 7-0
A-E

PCB 00-151 People of the State of Illinois v. Cleveland Steel Container Corporation – In this air enforcement action concerning a Will County facility, 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 \$15,750, and to cease and desist from further violations. 7-0
A-E

PCB 00-192 People of the State of Illinois v. Wismarq Corporation – In this air enforcement action concerning a Cook County facility, 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. 7-0
A-E

PCB 01-40 People of the State of Illinois v. City of Paris and Francis Associates – In this public water supply enforcement action concerning a Edgar County facility, 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 respondents to pay a total civil penalty of \$6,000, and to cease and desist from further violations. 7-0
PWS-E

PCB 01-91 People of the State of Illinois v. Chester Bross Construction Company, Inc. – In this air enforcement action concerning an Adams County facility, 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 \$25,000, and to cease and desist from further violations. 7-0
A-E

PCB 01-92 People of the State of Illinois v. Marathon Oil Company – In this public water supply enforcement action concerning a Sangamon County facility, 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 \$22,000, and to cease and desist from further violations. 7-0
PWS-E

PCB 01-97 People of the State of Illinois v. Ferrara Pan Candy Company, Inc. – In this water enforcement action concerning a Cook County facility, 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 \$15,000, and to cease and desist from further violations. 7-0
W-E

Provisional Variances

PCB 01-106 Bway Corporation v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 28-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 218.204(b)(1)(B), 218.207(h)(2) and Clean Air Act Permit Program permit condition 7.2.5. 7-0
A-V

Motions and Other Matters

PCB 96-119	<u>People of the State of Illinois v. We Shred It, Inc.</u> – The Board granted complainant’s motion for voluntary dismissal of this land enforcement action involving a Christian County facility.	7-0 L-E
PCB 97-2	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	A,W & L-E
PCB 97-11	<u>People of the State of Illinois v. White & Brewer Trucking</u> – The Board granted complainant’s motion to stay proceedings until April 18, 2001.	7-0 L,W & GW-E
PCB 98-113 PCB 99-28 PCB 99-158 (Cons.)	<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 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 98-156	<u>Richard and Wilma Salyer v. IEPA</u> – The Board denied the motion by Robert A. Mehrens, P.E. to withdraw exhibit from the record.	7-0 UST-FRD
PCB 99-149	<u>Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc.</u> – No action taken.	UST-E, Citizens
PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> - No action taken.	A-E
PCB 00-82	<u>Jersey Sanitation Corporation v. IEPA</u> – No action taken.	P-A, Land

PCB 00-157	<u>Michael R. Pawlowski and Diane Pawlowski v. Dave Johansen a/k/a David Johansen, Troy Quinley, and Benchwarmers Pub, Inc.</u> – The Board granted complainants’ motion for voluntary dismissal of this citizens’ noise enforcement action involving a Livingston County facility.	7-0 N-E, Citizens
PCB 00-161	<u>People of the State of Illinois v. Home State Bank, N.A., as Trustee of Trust No. 1466 and Ethyl A. Veugeler as the Beneficiary of Trust No. 1466</u> – The Board granted complainant’s motion to voluntarily dismiss Home Bank as Trustee of Trust No. 1466, and acknowledged receipt of the remaining parties proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a McHenry County facility. The Board ordered publication of the required newspaper notice.	7-0 L-E
PCB 00-171	<u>People of the State of Illinois v. City of Charleston</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 Coles County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 00-187	<u>Broderick Teaming Company v. IEPA</u> – The Board granted petitioner’s motion for extension of time to file a response to the Agency’s January 12, 2001 motion for reconsideration as well as its own motion for reconsideration of December 7, 2000 Board Order.	7-0 UST-FRD
PCB 00-209	<u>People of the State of Illinois v. Cro-Mat Company</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.	7-0 A-E

PCB 00-212	<u>People of the State of Illinois v. Kenneth Morrison</u> – The Board granted complainant’s motion for summary judgment for the cost of corrective action and ordered respondent to reimburse the Illinois Environmental Protection Agency in the amount of \$30,902.52 for costs incurred in the clean up of accumulated used and waste tires at a site located at or near Coalville Road, Streator, Livingston County, Illinois. The Board directed that a hearing be held as expeditiously as practicable on the issue of whether and what amount punitive damages should be imposed on respondent.	7-0 CR-E
PCB 01-8	<u>People of the State of Illinois v. Larry Barry, Inc. d/b/a Larry’s Marathon Warehouse</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 Christian County facility, the Board ordered publication of the required newspaper notice.	7-0 L-E
PCB 01-30	<u>Stuart C. Nuss v. Village of Durand</u> – No action taken.	W-E, Citizens
PCB 01-48 PCB 01-49 (Cons.)	<u>Community Landfill Company and City of Morris v. IEPA</u> – No action taken.	P-A, Land
PCB 01-50	<u>Gilberts Citgo, L.L.C. v. IEPA, Wheeling Trust & Savings Bank a/k/a Cole Taylor Bank, as Trustee and John Caporaso</u> – The Board granted petitioner 60 days to demonstrate that the requested water well setback exception (WWSE) will not cause a significant pollution hazard, and that it will suffer an arbitrary or unreasonable hardship if the WWSE is denied.	5-2 Girard and McFawn dissented WWS
PCB 01-52	<u>Perbio Science, AB d/b/a Pierce Chemical Company v. IEPA</u> – No action taken.	7-0 P-A, RCRA

PCB 01-68	<u>Roger Stone v. IEPA and Naperville Park District</u> – The Board denied petitioner’s motion for summary judgment, request for sanctions, and the request to order the Illinois Environmental Protection Agency to proceed under Section 31 of Act. 415 ILCS 5/31 (1998). The Board directed that this matter proceed to hearing.	7-0 P-A, NPDES
PCB 01-77	<u>Village of Park Forest v. Sears, Roebuck & Company</u> – No action taken.	UST-E Citizens
PCB 01-78	<u>Morton International, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this McHenry County facility.	7-0 Air, P-A
PCB 01-82	<u>General Motors Corporation, Electro-Motive Division v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Cook County facility.	7-0 Air, P-A
PCB 01-88	<u>IBP, Inc. (Joslin Facility) v. IEPA</u> - The Board vacated its order of December 7, 2000 and granted the parties’ request to extend the appeal period to and including March 1, 2001, which is the 125th day following the Illinois Environmental Protection Agency’s permit issuance on October 27, 2000.	7-0 Air, P-A, 90-Day Ext.
PCB 01-101	<u>Marathon 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 DuPage County facility.	7-0 UST-FRD 90-Day Ext.
PCB 01-102	<u>Cassens & Sons, 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 Madison County facility.	7-0 UST-FRD 90-Day Ext.

PCB 01-104 People of the State of Illinois v. City of Waukegan –The Board accepted for hearing this water enforcement matter involving a Lake County facility. 7-0
Melas
W-E

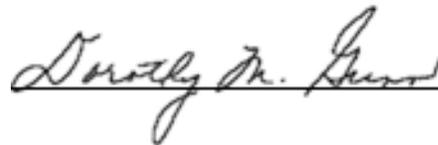
PCB 01-105 Pete’s Marathon v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Marion County facility. 7-0
UST-FRD
90-Day Ext.

CASES PENDING DECISION

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:55 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 1st day of February 2001 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board