

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**FEBRUARY 15, 2001,
CHICAGO OFFICE-100 West Randolph
VIDEO CONFERENCE ROOM 11-512
and
SPRINGFIELD OFFICE-600 South Second Street
VIDEO CONFERENCE ROOM 402
11:00 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 and Member Kezelis from Springfield, Board Members Flemal, Girard, Lawton, Melas, and McFawn from Chicago.

APPROVAL OF MINUTES

Minutes of the February 1, 2001 meeting were approved by a vote of 6-0. Member Melas abstained.

RULEMAKINGS

R01-16	<u>In the Matter of: Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electrical Power Generation</u> – The Board adopted a second notice opinion and order in this matter to amend the Board’s air pollution control regulations.	7-0 R, Air
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R01-17	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart U, NO_x Control and Trading Program for Specified NO_x Generating Units, Subpart X, Voluntary NO_x Emissions Reduction Program, and Amendments to 35 Ill. Adm. Code 211</u> – The Board adopted a second notice opinion and order in this matter to amend the Board’s air pollution control regulations.	7-0 R, Air
R01-18	<u>In the Matter of: Livestock Waste Regulations, 35 Ill. Adm. Code 506, Conforming Amendments to 8 Ill. Adm. Code 900</u> – The Board on its own motion dismissed this docket as unnecessary. On January 22, 2001, the Board received from the Department of Agriculture a new proposal to amend the Board’s livestock waste regulations docketed in as in R01-28. (see below)	7-0 R, Land
R01-21 R01-23 (Cons.)	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2000, through December 31, 2000); and In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</u> – The Board on its motion consolidated these dockets and adopted a proposal for public comment in these “identical-in-substance” rulemakings to amend the Board’s underground injection control and hazardous waste regulations.	7-0 R, Land
R01-28	<u>In the Matter of: Amendments to Livestock Waste Regulations, 35 Ill. Adm. Code 506</u> – The Board accepted for hearing the Department of Agriculture’s January 22, 2001 proposal to amend the Board’s livestock waste regulations, granted the motion to waive the filing requirement of nine copies of documents incorporated by reference, and adopted a first notice opinion and order in this matter.	7-0 R, Land

ADMINISTRATIVE CITATIONS

AC 01-23	<u>County of LaSalle v. Clarence and Janet Benson</u> – The Board found that these LaSalle County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21/(p)(1) (1998)), and ordered respondents to pay a civil penalty of \$1,500.	7-0
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AC 01-24 IEPA v. John Prior & Prior Oil Company – The Board found that these Washington County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21/(p)(1) (1998)), and ordered respondents to pay a civil penalty of \$1,500. 7-0

AC 01-25 County of LaSalle v. Mike and Janet Brown – The Board found that these LaSalle County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21/(p)(1) (1998)), and ordered respondents to pay a civil penalty of \$1,500. 7-0

AC 01-27 IEPA v. Robert Swan and Perry Swan – The Board accepted an administrative citation against these Cass County respondents.

Decisions

PCB 99-19 Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities - The Board entered an interim opinion and order which found that respondent violated the nuisance noise provisions of the Act and the Board’s regulations found at 415 ILCS 5/24 (1998) and 35 Ill. Adm. Code 900.102. The Board found that respondent had not violated the Board’s numeric noise rules at 35 Ill. Adm. Code 901.102(a), 901.102(b), and 901.104. The Board ordered this matter to hearing on an expedited basis for the parties to address appropriate remedies. 7-0
A-E,
Citizens

PCB 00-92 Stephen M. Lardner v. Dominick’s Finer Foods, Inc., the Landowner of Longmeadow Commons, Waste Management, Mundelein Disposal, and Onyx Waste Services f/k/a BFI – The Board did not accept the January 17, 2001 stipulation and settlement agreement between complainant and Mundelein Disposal, noting that the Board cannot waive the statutory requirement that a hearing on the stipulation be held pursuant to Section 31(d) of the Environmental Protection Act (415 ILCS 5/31(d) (1998)). 7-0
N-E,
Citizens

PCB 00-199 People of the State of Illinois v. Dassinger Hard Chrome, Inc. – 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 \$2,500, and cease and desist from further violations. 7-0
A-E

PCB 00-209 People of the State of Illinois v. Cro-Mat Company – 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 \$3,000, and cease and desist from further violations. 7-0
A-E

PCB 01-8 People of the State of Illinois v. Larry Barry, Inc. d/b/a Larry’s Marathon Warehouse – In this land enforcement action concerning a Christian 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 \$2,500, and cease and desist from further violations. 7-0
L-E, Tires

Provisional Variances

PCB 01-114 CID Recycling and Disposal Facility v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a two day provisional variance to this Cook 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

Motions and Other Matters

PCB 98-11 Federal Street Construction (Society of Danube Swabians) v. IEPA – No action taken. UST-
Appeal

PCB 98-113 Clayton Chemical Acquisition Limited Liability Company d/b/a P-A, RCRA
PCB 99-28 Resource Recovery Group, L.L.C. v. IEPA – No action taken.
PCB 99-158
(Cons.)

PCB 98-148 People of the State of Illinois v. Doren Poland, Lloyd Yoho, and 7-0
Briggs Industries, Inc. – The Board affirmed the Hearing Officer’s
L-E
December 20, 2000 order and ordered respondent Briggs
Industries, Inc. to produce the requested documents within 7 days
of the date of this order.

PCB 98-169 Union Oil Company of California d/b/a Unocal v. Barge-Way Oil 6-1
Company, Inc., and Joseph Kellogg – The Board denied
Flemal
dissented
respondent Barge-Way Oil Company’s motion for summary
UST-E,
Citizens
judgment and granted its motion to file an amended third-party
complaint. The Board denied the motion of Robert Atkins and
Barge-Way Systems, Inc. to dismiss the third-party complaint.
The Board found that the amended complaint was neither
duplicitious nor frivolous, and accepted this matter for hearing.

PCB 99-149 Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc. – No UST-E,
action taken. Citizens

PCB 00-171 People of the State of Illinois v. City of Charleston – Upon receipt 7-0
of a request to conduct a public hearing, the Board denied the
W-E
parties’ motion for relief from hearing and ordered that this
proposed stipulation and settlement agreement proceed to hearing.

PCB 00-187 Broderick Teaming Company v. IEPA – No action taken. UST-FRD

PCB 01-30 Stuart C. Nuss v. Village of Durand – The Board dismissed this 7-0
action for complainant’s failure to properly serve the Village of
W-E,
Citizens
Durand with a copy of the amended complaint.

PCB 01-57	<u>G.J. Leasing Company, Inc. v. IEPA</u> – The Board dismissed this matter due to this St. Clair County petitioner’s failure to file an amended petition pursuant to a December 7, 2000 Board order.	7-0 UST-FRD
PCB 01-68	<u>Roger Stone v. IEPA and Naperville Park District</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a DuPage County facility.	7-0 P-A, NPDES
PCB 01-73	<u>A.E. Staley Manufacturing Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Macon County facility.	7-0 P-A, Air
PCB 01-74	<u>Marathon Ashland Petroleum L.L.C. v. IEPA</u> – The Board granted petitioner’s to withdraw its motion to amend the Board’s February 1, 2001 order in this matter.	7-0 W-V
PCB 01-77	<u>Village of Park Forest v. Sears, Roebuck & Company</u> – The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous, denied respondents’ motion to stay, granted respondent’s application for treatment of certain information as “not subject to disclosure,” and accepted this matter involving a Cook County facility for hearing. The request for a pre-hearing conference was referred to the hearing officer for disposition.	6-1 Flemal dissented UST-E Citizens
PCB 01-89	<u>Nash Petroleum, 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 filed on behalf of this Cook County facility.	7-0 UST-FRD
PCB 01-93	<u>Strunk Motor Company v. Office of the State Fire Marshal</u> – The Board dismissed this matter due to this Macoupin County petitioner’s failure to file an amended petition pursuant to a January 4, 2001 Board order.	7-0 UST-FRD

PCB 01-111 People of the State of Illinois v. David Livingston, individually, and Brian Siple, individually and d/b/a BCS Farms – The Board accepted for hearing this water enforcement matter involving a Stephenson County facility. 7-0
W-E

PCB 01-112 Prairie Rivers Network v. IEPA and Black Beauty Coal Company – The Board accepted for hearing this third party permit appeal involving a Vermilion County facility. 7-0
P-A,
NPDES,
Third Party

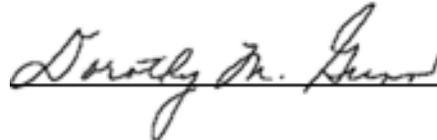
PCB 01-113 Dennis and Wayne Swanson v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Kane County facility. 7-0
UST-
Appeal

CASES PENDING DECISION

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 12:00 p.m.

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



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board