

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



MARCH 1, 2001, SPRINGFIELD OFFICE
600 South Second Street-Suite 403
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 Administrative Assistant to the Chairman called the roll and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the February 15, 2001 meeting were approved by a vote of 7-0.

RULEMAKINGS

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| R01-11 | <u>In the Matter of: Proposed New 35 Ill. Adm. Code 217. Subpart T, Cement Kilns, and Amendments to 35 Ill. Adm. Code 211 and 217</u>
– The Board adopted a final opinion and order to amend its air pollution control regulations to implement a program to reduce nitrogen oxides emissions from large cement kilns in Illinois. | 6-0
Lawton
abstained
R, Air |
| R01-19 | <u>In the Matter of: Exemptions from the Definition of VOM Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</u> –
The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic material regulations during the update period. | 7-0
R, Air |
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R01-22 In the Matter of: RCRA Subtitle D Update, USEPA Amendments (July 1, 2000, through December 31, 2000) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its non-hazardous waste regulations during the update period. 7-0
R, Land

R01-24 In the Matter of: UST Update, USEPA Amendments (July 1, 2000, through December 31, 2000) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period. 7-0
R, Land

ADMINISTRATIVE CITATIONS

AC 01-16 Sangamon County v. Everett Daily – The Board on its own motion consolidated these administrative citations for the purpose of hearing. 7-0
AC 01-17

AC 01-26 IEPA v. Jack Busby – The Board accepted this petition for review of an administrative citation against this Marion County respondent. 7-0

AC 01-27 IEPA v. Robert Swan & Perry Swan – The Board granted the Illinois Environmental Protection Agency’s motion to withdraw this administrative citation against these Cass County respondents. 7-0

AC 01-28 IEPA v. American Disposal Services of Illinois, Inc. d/b/a McLean County Landfill, and Daniel Winters – The Board accepted an administrative citation against these McLean County respondents.

Motions and Other Matters

PCB 98-11 Federal Street Construction (Society of Danube Swabians) v. IEPA – The Board granted respondent’s motion for dismissal of this underground storage tank appeal involving a Cook County facility. 7-0
UST-
Appeal

PCB 98-113	<u>Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA</u> – The Board granted respondent’s motion for summary judgment in these consolidated permit appeals involving a St. Clair County facility.	7-0
PCB 99-28		P-A, RCRA
PCB 99-158 (Cons.)		
PCB 99-149	<u>Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc.</u> – No action taken.	UST-E, Citizens
PCB 99-181	<u>People of the State of Illinois v. Siciliano, 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 Sangamon County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> – No action taken.	A-E
PCB 00-122	<u>People of the State of Illinois v. City of Lawrenceville, John A. Gordon, P.E., Gordon & Price, Inc., David Guillaum d/b/a D&G Construction, and Wayne Lappington d/b/a Lappington Trucking and Excavating</u> – No action taken.	PWS-E
PCB 00-187	<u>Broderick Teaming Company v. IEPA</u> – No action taken.	UST-FRD
PCB 01-48 PCB 01-49	<u>Community Landfill Company and City of Morris v. IEPA</u> – No action taken.	P-A, Land
PCB 01-55	<u>CC Landfill, Inc. v. The Coles County Board</u> – The Board granted petitioner’s motion for voluntary dismissal of this pollution control facility siting appeal involving a Coles County facility.	7-0 P-C-F-S-R
PCB 01-85	<u>NACME Steel Processing, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility.	6-0 Kezelis abstained P-A, Air

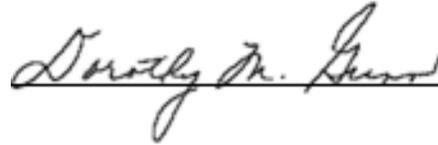
PCB 01-96	<u>Twin County Service Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Williamson County facility.	7-0 UST- Appeal
PCB 01-112	<u>Prairie Rivers Network v. IEPA and Black Beauty Coal Company</u> – The Board struck as improperly filed Vermilion Coal Company’s motions to intervene and dismiss petitioner’s permit appeal and granted a motion by Black Beauty Coal Company’s counsel to appear <i>pro hac vice</i> .	7-0 P-A, NPDES Third Party
PCB 01-115	<u>People of the State of Illinois v. Valley Petroleum, Inc.</u> – The Board accepted for hearing this air and water enforcement matter involving a DuPage County facility.	7-0 A&W-E
PCB 01-116	<u>Permacor Refining Group 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- Appeal 90-Day Ext.
PCB 01-117	<u>Davis & Sons 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 Jefferson County facility.	7-0 UST- Appeal 90-Day Ext.
PCB 01-118	<u>Ratliff Brothers & 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 Henry County facility.	7-0 UST- Appeal 90-Day Ext.
PCB 01-119	<u>Stuart C. Nuss v. Village of Durand</u> – The Board held for a later duplicitous/frivolous determination this citizen’s water enforcement action involving a Winnebago County facility.	W-E, Citizens

CASES PENDING DECISION

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:30 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 15th day of March 2001 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board