

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**JANUARY 9, 2003**  
**Chicago/Springfield Videoconference**  
**CHICAGO OFFICE – 100 W. Randolph Street**  
**Video Conference Room 11-512**  
**and**  
**SPRINGFIELD OFFICE – 600 South Second Street**  
**Video Conference Room 402**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Johnson welcomed members of the public and staff to the meeting, Chairman Johnson then introduced recently appointed Board Member Lynne P. Padovan.

### **ROLL CALL**

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The Clerk of the Board called the roll. All Board Members were present. Board Member Lynne P. Padovan was present but did not vote.

### **APPROVAL OF MINUTES**

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Minutes of the December 19, 2002 meeting were approved by a vote of 5-0.

### **RULEMAKINGS**

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<b>R03-7</b>	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations.	5-0 R, Land
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<b>R03-12</b>	<u>In the Matter of: UST Update, USEPA Amendments (July 1, 2002 through December 31, 2002)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2002, through December 31, 2002.	R, Land
<b>R03-13</b>	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2002 through December 31, 2002)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2002, through December 31, 2002.	R, Water
<b>R03-14</b>	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2002 through December 31, 2002)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2002, through December 31, 2002.	R, Air
<b>R03-15</b>	<u>SWDA Update, USEPA Amendments (July 1, 2002 through December 31, 2002)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2002, through December 31, 2002.	R, PWS
<b>R03-16</b>	<u>UIC Update, USEPA Amendments (July 1, 2002 through December 31, 2002)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2002, through December 31, 2002.	R, Land
<b>R03-17</b>	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2002 through December 31, 2002)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2002, through December 31, 2002.	R, Land
<b>R03-18</b>	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA</u>	R, Land

Amendments (July 1, 2002 through December 31, 2002) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2002, through December 31, 2002.

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## **ADJUSTED STANDARDS**

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<b>AS 03-1</b>	<u>In the Matter of: Petition of Exelon Generation Company for and Adjusted Standard from 35 Ill. Adm. Code 302.208</u> – Pending receipt of the certificate of publication, the Board held this Will County facility’s petition for an adjusted standard from the Board’s water pollution control regulations.	Water
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## **ADMINISTRATIVE CITATIONS**

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<b>AC 03-13</b>	<u>IEPA v. Dan Cadwallader</u> – The Board accepted for hearing this petition for review of an administrative citation against this Putnam County respondent.	5-0
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<b>AC 03-14</b>	<u>County of Jackson v. James Qualls</u> – The Board accepted an administrative citation against this Jackson County respondent.	
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<b>AC 03-15</b>	<u>IEPA v. Paul Rider</u> – The Board accepted an administrative citation against this McLean County respondent.	
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<b>AC 03-16</b>	<u>IEPA v. Terry Stanley</u> – The Board accepted an administrative citation against this Marshall County respondent.	
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## **ADJUDICATORY CASES**

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### Decisions

<b>PCB 00-140</b>	<u>Gladys L. Knox and David A. Knox v. Turris Coal Company and AEI Resources, Inc.</u> – The Board found that the respondent did not violate Section 24 of the Act (415 ILCS 5/24 (2000)) amended by P.A. 92-0574, eff. June 26, 2002, and 35 Ill. Adm. Code 900.102, 901.102(a) and (b) of the Board’s noise regulations. The Board dismissed the case and closed the docket.	5-0 Citizens N-E
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<b>PCB 03-31</b>	<u>County of Kankakee and Edward D. Smith, State’s Attorney of</u>	5-0
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<b>PCB 03-33</b>	<u>Kankakee County v. City of Kankakee, Illinois, The City Council, Town and Country Utilities, Inc., and Kankakee Regional Landfill, L.L.C.;</u>	P-C-F-S-R
<b>PCB 03-35</b>	<u>Byron Sandberg v. The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; Waste Management of Illinois v. City of Kankakee, Illinois, City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C. – The Board reversed the August 19, 2002 decision of the City of Kankakee that granted Town &amp; Country Utilities, Inc. and Kankakee Regional Landfill’s application to site a pollution control facility.</u>	Third Party

**Motions and Other Matters**

<b>PCB 96-98</b>	<u>People of the State of Illinois v. Skokie Valley Asphalt, Co., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc. and Richard J. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc. – No action taken.</u>	W-E
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<b>PCB 96-143</b>	<u>People of the State of Illinois v. Michel Grain Company, Inc. d/b/a Michel Fertilizer, Caryle Michel, Ronnie Todd, and Ronnie Todd Land Trust – No action taken.</u>	W-E
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<b>PCB 97-103</b>	<u>People of the State of Illinois v. State Oil Company, William Anest f/d/b/a S&amp;S Petroleum Products, Peter Anest f/d/b/a S&amp;S Petroleum Products, Charles Abraham, Josephine Abraham, and Millstream Service, Inc. – No action taken.</u>	L&W-E
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<b>PCB 98-55</b>	<u>Donald McCarrell and Ann McCarrell v. Air Distribution Associates, Inc. – No action taken.</u>	Citizens L-E
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<b>PCB 99-78</b>	<u>Kiehl Engineering Company, Inc. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this request for an air variance involving a DuPage County facility.</u>	5-0 A-V
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<b>PCB 00-110</b>	<u>People of the State of Illinois v. Joe Decicco Demolition, Inc.</u> – The Board granted complainant’s motion for summary judgment in part. The Board found that the respondent violated Section 9.1(d)(1) of the Environmental Protection Act (415 ILCS 5/9.1(d)(1) (2000)), and Sections 61.145(b)(3), 61.145(b)(4)(i), 61.145(b)(4)(iii), 61.145(b)(4)(v), and 61.145(b)(4)(ix) of the asbestos National Emission Standards for Hazardous Air Pollutants (40 C.F.R. §§ 61.145(b)(3), 61.145(b)(4)(i), 61.145(b)(4)(iii), 61.145(b)(4)(v), and 61.145(b)(4)(ix) (2000)). The Board directed this matter to hearing as expeditiously as practicable on the specific issues of the appropriate penalty amount, costs, and attorney fees.	5-0 A-E
<b>PCB 01-156</b>	<u>People of the State of Illinois v. Union Pacific Railroad</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 site in Randolph and Jackson Counties, the Board ordered publication of the required newspaper notice.	5-0 A-E
<b>PCB 02-56</b>	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – No action taken.	W-E
<b>PCB 02-71</b>	<u>People of the State of Illinois v. FIC America Corporation</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 DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 02-116</b>	<u>Rezmar Corporation v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	4-0 Melas abstained UST Appeal
<b>PCB 02-164</b>	<u>Barbara and Ronald Stuart v. Franklin Fisher</u> – No action taken.	Citizens N-E

<b>PCB 03-34</b>	<u>Barry Amoco, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Pike County facility.	5-0 P-A, Land
<b>PCB 03-37</b>	<u>Illinois Ayers Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Knox County facility.	5-0 UST Appeal
<b>PCB 03-41</b>	<u>Newton Community High School v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jasper County facility.	5-0 UST Fund
<b>PCB 03-44</b>	<u>Pioneer Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Christian County facility.	5-0 UST Fund
<b>PCB 03-46</b>	<u>Mahr’s Sales &amp; Service v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Fulton County facility.	5-0 UST Appeal
<b>PCB 03-55</b>	<u>2222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Co., Federal Chicago Corp., Raymond E. Cross, Beverly Bank Trust No. 8-7611, and Lakeside Bank Trust Nos. 10-1087 &amp; 10-1343</u> – No action taken.	Citizens UST-E
<b>PCB 03-86</b>	<u>Herr Petroleum Corporation v. Illinois State Fire Marshal</u> – The Board accepted for hearing this underground storage tank appeal involving a Knox County facility.	5-0 UST Appeal
<b>PCB 03-87</b>	<u>Main Station 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 Macoupin County facility.	5-0 UST Appeal 90-Day Ext.

<b>PCB 03-88</b>	<u>Sheridan Oil 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 McLean County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 03-89</b>	<u>Wabash Valley 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 Edwards County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 03-90</b>	<u>Chicago Fire Brick 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 Cook County facility.	5-0 UST Fund 90-Day Ext.
<b>PCB 03-91</b>	<u>Chicago Fire Brick 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 Cook County facility.	5-0 UST Fund 90-Day Ext.
<b>PCB 03-92</b>	<u>Ralph Johnson 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 Christian County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 03-93</b>	<u>Dean Schneidewind 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 St. Clair County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 03-94</b>	<u>Lone Star Industries, Inc. v. IEPA</u> – The Board accepted for hearing	5-0

this air permit appeal involving a LaSalle County facility. The Board granted petitioners motion to stay effectiveness of CAAPP permit until the Board's final action in this matter or until the Board orders otherwise. P-A, Air

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**PCB 03-95** Abitec Corporation v. IEPA – The Board accepted for hearing this air permit appeal involving an Edgar County facility. No action was taken on petitioners request for stay of CAAPP permit. 5-0  
P-A, Air

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**PCB 03-96** Martin E. & Kathy L. Geber v. Clayton Moushon, Carri Scharf Trucking and Materials, City of East Peoria, Mayor Chuck Dobbelaire, and City Administrator James Brimberry – The Board held for a later duplicitous/frivolous determination this citizen's noise enforcement action involving a Peoria County facility. Citizens  
N-E

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**PCB 03-97** Illinois Department of Transportation 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 Knox County facility. 5-0  
UST  
Appeal

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### **CASES PENDING DECISION**

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**R02-21** In the Matter of: Petition of Central Illinois Light Company (E.D. Edwards Generating Station) for a Site-Specific Air Regulation: 35 Ill. Adm. Code 214.561 – Proposed Rule, First Notice, Opinion and Order R, Air

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**PCB 03-39** Mineral Solutions, Inc. v. IEPA (due 1/28) P-A, Land

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### **OTHER ITEMS**

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The Chairman's Motion to Schedule Executive Session to Discuss COOL Implementation and Other Administrative Issues on January 22, 2003 at 1:30 p.m. in Room 11-512, James R. Thompson Center was adopted by a vote of 5-0.

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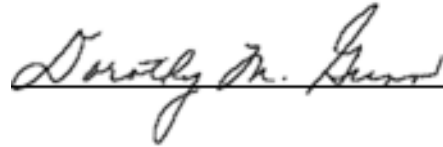


## **ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Johnson adjourned the meeting at 11:35 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 23, 2003 by a vote of 5-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board