

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



**MAY 1, 2003
SPRINGFIELD OFFICE
600 South Second Street - Suite 403
Hearing Room
11:00 A.M.**

ANNOUNCEMENTS

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

ROLL CALL

The Executive Coordinator of the Board called the roll. All Board Members were present.

APPROVAL OF MINUTES

Minutes of the April 17, 2003 meeting were approved by a vote of 6-0. Member Girard abstained.

RULEMAKINGS

R03-19	<u>In the Matter of: Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures</u> – No action taken.	R, Water
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ADJUSTED STANDARDS

AS 00-5 In the Matter of: Petition of The Ensign Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103 – No action taken. Air

AS 03-3 In the Matter of: Argonne National Laboratory for an Adjusted Standard from 35 Ill. Adm. Code 218.182 – Pending receipt of the certificate of publication, the Board held this DuPage County facility’s petition for an adjusted standard from the Board’s air pollution control regulations. Air

ADMINISTRATIVE CITATIONS

AC 03-22 County of Macon v. Macon County Landfill 2 & 3, Kevin Shaw, and Jeffery London – The Board found that these Macon County respondents violated Section 21(o)(5) and (12) of the Act (415 ILCS 5/21(o)(5), (12) (2002)) and ordered respondents to pay a civil penalty of \$1,000. 7-0

ADJUDICATORY CASES

Decisions

PCB 00-111 People of the State of Illinois v. R. Frietsch Company, Inc. – In this air enforcement action concerning sites located in Peoria and Tazewell Counties, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a final stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations. 7-0
A-E

PCB 00-165 People of the State of Illinois v. David Cohen d/b/a Dave’s Auto Repair and Service – In this land enforcement action concerning a Lake County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a final stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations. 7-0
L-E

PCB 00-184 People of the State of Illinois v. M&R Wrecking, Ltd. and Roderick Enterprises, 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 Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a final stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$25,000, and to cease and desist from further violations.

7-0
A-E

PCB 01-83 People of the State of Illinois v. Indiana Harbor Belt Railroad Company and CAN International, Inc. – In this land enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a final stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$20,000, and to cease and desist from further violations.

7-0
L-E

PCB 02-21 People of the State of Illinois v. J&F Hauling, Inc. – The Board entered an order requiring respondent to reimburse the Office of the Attorney General \$3,967.50 for attorney fees. This order follows the Board's interim order of June 6, 2002, which found that this respondent had violated Sections 21(a), (d)(1) and (2), (e), and (p)(1), and 55(a) of the Environmental Protection Act (415 ILCS 5/21(a),(d)(1) and (2),(e),(p)(1) and 55(a) (2000)) and 35 Ill. Adm. Code 722.111, 808.121, and 812.101(a) and assessed a penalty of \$60,000.

7-0
L-E

PCB 02-208 Brian Finley, Local 3315 of the American Federation of State, County, and Municipal Employees (Cook County Public Defenders Assn.) and Named Others v. Acme Barrel Company, Inc. a/k/a Acme Barrel Company a/k/a/ IFCO Systems Chicago, Inc. and Others – In this air enforcement action concerning a Cook County facility, the Board accepted a final stipulation and settlement agreement, and ordered the respondents to comply with the terms of the settlement agreement on or before May 31, 2003.

7-0
Citizens
A-E

ADJUDICATORY CASES

Motions and Other Matters

PCB 95-180	<u>People of the State of Illinois v. Archer Daniels Midland Company</u> – The Board granted complainant’s motion to voluntarily dismiss counts I and II in this air enforcement action involving a Macon County facility.	7-0 A-E
PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt, Co., Inc., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick individually and as owner and vice president of Skokie Valley Asphalt Co., Inc.</u> – No action taken.	W-E
PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest an individual f/d/b/a S&S Petroleum Products, Charles Abraham an individual, Josephine Abraham an individual, and Millstream Service, Inc.</u> – No action taken.	L&W-E
PCB 99-51	<u>People of the State of Illinois v. Archer Daniels Midland Company</u> – The Board granted complainant’s motion for voluntary dismissal of this air enforcement action involving a Macon County facility.	7-0 A-E
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – No action taken.	W-E
PCB 00-138	<u>Granite City Sheet Metal v. IEPA</u> – No action taken.	P-A, Land
PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – No action taken.	A-E

PCB 01-150	<u>People of the State of Illinois v. Marc Development Corporation and Silver Glen Estates Homeowners' Association, Inc.</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 Kane County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 01-153	<u>City of Salem v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Marion County facility.	7-0 P-A, Land
PCB 02-11 PCB 02-32 (Cons.)	<u>Doris Glave v. Brent Harris, Patty Harris, and Winds Chant Kennel, Inc.; Village of Grayslake v. Winds Chant Kennel, Inc.</u> – The Board granted complainant's motion to amend the complaint adding Glenn F. Glave as a complainant.	7-0 N-E
PCB 02-56	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</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 Peoria County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc., Sherri Clementi individually and as President of Millenium Recycling & Solid Waste Consultants, Inc.</u> – No action taken.	L-E
PCB 03-55	<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 & 10-1343</u> – No action taken.	Citizens UST-E
PCB 03-96	<u>Martin E. & Kathy L. Geber v. Clayton Moushon and Carri Scharf Trucking and Materials</u> – No action taken.	Citizens N-E

PCB 03-102	<u>U.S. Department of Energy 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 DuPage County facility.	7-0 P-A, RCRA
PCB 03-104	<u>Waste Management of Illinois, Inc. v. County Board of Kane County, Illinois</u> – The Board denied respondent’s motion for leave to file a petition to enforce ordinance and host community benefit agreement.	6-0 Karpel abstained P-C-F-S-R
PCB 03-107	<u>Willaredt Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Macon County facility.	7-0 UST Appeal
PCB 03-109	<u>Fred Sierzega 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 UST Appeal
PCB 03-113	<u>Clark Oil Station #1655 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 Vermilion County facility.	7-0 UST Appeal
PCB 03-114	<u>Village of Karnak v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Pulaski County facility.	7-0 UST Appeal
PCB 03-125	<u>City of Kankakee v. County of Kankakee and County Board of Kankakee; Merlin Karlock v. County of Kankakee and Kankakee County Board; Michael Watson v. County of Kankakee and Kankakee County Board; Keith Runyon v. County of Kankakee and Kankakee County Board</u> – The Board denied the motion to overrule the hearing officer and affirmed the hearing officer’s rulings of April 24, 2003	7-0 P-C-F-S-R

PCB 03-159	<u>Franklin T. Fowler and Franklin D. Fowler v. Remington Hybrid Seed Company, Inc.</u> – No action taken.	Citizens A& N-E
PCB 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – The Board accepted for hearing this land enforcement involving a Grundy County facility.	7-0 L-E
PCB 03-192	<u>Owens Oil Company (January 1, 1998 – June 30, 1998) 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 Greene County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-193	<u>Jim’s Shell & Marine 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.	7-0 UST Appeal 90-Day Ext.
PCB 03-194	<u>Owens Oil Company (March 1, 1997 – December 31, 1997) 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 Greene County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-195	<u>Owens Oil Company (May 1, 1999 – December 31, 1999) 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 Greene County facility.	7-0 UST Appeal 90-Day Ext.

PCB 03-196	<u>Owens Oil Company (December 1, 1999 – September 30, 2000) 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 Greene County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-197	<u>Owens Oil Company (June 1, 1998 – May 31, 1999) 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 Greene County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-198	<u>Ted Harrison Oil Co., Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cass County facility.	7-0 P-A, Land
PCB 03-199	<u>Thompson Service 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.	7-0 UST Appeal 90-Day Ext.
PCB 03-200	<u>Earl’s Marathon 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.	7-0 UST Appeal 90-Day Ext.

PCB 03-201	<u>Howard Warsaw 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 Tazewell County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-202	<u>Consolidated Grain and Barge Co. (Cyclone with Baghouse) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Consolidated Grain and Barge located in Bureau County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	7-0 T-C
PCB 03-203	<u>Owens Oil Company (March 1, 1997 – May 31, 1997) 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 Greene County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-204	<u>Warren’s Service 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 Mercer County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-205	<u>Jack’s 66 Service 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 Madison County facility.	7-0 UST Appeal 90-Day Ext.

PCB 03-206	<u>J&C Central, 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 DuPage County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-207	<u>Silvestri Paving Company (September 11, 2002 – November 19, 2002) 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.	7-0 UST Appeal 90-Day Ext.
PCB 03-208	<u>Stanford Property 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 Clay County facility.	Johnson UST Appeal 90-day Ext.
PCB 03-209	<u>Silvestri Paving Company (September 11, 2002 – November 20, 2002) 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.	7-0 UST Appeal 90-Day Ext.

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Johnson adjourned the meeting at 11:35 a.m. to an Executive Session..

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 15, 2003 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board