

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



MARCH 6, 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
10:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Johnson welcomed members of the public and staff to the meeting. The Chairman acknowledged the death of Board Member Girard's father-in-law and offered condolences to the family on behalf of the Board.

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present except for Board Member Girard who was absent.

APPROVAL OF MINUTES

Minutes of the February 20, 2003 meeting were approved by a vote of 6-0.

ADJUSTED STANDARDS

AS 03-1	<u>In the Matter of: Petition of Exelon Generation Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208</u> – The Board accepted for hearing this Will County facility's amended petition for an adjusted standard from the Board's water pollution control regulations.	6-0 Water
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AS 03-2	<u>In the Matter of: Petition of Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817, and Modification of AS 95-4 (Sludge Application)</u> – The Board accepted this Cook County facility’s petition for an adjusted standard, granting the motion to incorporate documents by reference.	6-0 Land
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ADMINISTRATIVE CITATIONS

AC 03-14	<u>County of Jackson v. James Qualls</u> – The Board granted complainant’s motion to correct its February 6, 2003 opinion and order in this matter by listing the County of Jackson as respondent to which penalties are payable.	6-0
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AC 03-15	<u>IEPA v. Paul Rider</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a McLean County facility.	6-0
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AC 03-16	<u>IEPA v. Terry Stanley</u> – The Board found that this Marshall County respondent violated Section 21(p)(1) and (7) of the Act (415 ILCS 5/21(p)(1), (7) (2002)) and ordered respondent to pay a civil penalty of \$3,000.	6-0
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AC 03-17	<u>IEPA v. Village of Metamora</u> – The Board found that this Woodford County respondent violated Section 21(p)(1) and (7) of the Act (415 ILCS 5/21(p)(1), (7) (2002)) and ordered respondent to pay a civil penalty of \$3,000.	6-0
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AC 03-18	<u>IEPA v. Jerry Summers</u> – The Board found that this Fayette County respondent violated Section 21(p)(1) and (7) of the Act (415 ILCS 5/21(p)(1), (7) (2002)) and ordered respondent to pay a civil penalty of \$3,000.	6-0
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AC 03-19 IEPA v. Harley Lafary d/b/a Lafary Construction, Harris Lafary and Larry Payne, Sr. – The Board found that these McDonough County respondents violated Section 21(p)(1), (3), and (7) of the Act (415 ILCS 5/21(p)(1), (3), (7) (2002)) and ordered respondents to pay a civil penalty of \$4,500. 6-0

AC 03-20 IEPA v. Manzell Lawson, Sr. – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Peoria County facility. 6-0

ADJUDICATORY CASES

Decisions

PCB 98-55 Donald McCarrell and Ann McCarrell v. Air Distribution Associates, Inc. – The Board found that respondent violated Section 21(a) of the Illinois Environmental Protection Act (415 ILCS 5/21(a) (2000)) and 35 Ill. Adm. Code 900.102. The Board ordered respondent to reimburse the complainants \$37,261.81 for costs incurred in the clean up of trichloroethane and other contaminants. 6-0
Citizens
L-E

PCB 00-103 People of the State of Illinois v. Mano Negra Wrecking Corporation f/k/a Mano Negra Corporation and Fernando O. Zamora, individually and as president of Mano Negra Wrecking Corporation – In this air enforcement action concerning two Cook County facilities, 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 \$25,000, and to cease and desist from further violations. 6-0
A-E

PCB 01-156 People of the State of Illinois v. Union Pacific Railroad – In this air enforcement action concerning a site in Randolph County, 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 \$50,000, and to cease and desist from further violations. 6-0
A-E

PCB 03-100 People of the State of Illinois v. National Container Services – 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 \$40,000, and to cease and desist from further violations. 6-0
A-E

PCB 03-108 People of the State of Illinois v. Village of Keensburg and David Dallas d/b/a Dallas Consulting, Engineering-Surveying – In this water enforcement action concerning a Wabash 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 Village of Keensburg to pay \$500 and David Dallas, d/b/a Dallas Consulting, Engineering-Surveying \$5,000, for a total civil penalty of \$5,500, and to cease and desist from further violations. 6-0
W-E

Motions and Other Matters

PCB 96-98 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, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc. – No action taken. W-E

PCB 99-134 People of the State of Illinois v. Peabody Coal Company – No action taken. W-E

PCB 02-10 Rebecca Lawrence v. North Point Grade School c/o Unit District Office – No action taken. N-E

PCB 02-201 Gere Properties, Inc. v. Jackson County Board and Southern Illinois Regional Landfill, Inc. – Following remand of a motion to supplement the record on appeal, the Board granted the motion. The Board directed the Clerk of the Board to certify and transmit to the court the supplemental record. 6-0
P-C-F-S-R

PCB 02-205	<u>Home Oil Company v. IEPA</u> – No action taken.	UST Fund
PCB 02-206 (Cons.)		
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 03-75	<u>Clinton County Oil Company, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	6-0 UST Appeal
PCB 03-76	<u>Thornton Oil Corporation #17 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 DuPage County facility.	6-0 UST Appeal
PCB 03-77	<u>Chrisman Farm Center v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Edgar County facility.	6-0 UST Appeal
PCB 03-79	<u>Carter Convenience Store 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 White County facility.	6-0 UST Fund
PCB 03-86	<u>Herr Petroleum v. Illinois State Fire Marshal</u> – No action taken.	UST Appeal
PCB 03-94	<u>Lone Star Industries, Inc. v. IEPA</u> – The Board denied respondent’s motion to dismiss and directed respondent to expeditiously file the entire record of the Clean Air Act Permit Program permit application with the Board.	6-0 P-A, Air

PCB 03-106	<u>Village of South Elgin v. Waste Management of Illinois, Inc.</u> – No action taken.	Citizens L-E
PCB 03-115	<u>David B. Haworth v. Coresaw Log & Lumber, Inc.</u> – The Board found that the alleged violations in the complaint were neither duplicative nor frivolous and accepted for hearing this matter involving a Marshall County facility.	6-0 Citizens N-E
PCB 03-124	<u>Consumers Illinois Water Company (Vermilion County) v. IEPA</u> – No action taken.	T-C
PCB 03-125	<u>The City of Kankakee v. County of Kankakee, Kankakee County Board, and Waste Management of Illinois, Inc.</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-133, PCB 03-134, and PCB 03-135.	6-0 P-C-F-S-R 3d Party
PCB 03-126	<u>Mick’s Garage 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.	6-0 UST Appeal 90-Day Ext.
PCB 03-127	<u>Brunner Brothers 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.	6-0 UST Appeal 90-Day Ext.
PCB 03-128	<u>People of the State of Illinois v. Robert Hamm d/b/a Three R’s Pier Builders</u> – The Board accepted for hearing this public water supply enforcement action involving a Lake County facility.	6-0 PWS-E

PCB 03-129	<u>Keller Oil (May 1, 2000 – August 31, 2001) 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 Coles County facility.	6-0 UST Fund 90-Day Ext.
PCB 03-130	<u>Keller Oil (July 1, 2000 – March 31, 2001) 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 Coles County facility.	6-0 UST Fund 90-Day Ext.
PCB 03-131	<u>Keller Oil (July 1, 2001 – March 31, 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 Coles County facility.	6-0 UST Fund 90-Day Ext.
PCB 03-132	<u>Dickey 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 Clay County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-133	<u>Merlin Karlock v. County of Kankakee, Kankakee County Board, and Waste Management of Illinois, Inc.</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-125, PCB 03-134, and PCB 03-135.	6-0 P-C-F-S-R 3d Party
PCB 03-134	<u>Michael Watson v. County Board of Kankakee County, Illinois and Waste Management of Illinois, Inc.</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-125, PCB 03-133, and PCB 03-135.	6-0 P-C-F-S-R 3d Party

PCB 03-135	<u>Keith Runyon v. County of Kankakee, Kankakee County Board, and Waste Management of Illinois, Inc.</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-125, PCB 03-133, and PCB 03-134.	6-0 P-C-F-S-R 3d Party
PCB 03-136	<u>Keller Oil (October 1, 1999 – July 1, 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 Coles County facility.	6-0 UST Fund 90-Day Ext.
PCB 03-137	<u>Keller Oil (July 1, 2000 – March 31, 2001) 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 Coles County facility.	6-0 UST Fund 90-Day Ext.

CASES PENDING DECISION

PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest f/d/b/a S&S Petroleum Products, Peter Anest f/d/b/a S&S Petroleum Products, Charles Abraham, Josephine Abraham, and Millstream Service, Inc.</u>	L,W-E
PCB 02-184	<u>UAP Richter Co, (McDonough County) v. IEPA</u>	T-C

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Johnson adjourned the meeting at 10:35 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 20, 2003 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board