

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JUNE 5, 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

After calling the meeting to order, Chairman Johnson welcomed members of the public and staff to the meeting. Chairman Johnson announced the death of former Board Member Samuel Lawton, Jr. and Senior Attorney Kathleen Crowley's father. Chairman Johnson offered condolences to the families on behalf of the Board.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the May 15, 2003 meeting were approved by a vote of 6-0.

RULEMAKINGS

R02-21	<u>In the Matter of: Petition of Central Illinois Lights Company (E.D. Edwards Generating Station) for a Site-Specific Air Regulation: 35 Ill. Adm. Code 214.561</u> – The Board adopted a final opinion and order in this matter to amend the Board's air pollution control regulations.	5-0 Tristano abstained R, Air
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R03-8 In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903 – The Board adopted a proposed second notice opinion and order in this matter to amend the Board’s noise pollution control regulations. 6-0
R, Noise

R03-18 RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2002 through December 31, 2002) – The Board adopted a final opinion and order “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations. 6-0
R, Land

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 – The Board entered a supplemental opinion and order amending it’s March 20, 2003 opinion and order. The Board granted petitioner’s motion for substitution and named Dyno Nobel Inc. as the holder of the adjusted standard. The Board granted the adjusted standard from 35 Ill. Adm. Code 237.102, subject to conditions. 6-0
Air

AS 03-1 In the Matter of: Petition of Exelon Generation Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208 – No action taken. Water

AS 03-2 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) – Member Melas stated he would participate in this decision. Although he served for 30 years at the Metropolitan Water Reclamation District of Greater Chicago, he has not done so for the past 10 years. The Board agreed with petitioner that there need not be a new notice of publication filed and accepted the amended petition for hearing. 6-0
Land

AS 03-4 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

AS 03-5 In the Matter of: Petition of Cromwell-Phoenix, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Subpart F, Section 218.204(c) – Pending receipt of the certificate of publication, the Board held this Cook County facility’s petition for an adjusted standard from the Board’s air pollution control regulations. Air

ADMINISTRATIVE CITATIONS

AC 01-37 IEPA v. Marshall Pekarsky (Rockford/Kishwaukee Auto Parts) – Following Second District Appellate Court reversal of the Board’s February 7, 2002 order (IEPA v. Marshall Pekarsky and IPCB, 2-02-0281, April 18, 2003), this matter was remanded to the Board. The Board found that this Winnebago County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$1,500. 6-0

AC 03-24 IEPA v. Arrowhead Tree Removal, Inc. – The Board granted complainant’s motion for reconsideration of the Board’s May 15, 2003 order. The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Jersey County facility. 6-0

AC 03-30 County of Ogle v. Rochelle Waste Disposal, L.L.C. and Clyde A. Gelderloos, Chief Operator, and City of Rochelle – The Board accepted an administrative citation against these Ogle County respondents. 6-0

AC 03-31 County of Vermilion, Illinois v. Brickyard Disposal and Recycling, Inc. – The Board accepted an administrative citation against this Vermilion County respondent. 6-0

but the third affirmative defense remains. Respondent Skokie Valley's motion to dismiss the Fredericks from this cause was denied.

PCB 97-69	<u>People of the State of Illinois v. Economy Plating, Inc.</u> – No action taken.	A-E
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PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board granted the complainant's motion to strike in part and denied the motion in part. The Board granted the motion to strike 12 alleged affirmative defenses raised by respondent. Respondent withdrew another of its purported affirmative defenses. The Board denied the complainant's motion to strike three remaining alleged affirmative defenses raised by respondent.	6-0 W-E
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PCB 99-187	<u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – No action taken.	A&N-E
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PCB 00-147	<u>Fox River Water Reclamation District v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Kane County facility.	6-0 P-A, NPDES
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PCB 00-180	<u>People of the State of Illinois v. Jacobs Energy Corporation</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 Rock Island County facility, the Board ordered publication of the required newspaper notice.	6-0 A&L-E
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PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – No action taken.	A-E
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PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – No action taken.	L-E
PCB 02-159	<u>The Ensign Bickford Company v. IEPA</u> – Having granted parties request in <u>In re</u> <u>Petition of the Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.102</u> , AS 00-5 (June 5, 2003), the Board denied as moot the parties’ request that this case be reopened and Dyno Nobel be substituted for EBCo in the variance.	6-0 A-V
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 03-83	<u>Tri-Town Service 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.	6-0 UST Fund
PCB 03-110	<u>Talcott Building Partnership v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST Appeal
PCB 03-121	<u>Freedom Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Williamson County facility.	6-0 UST Appeal
PCB 03-122	<u>Chronister Oil Company d/b/a Quik-N-EZ</u> – The Board accepted for hearing this underground storage tank appeal involving a Christian County facility.	6-0 UST Appeal

PCB 03-125	<u>City of Kankakee v. County of Kankakee, County Board of</u>	6-0
PCB 03-133	<u>Kankakee, and Waste Management of Illinois, Inc.; Merlin Karlock</u>	P-C-F-S-R
PCB 03-134	<u>v. County of Kankakee, Kankakee County Board and Waste</u>	
PCB 03-135	<u>Management of Illinois, Inc; Michael Watson v. County Board of</u>	
(Cons.)	<u>Kankakee County, Illinois and Waste Management of Illinois, Inc.;</u> <u>Keith Runyon v. County of Kankakee, Kankakee County Board,</u> <u>and Waste Management of Illinois, Inc.</u> – The Board denied the parties’ motions for sanctions.	
PCB 03-126	<u>Mick’s Garage v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	6-0 UST Appeal
PCB 03-127	<u>Brunner Brothers 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 Tazewell County facility.	6-0 UST Appeal
PCB 03-129	<u>Keller Oil Properties, Inc. (May 1, 2000 – August 31, 2001) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-130, PCB 03-131, PCB 03-136, and PCB 03-137.	6-0 UST Appeal
PCB 03-130	<u>Keller Oil Properties, Inc. (July 1, 2000 – March 31, 2001) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-129, PCB 03-131, PCB 03-136, and PCB 03-137.	6-0 UST Appeal
PCB 03-131	<u>Keller Oil Properties, Inc. (July 1, 2001 – March 31, 2002) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-129, PCB 03-130, PCB 03-136, and PCB 03-137.	6-0 UST Appeal

PCB 03-132	<u>Dickey Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Clay County facility.	6-0 UST Appeal
PCB 03-136	<u>Keller Oil Properties, Inc. (October 1, 1999 – July 1, 2000) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-129, PCB 03-130, PCB 03-131, and PCB 03-137.	6-0 UST Appeal
PCB 03-137	<u>Keller Oil Properties, Inc. (July 1, 2000 – March 31, 2001) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-129, PCB 03-130, PCB 03-131, and PCB 03-136.	6-0 UST Appeal
PCB 03-147	<u>People of the State of Illinois v. Westfield Homes of Illinois</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 facility located in Lake County, the Board ordered publication of the required newspaper notice.	6-0 W-E
PCB 03-153	<u>People of the State of Illinois v. C&F Packing Co., 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 facility located in Lake County, the Board ordered publication of the required newspaper notice.	6-0 W-E
PCB 03-159	<u>Franklin T. Fowler and Franklin D. Fowler v. Remington Hybrid Seed Company, Inc.</u> – The Board granted complainants’ motion for voluntary dismissal of this enforcement action involving a Henry County facility.	6-0 Citizens A& N-E

PCB 03-161	<u>Solid Waste Agency of Northern Cook County v. City of Des Plaines, Illinois and Disposal Management Systems, Inc.</u> – The Board granted petitioner’s motion for reconsideration, and reaffirmed it’s April 17, 2003 decision to dismiss petitioner’s amended petition as untimely.	6-0 P-C-F-S-R
PCB 03-210	<u>Solid Waste Agency of Northern Cook County v. City of Des Plaines, Illinois and Disposal Management Systems, Inc.</u> – The Board refused to accept petitioner’s petition for review and denied respondent Des Plaines’ motion to dismiss as moot.	6-0 P-C-F-S-R 3d Party
PCB 03-211	<u>Mark and Cynthia Heywood v. Dan and Darleen Sheehan</u> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a Cook County facility.	Citizens N-E
PCB 03-217	<u>Prime Time Citgo 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 Kane County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-218	<u>Rochelle Waste Disposal, L.L.C. v. City Council of the City of Rochelle, Illinois</u> – The Board accepted for hearing pollution control facility siting appeal involving an Ogle County facility.	6-0 P-C-F-S-R
PCB 03-219	<u>Randall Industries 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.	6-0 UST Appeal 90-Day Ext.

PCB 03-220 People of the State of Illinois v. Lehigh Press, Inc. a/k/a Lehigh Press-Cadillac, Lehigh Cadillac-Direct, Lehigh Digital and Lehigh Direct – The Board accepted for hearing this air enforcement action involving a Cook County facility. 6-0
A-E

CASES PENDING DECISION

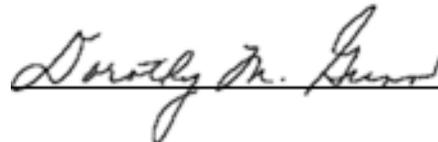
PCB 98-148 People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. a/k/a Briggs Plumbing Products, Inc.; Briggs Industries, Inc., Third-Party Complainants v. Loren West and Abingdon Salvage Company, Inc., Third Party Respondents L-E

PCB 03-104 Waste Management of Illinois, Inc. v. County Board of Kane County, Illinois (due 6/19) (see also Respondent's Motion to Strike Portions of Petitioner's Memorandum in Support of the Siting Appeal filed 5/13 and Petitioner's Response in Opposition to Respondent's Motion to Strike Portions of Memorandum in Support of Siting Appeal filed 5/27) P-C-F-S-R

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Johnson adjourned the meeting at 11:55 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 19, 2003 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board