

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



FEBRUARY 20, 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.

ROLL CALL

The Clerk of the Board called the roll. All Board Members were present.

APPROVAL OF MINUTES

Minutes of the February 6, 2003 meeting were approved by a vote of 7-0.

RULEMAKINGS

R02-20	<u>In the Matter of: Proposed Horween Leather Company Site-Specific Air Rule, 35 Ill. Adm. Code 218.112 and 218.929</u> – The Board adopted a final opinion and order in this matter to amend the Board's air regulations, as requested by this Chicago, Cook County facility.	7-0 R, Air
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R03-9	<u>In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 901</u> – The Board adopted an opinion and order proposing for hearing and public comment amendments to the Board’s noise regulations.	7-0	R, Noise
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R03-20	<u>In the Matter of: Brownfields Site Restoration Program, Amendments to 35 Ill. Adm. Code 740</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s February 18, 2003 proposal to amend the Board’s site remediation program regulations as required by recent legislation.	7-0	R, Land
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ADJUSTED STANDARDS

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> – Pending receipt of the certificate of publication, the Board held this Cook County facility’s petition for an adjusted standard from the Board’s waste disposal regulations.	Land
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ADJUDICATORY CASES

Decisions

PCB 02-18	<u>People of the State of Illinois v. Williamsburg Place of Crete, Inc.</u> – In this water enforcement action concerning a Will 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 \$7,500, and to cease and desist from further violations.	7-0	W-E
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PCB 02-41	<u>Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder</u> – The Board previously found that respondents violated Section 24 of the Illinois Environmental Protection Act (415 ILCS 5/24 (2002)) and 35 Ill. Adm. Code 900.102. The Board ordered the respondents to cease and desist from further violations.	6-1 Tristano dissented Citizens A&N-E
PCB 03-43	<u>Landfill 33, Ltd. v. Effingham County Board and Sutter Sanitation Services; Stock & Company, L.L.C. v. Effingham County Board and Sutter Sanitation Services</u> – The Board affirmed the September 19, 2002 decision of the Effingham County Board granting approval for siting of a solid waste transfer station in unincorporated Effingham County by Sutter Sanitation Services.	7-0 P-C-F-S-R 3d Party
PCB 03-52 (Cons.)		

Motions and Other Matters

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, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc.</u> – No action taken.	W-E
PCB 99-113	<u>Midwest Illinois Auto Truck Plaza v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Bond County facility.	7-0 UST Appeal
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – No action taken.	W-E
PCB 99-187	<u>Gina Pattermann, Lisa Collins, and Deen Collins v. Boughton Trucking and Materials, Inc.</u> – The Board granted respondent’s motion to dismiss complainants Lisa and Deen Collins from this matter.	7-0 A&N-E

PCB 01-70	<u>Midwest Illinois Restaurant & Truck Plaza, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Bond County facility.	7-0 UST Appeal
PCB 02-162	<u>People of the State of Illinois v. Fox Valley Dry Wall, Inc.</u> – The Board entered an interim opinion and order granting complainant’s motions to deem facts admitted and for summary judgment. The Board found respondent in violation of Sections 57.6 and 57.7(b) of the Environmental Protection Act (Act) (415 ILCS 5/57.6, 57.7(b) (2002)), and Sections 732.300(a), 732.100(c), 7and 32.307(b) of the Board regulations (35 Ill. Adm. Code 732.300(a), 732.100(c), 732.307(b)). The Board directed this matter to hearing as expeditiously as practicable on the specific issues of the appropriate penalty amount, costs, and attorney fees.	7-0 L-E
PCB 02-205 PCB 02-206 (Cons.)	<u>Home Oil Company v. IEPA</u> – No action taken.	UST Fund
PCB 03-51	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc.</u> – The Board granted complainant’s motion to strike respondent’s affirmative defenses.	7-0 A-E
PCB 03-54 PCB 03-56 PCB 03-105	<u>Freedom Oil Company v. IEPA</u> – The Board granted petitioner’s motion to consolidate these underground storage tank appeals involving an Edgar County facility.	7-0 UST Appeal
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 03-65	<u>Knox College v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Knox County facility.	7-0 UST Appeal

PCB 03-67	<u>Maryville Voice Newspaper Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	7-0 UST Appeal
PCB 03-69	<u>Cunningham 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 Edwards County facility.	7-0 UST Appeal
PCB 03-70	<u>Illinois Ayers Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cass County facility.	7-0 UST Appeal
PCB 03-72	<u>Wabash Valley Service v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Gallatin County facility.	7-0 UST Appeal
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> – No action taken.	P-A, Air
PCB 03-95	<u>Abitec Corporation v. IEPA</u> – The Board granted the parties’ joint motion to stay permit conditions 5.10 and 7.1.13 of petitioner’s Clean Air Act Permit Program permit.	7-0 P-A, Air
PCB 03-104	<u>Waste Management of Illinois, Inc. v. County Board of Kane County, Illinois</u> – The Board granted respondent’s motions for extension of time to file the record and to expedite discovery. The Village of Elgin’s motion to intervene in this matter was denied, but the Village was granted leave to file an amicus curiae brief.	7-0 P-C-F-S-R

PCB 03-106	<u>Village of South Elgin v. Waste Management of Illinois, Inc.</u> – The Board denied complainant’s motion to consolidate this proceeding with PCB 03-104, because the two actions involve different burdens of proof. No duplicative/frivolous determination was made, as respondent filed a motion to dismiss on February 19, 2003.	7-0 Citizens L-E
PCB 03-115	<u>David B. Haworth v. Coresaw Log & Lumber, Inc.</u> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a Marshall County facility.	Citizens N-E
PCB 03-117	<u>People of the State of Illinois v. Bi-State Tire, Inc.</u> – The Board accepted for hearing this land enforcement action involving a Rock Island County facility.	7-0 L-E, Tires
PCB 03-118	<u>Dalee 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 Washington County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-119	<u>Dalee 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 Washington County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-120	<u>Ronald Ochs (Newton) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ronald Ochs located in Jasper 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 03-121	<u>Freedom 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 Sangamon County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-122	<u>Chronister Oil Company d/b/a Qik-N-Ez 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.	7-0 UST Appeal 90-Day Ext.
PCB 03-123	<u>Apex Pork v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Apex Pork located in Knox 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 03-124	<u>Consumers Illinois Water Company (Vermilion County) v. IEPA</u> – No action taken, pending receipt of a petition for review of the Illinois Environmental Protection Agency recommendation denying the requested tax certification.	T-C

OTHER ITEMS

Chairman’s Motion to Reschedule Start Time of March 6, 2003 Meeting from 11:00 a.m. to 10:00 a.m. was adopted by a vote of 7-0.

Executive Session to Discuss Administrative Matters was cancelled as unnecessary.

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Johnson adjourned the meeting at 11:45 a.m.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board