

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



February 19, 2004
CHICAGO OFFICE – 100 W. Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the February 5, 2004 meeting were approved by a vote of 4-0. Member Moore abstained.

RULEMAKINGS

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| R03-19 | <u>In the Matter of: Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code 309 NPDES Permits and Permitting Procedures</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water pollution control regulations. | 5-0 R, Water |
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ADMINISTRATIVE CITATIONS

AC 04-31 IEPA v. Equipping the Saints Ministry, International, Inc. – The Board accepted for hearing this petition for review of an administrative citation against this Macoupin County respondent. 5-0

AC 04-33 IEPA v. Everett C. Gover Trust c/o Rebecca Cloney, Trustee – The Board found that this Montgomery 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. 5-0

ADJUDICATORY CASES

Decisions

PCB 98-80 People of the State of Illinois v. Craig Linton and Randy Rowe – In this land enforcement action concerning a LaSalle 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 stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$6,000 and to cease and desist from further violations. 5-0
L-E

PCB 03-73 People of the State of Illinois v. Riverdale, Inc. and Tri-State Disposal – 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 stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$9,000 and to cease and desist from further violations. 5-0
L-E

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| PCB 04-8 | <u>People of the State of Illinois v. Greg Prey, individually and d/b/a King Tire</u> - In this land enforcement action concerning a LaSalle 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 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. | 5-0 L-E |
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Motions and Other Matters

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| PCB 97-119 | <u>People of the State of Illinois v. G&M Total, Inc., George Papas individually and as president of G&M Total, Inc.</u> – No action taken. | L-E |
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| PCB 97-193 | <u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – No action taken. | L-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 01-167 | <u>People of the State of Illinois v. ESG Watts, Inc.</u> – No action taken. | A,L,&W-E |
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| 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., and Michael Lorence individually</u> – The Board granted complainant’s motion for summary judgment as to all counts in the amended complaint. The Board found that all the respondents violated Section 21(a), 21(d)(1), 21(e), and 21(p)(1) of the Environmental Protection Act, (415 ILCS 5/21(a), (d)(1), (e) and (p)(1) (2002)) and ordered the respondents to pay a total civil penalty of \$25,000. | 5-0 L-E |
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| PCB 02-211 | <u>Stein Steel Mill Services, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Madison County facility. | 5-0 P-A, Air |
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| PCB 02-186 | <u>People of the State of Illinois v. Van Melle U.S.A., Inc.</u> – No action taken. | A-E |
| PCB 03-5 | <u>People of the State of Illinois v. Star Electronics, Inc.</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 Cook County facility, the Board ordered publication of the required newspaper notice. | 5-0 A-E |
| PCB 03-55 PCB 04-29 | <u>2222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Company, Federal Chicago Corporation, and Raymond E. Cross; The City of Chicago v. Purex Industries, Inc., Federal Die Casting Company, Federal Chicago Corporation, and Raymond E. Cross</u> – The Board granted the parties’ motions to dismiss these consolidated enforcement actions as to all respondents. The Board closed both dockets. | 5-0 Citizens L-E |
| PCB 03-218 | <u>Rochelle Waste Disposal, L.L.C. v. City Council of The City of Rochelle, Illinois</u> – No action taken. | P-C-F-S-R |
| PCB 03-235 | <u>United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank as Trustee Under Trust 0799 v. IEPA</u> – No action taken. | P-A, Land |
| PCB 04-22 | <u>Wei Enterprises v. IEPA</u> – The Board granted petitioner’s motion to reconsider and affirmed its December 4, 2003 decision to dismiss this untimely petition for review. | 5-0 UST Appeal |
| PCB 04-23 | <u>Wei Enterprises v. IEPA</u> – The Board granted petitioner’s motion to reconsider and affirmed its December 4, 2003 decision to dismiss this untimely petition for review. | 5-0 UST Appeal |
| PCB 04-26 | <u>L. Erickson v. Charleston Classic Homes and Lawrence E. Vansomeran, Jr.</u> – The Board granted complainant’s motion for voluntary dismissal of this citizens noise enforcement action involving a DuPage County facility. | 5-0 Citizens N-E |

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| PCB 04-33 | <u>Byron Sandberg v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; Waste Management of Illinois v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; County of Kankakee, Illinois and Edward D. Smith, Kankakee County States Attorney v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C. – No action taken.</u> | P-C-F-S-R |
| PCB 04-34 | | 3d Party |
| PCB 04-35 | | |
| PCB 04-78 | <u>Lemont Kar Gas 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. | 5-0 UST Appeal |
| PCB 04-80 | <u>Lincoln Technical Institute 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. | 5-0 UST Appeal |
| PCB 04-81 | <u>People of the State of Illinois v. Emmett Utilities, Inc. and Russell D. Thorell individually and as president of Emmett Utilities, Inc.</u> – No action taken. | PWS-E |
| PCB 04-82 | <u>Webel Foods, Inc., Pittsfield 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 Pike County facility. | 5-0 UST Appeal |
| PCB 04-117 | <u>Saline County Landfill, Inc. v. IEPA and the County of Saline, intervener</u> – The Board granted the County of Saline’s motion to intervene and denied petitioner’s motion requesting to change the location of the hearing to Sangamon County. | 5-0 P-A, Land |
| PCB 04-139 | <u>People of the State of Illinois v. Decatur Foundry, Inc.</u> – The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action involving a site located in Macon County. | 5-0 RCRA-E |

PCB 04-140 People of the State of Illinois v. Whiteway Sanitation, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Jersey County. 5-0
L-E

PCB 04-141 Illinois State Toll Highway Authority (Lincoln South HPCAP/B) 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 Cook County facility. 5-0
UST
Appeal
90-Day
Ext.

CASES PENDING DECISION

R04-3 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2003 through June 30, 2003) – Adopted Rule, Final Order, Opinion and Order R, Water

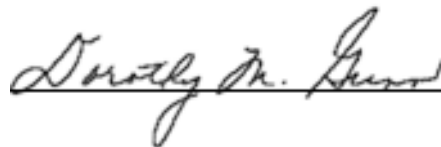
OTHER ITEMS

The Board granted the Chairman’s Motion to delay the start of the February 26, 2004 Closed Deliberative Session under Section 120/2 (B)(4) of the Open Meetings Act from 10:00 a.m. to 11:00 a.m. 5-0

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:25 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 4, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board