

DRAFT ILLINOIS POLLUTION CONTROL BOARD MEETING MINUTES



**JANUARY 24, 2002
CHICAGO OFFICE
CONFERENCE ROOM 9-040
11:00 A.M.**

ANNOUNCEMENTS

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

ROLL CALL

The Clerk of the Board called the roll and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the January 10, 2001 meeting were approved by a vote of 6-0, Board Member Johnson abstained.

RULEMAKINGS

R97-27	<u>In the Matter of: Revision of the Waste Disposal Rules: Amendments to 35 Ill. Adm. Code 817.101</u> – No action taken.	R, Land
R00-19(C)	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (MTBE): 35 Ill. Adm. Code 742</u> – The Board adopted a final opinion and order in this rulemaking which added methyl tertiary-butyl ether (MTBE) as a contaminant to be tested for under the TACO standards.	7-0 R, Land

R01-13	<u>In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, and 106.990 – 106.995</u> – The Board granted the Illinois Environmental Regulatory Group’s (IERG) motion to reconsider the Board’s December 6, 2000 opinion and order in part and will proceed with the suggested language change offered by IERG to Section 302.105(b)(3). The Board denied the Illinois Association of Wastewater Agencies and IERG’s remaining motions to reconsider and IERG’s motion for leave to file a reply.	7-0 R, Water
R01-14	<u>In the Matter of: Proposed MTBE and Compliance Determination Amendments to Groundwater Quality Standards: 35 Ill. Adm. Code 620</u> – The Board adopted a final opinion and order in this rulemaking which amended the Board’s public water supply regulations by adding a groundwater quality standard for methyl tertiary-butyl ether (MTBE).	7-0 R, PWS
R02-1 R02-12 R02-17 (Cons.)	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2001, through June 30, 2001); In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2001, through December 31, 2001 and January 22, 2002); In the Matter of: UIC Update, USEPA Amendments (July 1, 2001, through December 31, 2001)</u> – On its own motion the Board consolidated these “identical-in-substance” rulemakings and adopted a proposal for public comment to amend the Board’s hazardous waste and underground injection control regulations.	7-0 R, Land
R02-9	<u>In the Matter of: Waste Water Pretreatment Update, USEPA Amendments (October 3, 2001)</u> – The Board granted the United States Environmental Protection Agency’s motion for and extended the public comment period until February 15, 2002.	7-0 R, Water
R02-19	<u>In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.212, 302.213, and 304.122</u> – The Board accepted for hearing the Illinois Association of Wastewater Agencies January 17, 2002 proposal to amend the Board’s water pollution control regulations. The Board also granted petitioner’s motion to waive the signature requirement.	7-0 R, Water

ADMINISTRATIVE CITATIONS

AC 01-5	<u>IEPA v. Billy Hammond, Sr.</u> – The Board entered an order requiring respondent to pay the Board and the Environmental Protection Agency hearing costs in the amount of \$176.82 and \$207.90 respectively, and a civil penalty of \$3,000. This order follows the Board's interim order of November 11, 2001, which found that this respondent had violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2000)) and assessed a penalty of \$3,000 at respondent's Franklin County facility.	7-0
AC 02-7	<u>IEPA v. Terry and Letisha Springer</u> – No action taken.	
AC 02-25	<u>IEPA v. Robert Wiersema</u> – The Board dismissed respondent's petition for review for lack of jurisdiction. The Board found that this Cook County respondent violated Sections 21(p)(1), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(4), (p)(7) (2000)), and ordered respondents to pay a civil penalty of \$4,500.	6-1 Girard dissented
AC 02-27	<u>IEPA v. John Firebaugh</u> – The Board accepted this petition for review of an administrative citation against this Jefferson County respondent.	7-0
AC 02-28	<u>IEPA v. Larry Beam</u> – The Board found that this Henry County respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2000)), and ordered respondents to pay a civil penalty of \$4,500.	6-1 Girard dissented
AC 02-32	<u>IEPA v. Colorado Real Estate & Investment Company</u> – The Board accepted an administrative citation against this Peoria County respondent.	
AC 02-33	<u>IEPA v. Lewey Shields, Lisa Shields, and Paul Shields</u> – The Board accepted an administrative citation against these Champaign County respondents.	

Decisions

PCB 01-66 People of the State of Illinois v. Camelot Enterprises, Inc., Stephen Einfeldt individually and as president of Camelot Enterprises, Inc., Ivan Johnson individually and as co-owner of Camelot Enterprises, Inc. – In this water enforcement action concerning a Kankakee 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations. 7-0
W-E

PCB 02-80 People of the State of Illinois v. Caterpillar, Inc. – In this air enforcement action concerning a Tazewell 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$20,000, and to cease and desist from further violations. 7-0
A-E

PCB 02-81 People of the State of Illinois v. Tosco Refining Company – In this Resource Conservation and Recovery Act enforcement action concerning a Madison 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$25,000, and to cease and desist from further violations. 7-0
RCRA-E

ADJUDICATORY CASES

Motions and Other Matters

PCB 97-2 People of the State of Illinois v. Jersey Sanitation Corporation – No action taken. A,W&L-E

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.; Charles Abraham, Josephine Abraham, and Millstream Services, Inc., Cross-Complainants v. William Anest and Peter Anest, Cross-Respondents</u> – No action taken.	L&W-E
PCB 98-148	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc.</u> – The Board denied respondent Briggs’ motion for reconsideration but granted its motion for clarification of the Board’s September 6, 2001 interim opinion and order. The matter was directed to hearing on issues of technical and monetary relief.	7-0 L-E
PCB 00-67	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> – No action taken.	RCRA-E
PCB 00-133	<u>John M. Giertych, Geri Giertych, Wally Stoklosa, Earl Daliege, Everett Johnson, Meddard Sowonik, Max Prindle, Chuck Polizzi, Marge Polizzi, George Brassea, Gladys Brassea, Nancy Pitcher, Geraldine Hughes, Bernard Nagel, et al. v. 4T’s Management, L.L.C.</u> – No action taken.	Citizens N-E
PCB 00-181	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties and the Board of Education of Belvidere District 100</u> – No action taken.	Citizens UST-E
PCB 00-202	<u>People of the State of Illinois v. American Driveway Maintenance, 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 Winnebago County facility, the Board ordered publication of the required newspaper notice	7-0 W-E
PCB 01-128	<u>B.L.T., Inc. v. Sixth Street Developers, ORF, Inc., Roland Industries, Inc., VT Properties, Inc., and Freesen, Inc.</u> – The Board granted complainants’ motion for voluntary dismissal of this citizen land enforcement complaint and cross- complaint involving a facility located in Sangamon County.	7-0 Citizens L-E

PCB 01-135	<u>People of the State of Illinois v. Patrick Robert Land Trust</u> – No action taken.	L-E
PCB 01-150	<u>People of the State of Illinois v. Marc Development Corporation and Silver Glen Estates Homeowners’ Association</u> – No action taken.	W-E
PCB 01-154	<u>David P. Houghtaling v. Tire Management, Inc.</u> – Respondent’s motion to withdraw complaint was moot, as the case was dismissed on January 10, 2002.	Citizens A-E
PCB 02-1	<u>People of the State of Illinois v. Stein Steel Mill Services, Inc.</u> – No action taken.	A-E
PCB 02-8	<u>People of the State of Illinois v. Royster-Clark, Inc.</u> – The Board granted complainant’s motion to strike 10 of the 11 affirmative defenses raised by respondent. The Board denied the complainant’s motion to strike respondent’s fourth affirmative defense concerning laches and ordered this matter to proceed to hearing.	7-0 W-E
PCB 02-10	<u>Rebecca S. Lawrence v. Northpoint Grade School</u> – The Board granted complainant’s motion to change hearing officer and denied respondent’s motion to dismiss.	7-0 Citizens N-E
PCB 02-11	<u>Doris Glave v. Brent and Patty Harris and Winds Chant Kennel, Inc.</u> – The Board struck respondent’s the second and third affirmative defenses, declined to strike the sixth affirmative defense, and ordered this matter to proceed to hearing.	7-0 Citizens N-E
PCB 02-46	<u>Marcley Oil Company 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 Kane County facility.	7-0 UST Fund
PCB 02-48	<u>Economy Mechanical Industries, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST Fund

PCB 02-49	<u>Fox River Water Reclamation District (South Plant) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Kane County facility.	7-0 P-A, NPDES
PCB 02-73	<u>People of the State of Illinois v. Bernie C. Morris</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 Edgar County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 02-78	<u>Ecolab, Inc. v. Occidental Chemical Corporation</u> – The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous, and accepted for hearing this matter involving a Cook County facility.	6-1 Flemal dissented Citizens UST-E
PCB 02-83	<u>The American Coal Company (Galatia) v. IEPA</u> – The Board accepted for hearing this tax certification appeal involving a Saline County facility.	7-0 T-C
PCB 02-89	<u>Sandra Stanton v. Mrs. Jessie Oyston, Mayor (Village of Buckner)</u> – The Board held for a later duplicitous/frivolous determination this citizens air enforcement action involving a Franklin County facility.	Citizens A-E
PCB 02-90	<u>Tri County FS, Inc. v. IEPA</u> – No action taken.	T-C
PCB 02-94	<u>Illinois State Toll Highway Authority 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 02-95	<u>Case Corporation v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Rock Island County facility.	7-0 P-A, NPDES
PCB 02-96	<u>Estate of Edmund F. Radkiewicz v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a DuPage County facility.	7-0 UST Appeal
PCB 02-97	<u>Midwest Illinois Auto/Truck Plaza, 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 Bond County facility.	7-0 UST Appeal 90-Day Ext.
PCB 02-98	<u>Tri County FS, Inc. v. IEPA</u> – No action taken.	T-C
PCB 02-99	<u>Riverview FS, Inc. v. IEPA</u> – The Board found and certified that specified facilities of Riverview FS, Inc. located in Winnebago County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C

CASES PENDING DECISION

AC 01-37	<u>IEPA v. Kishwaukee Auto Parts</u> – Opinion and Order	
PCB 02-50	<u>Vandalia Community School District #203 v. IEPA</u> (due 2/16)	P-A, NPDES

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:50 p.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 7th day of February 2002 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board