

# DRAFT ILLINOIS POLLUTION CONTROL BOARD MEETING MINUTES



**FEBRUARY 21, 2002**  
**CHICAGO OFFICE-100 West Randolph**  
**VIDEO CONFERENCE ROOM 11-512**  
**and**  
**SPRINGFIELD OFFICE-600 South Second Street**  
**VIDEO CONFERENCE ROOM 402**  
**11:00 A.M.**

## **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. The Chairman also acknowledged the presence of Mr. John Scherrill, Adjunct Professor, University of Illinois at Springfield and his Environmental Policy class.

## **ROLL CALL**

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

## **APPROVAL OF MINUTES**

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Minutes of the January 24, 2002 and February 7, 2002 meetings were approved by a vote of 7-0.

## **RULEMAKINGS**

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<b>R01-13</b>	<u>In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, 102.800-102.830</u> – The Board adopted a final opinion and order in this matter to amend the Board’s antidegradation water regulations.	7-0 R, Water
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<b>R01-15</b>	<u>In the Matter of: Petition of Amerock Corporation, Rockford Facility, for a Site-Specific Rulemaking Petition for Amendment to 35 Ill. Adm. Code 304.303</u> – The Board dismissed this petition of the Amerock Corporation to amend 35 Ill. Adm. Code 304.303.	7-0 R, Water Site-Specific
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<b>R01-26</b>	<u>In the Matter of: Amendments to Regulation of Petroleum Leaking Underground Storage Tanks: 35 Ill. Adm. Code 732</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s underground storage tank regulations.	7-0 R, Land
<b>R01-27</b> <b>R01-29</b>	<u>In the Matter of: Site Remediation Program: Amendments to 35 Ill. Adm. Code 740; In the Matter of: Site Remediation Program: Proposed 35 Ill. Adm. Code 740, Subpart H (Schools, Public Parks, and Playgrounds)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s site remediation program regulations.	7-0 R, Land
<b>R02-5</b>	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2001 through June 30, 2001; Arsenic Rule)</u> – The Board adopted a final opinion and order in this identical-in-substance rulemaking to amend the Board’s public water supply regulations.	7-0 R, PWS
<b>R02-13</b>	<u>In the Matter of: UST Update, USEPA Regulations (July 1, 2001 through December 31, 2001)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period.	7-0 R, Land
<b>R02-14</b>	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2001 through December 31, 2001)</u> – The Board dismissed this reserved identical-in-substance docket because the only United States Environmental Protection Agency amendment to its wastewater pretreatment regulations during the update period is being addressed in <u>Wastewater Pretreatment Update, USEPA Regulations (October 3, 2001)</u> , R02-9.	7-0 R, Land
<b>R02-15</b>	<u>In the Matter of: Exemptions from the Definition of VOM Update, USEPA Regulations (July 1, 2001 through December 31, 2001)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic material regulations during the update period.	7-0 R, Air

**R02-16**      In the Matter of: SDWA Update, USEPA Regulations (July 1, 2001 through December 31, 2001) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of public water supply regulations during the update period.      7-0  
R, PWS

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**R02-18**      In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 2001 through December 31, 2001) – The Board dismissed this reserved identical-in-substance docket because the only United States Environmental Protection Agency amendment to its non-hazardous waste regulations during the update period did not require any Board action.      7-0  
R, Land

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### **ADJUSTED STANDARDS**

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**AS 02-2**      In the Matter of: Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c) – Pending receipt of the certificate of publication, the Board held this Winnebago County facility’s petition for a waste delisting under the hazardous waste regulations.      Land

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**AS 02-3**      In the Matter of: Petition of Ford Motor Company (Chicago Assembly Plant) for an Adjusted Standard from 35 Ill. Adm. Code 218.986 – Upon receipt of the certificate of publication, the Board accepted this Cook County facility’s petition for an adjusted standard from the air pollution control regulations.      7-0  
Air

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### **ADMINISTRATIVE CITATIONS**

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**AC 02-7**      IEPA v. Terry and Letisha Springer – The Board denied these Jersey County respondents’ motion to dismiss the administrative citation and granted their motion for reconsideration but vacated the December 6, 2001 default judgement. The Board set this matter for hearing.      7-0

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**AC 02-26**      IEPA v. Maurice Newcomer – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Carroll County facility.      7-0

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**AC 02-27**     IEPA v. John Firebaugh – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Jefferson County facility.     7-0

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**AC 02-31**     IEPA v. William Plank d/b/a Demolition Plus – The Board found that this Douglas County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000)), and ordered respondent to pay a civil penalty of \$3,000.     7-1  
Girard  
dissented

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**AC 02-39**     IEPA v. Jerel Childers – The Board accepted an administrative citation against this Massac County respondent.

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**AC 02-40**     IEPA v. Robert and John Gray – The Board accepted an administrative citation against these Iroquois County respondents.

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### **Decisions**

**PCB 00-202**     People of the State of Illinois v. American Driveway Maintenance, Inc. – In this water enforcement action concerning a Winnebago 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 this respondent to pay a total civil penalty of \$4,000, and to cease and desist from further violations.     7-0  
W-E

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## **ADJUDICATORY CASES**

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### **Motions and Other Matters**

**PCB 96-10**     Vogue Tyre & Rubber Company v. IEPA – No action taken.     UST  
Appeal

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**PCB 97-103**     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 – No action taken.     L&W-E

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<b>PCB 97-168</b>	<u>People of the State of Illinois v. Old World Industries, Inc., and Specialty Sealant Tapes, 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 Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 L-E
<b>PCB 99-134</b>	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board granted respondent’s attorney’s motion to appear <i>pro hac vice</i> and denied complainant’s response to respondent’s motion for leave to appear <i>pro hac vice</i> .	7-0 W-E
<b>PCB 00-14</b>	<u>Sequa Corporation, Precoat Metals Division v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility.	7-0 P-A, Air
<b>PCB 00-33</b>	<u>People of the State of Illinois v. Laidlaw Corporation</u> – No action taken.	A-E
<b>PCB 00-125</b>	<u>People of the State of Illinois v. Nina Enterprises, 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.	7-0 A-E
<b>PCB 00-181</b>	<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
<b>PCB 00-184</b>	<u>People of the State of Illinois v. M&amp;R Wrecking, Ltd. And Roderick Enterprises, Inc.</u> – The Board granted complainant’s motion for leave to file first amended complaint.	7-0 A-E
<b>PCB 00-194</b>	<u>Bulkoa, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST Appeal

<b>PCB 01-135</b>	<u>People of the State of Illinois v. Patrick Robert Land Trust</u> – No action taken.	L-E
<b>PCB 01-150</b>	<u>People of the State of Illinois v. Marc Development Corporation and Silver Glen Estates Homeowners’ Association</u> – The Board granted complainant’s motion to deem facts admitted and its motion for summary judgment. The Board found that respondent violated Sections 12(a), (b), and (f) of the Act (415 ILCS 5/12(a), (b), (f) (2000)), and Sections 306.102(a) and 309.102(a) of the Board regulations. The Board reserved ruling on the issue of an appropriate penalty pending a hearing.	7-0 W-E
<b>PCB 01-158</b>	<u>Johnson Oil Company, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Livingston County facility.	7-0 UST Fund
<b>PCB 02-21</b>	<u>People of the State of Illinois v. J&amp;F Hauling, Inc.</u> – The Board granted complainant’s motion to withdraw the motion to deem facts admitted and for summary judgment.	7-0 RCRA-E
<b>PCB 02-53</b>	<u>E&amp;L Trucking Company v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 02-54</b>	<u>City of Springfield 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 Sangamon County facility.	7-0 UST Appeal
<b>PCB 02-55</b>	<u>ESG Watts, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Rock Island County facility.	7-0 P-A, Land
<b>PCB 02-56</b>	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – No action taken.	W-E
<b>PCB 02-59</b>	<u>MAC Investments 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.	7-0 UST Fund

<b>PCB 02-60</b>	<u>City of East Moline v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Rock Island County facility.	7-0 P-A
<b>PCB 02-86</b>	<u>Lockformer Company v. IEPA</u> – No action taken.	SRP Appeal
<b>PCB 02-89</b>	<u>Sandra Stanton v. Mrs. Jessie Oyston, Mayor (Village of Buckner)</u> – The Board held for a later duplicitous/frivolous determination this citizen’s air enforcement action involving a Franklin County facility.	Citizens A-E
<b>PCB 02-97</b>	<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.
<b>PCB 02-101</b>	<u>E&amp;L Trucking Company v. IEPA</u> – No action taken.	UST Fund 90-Day Ext.
<b>PCB 02-109</b>	<u>Blake Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Ogle County facility.	7-0 P-A 90-Day Ext.
<b>PCB 02-110</b>	<u>Duke Energy North America (Lee County) v. IEPA</u> – The Board found and certified that the specified concrete structures and sumps of Duke Energy North America located in Lee County is a pollution control facility for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)). The Board opened a separate docket PCB 02-113 to address the Illinois Environmental Protection Agency’s recommended denial of petitioner’s request for preferential tax certification for its sanitary waste septic tank and associated lift station.	7-0 T-C

PCB 02-111 J&L Oil, Inc. (Lake Villa) v. IEPA – No action taken. UST  
Appeal

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PCB 02-112 J&L Oil, Inc. (Fox Lake) v. IEPA – No action taken. UST  
Appeal

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PCB 02-113 Duke Energy North America (Lee County) v. IEPA – The Board 7-0  
opened a docket to address recommended denial of petitioner’s T-C  
request for preferential tax treatment under the Property Tax Code  
(35 ILCS 200/11-10 (2000)) for its facility located in Lee County.  
Petitioner must file a petition to contest with the Clerk of the Board  
within 35 days after the respondent served the recommendation. If  
petitioner fails to timely file a petition, the Board may deny tax  
certification for the sanitary waste septic tank and associated lift  
station based solely on respondent’s recommendation.

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### **CASES PENDING DECISION**

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R02-9 In the Matter of: Wastewater Pretreatment Update, USEPA R, Water  
Amendments (October 3, 2001) – Adopted Rule, Final Order,  
Opinion and Order

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### **OTHER ITEMS**

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The Chairman’s motion for adoption of a more detailed Calendar Year 2002 Board Meeting Schedule Dates was granted by a vote of 7-0. Chairman Manning then introduced and welcomed new staff member William Murphy, attorney assistant to Board Member Tristano.

### **ADJOURNMENT**

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

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

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board