

DRAFT ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JANUARY 10, 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

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. The Chairman stated that Member Johnson was absent and that Member Flemal would be moving his orders.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the December 20, 2001 meeting were approved by a vote of 6-0.

RULEMAKINGS

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> – No action taken.	R, Water
R02-3	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2001, through June 30, 2001)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	6-0 R, PWS
R02-13	<u>In the Matter of: UST Update, USEPA Amendments (July 1, 2001, through December 31, 2001)</u> – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2001, through December 31, 2001.	R, Land
R02-14	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2001, through December 31, 2001)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2001, through December 31, 2001.	R, Water
R02-15	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2001, through December 31, 2001)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2001, through December 31, 2001.	R, Air
R02-16	<u>In the Matter of: SDWA Update, USEPA Amendments (July 1, 2001, through December 31, 2001)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2001, through December 31, 2001.	R, PWS

R02-17 In the Matter of: UIC Update, USEPA Amendments (July 1, 2001, through December 31, 2001) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2001, through December 31, 2001. R, Land

R02-18 In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill), USEPA Amendments (July 1, 2001, through December 31, 2001) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of July 1, 2001, through December 31, 2001. R, Land

ADJUSTED STANDARDS

AS 01-7 In the Matter of: Petition of Progressive Environmental Services, Inc. d/b/a Antifreeze Recycling for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c) – The Board granted this Jersey County facility an adjusted standard from the definition of solid waste, pursuant to 35 Ill Adm. Code 720.131(c), subject to conditions. 6-0
RCRA

AS 01-9 In the Matter of: Petition of Rhodia, Inc., Thorn Creek Basin Sanitary District, Takasago Corporation (U.S.A.) and Consumers Illinois Water Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 – The Board granted this Cook County facility an adjusted standard from the effluent discharge requirement, pursuant to 35 Ill Adm. Code 304.105, subject to conditions. The Board denied as unnecessary petitioner’s request for an adjusted standard from 35 Ill. Adm. Code 302.208. 6-0
Water

AS 02-1 In the Matter of: Material Service Corporation Petition for an Adjusted Standard from 35 Ill. Adm. Code 302.208, 406.202 and 304.105 - The Board held this matter pending receipt of the Illinois Environmental Protection Agency’s recommendation in this petition for an adjusted standard from the effluent discharge requirements, on behalf of a Cook County facility. Board Member Melas recused himself from this matter. Water

ADMINISTRATIVE CITATIONS

AC 01-16)	<u>County of Sangamon v. Everett Daily</u> – The Board granted	5-1
AC 01-17)	complainant’s motion for summary judgment and denied	Girard
Cons.	respondent’s motion for summary judgment. The Board found that this Sangamon 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.	dissented
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AC 02-18	<u>IEPA v. Bradney Luckhart</u> – The Board accepted respondent’s amended petition for review and ordered this matter to proceed to hearing.	6-0
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AC 02-20	<u>IEPA v. Housewright Lumber Co., William A. Housewright, and George Hartmann</u> – The Board granted complainant’s motion to dismiss respondent George Hartmann from this proceeding.	6-0
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AC 02-22	<u>IEPA v. Charles F. Kinsel</u> – The Board found that this Fulton County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondent to pay a civil penalty of \$1,500.	6-0
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AC 02-23	<u>IEPA v. Kim Joines</u> – The Board found that this Douglas County respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2000)), and ordered respondent to pay a civil penalty of \$3,000.	5-1 Girard dissented
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AC 02-28	<u>IEPA v. Larry Beam</u> – The Board accepted an administrative citation against this Henry County respondent.	
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AC 02-29	<u>IEPA v. Environmental Reclamation Company and Gene Stacey</u> – The Board accepted an administrative citation against these Coles County respondents.	
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AC 02-30	<u>IEPA v. City of Wenona</u> – The Board accepted an administrative citation against this Marshall County respondent.	
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AC 02-31 IEPA v. William Plank – The Board accepted an administrative citation against this Douglas County respondent.

Decisions

PCB 00-67 People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation – In this Resource Conservation and Recovery Act enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement for the Consolidated Rail Corporation. (Conrail) only, ordered Conrail to pay a civil penalty of \$5,000, and to cease and desist from further violations. 6-0
RCRA-E

PCB 02-4 City of Streator v. IEPA –The Board granted petitioner a variance, subject to conditions, from 35 Ill. Adm. Code 306.402, solely to allow the Super 8 Motel and the Kroger strip mall to connect to petitioner’s sewage treatment plant in LaSalle County, Illinois. 6-0
W-V,
NPDES

ADJUDICATORY CASES

Provisional Variances

PCB 02-93 Garrett Aviation, Inc. v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Sangamon County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). 6-0
L-V, RCRA

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 Milstream 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> – No action taken.	L-E
PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> – The Board granted respondent’s motion for reconsideration and modification of the “cease and desist” portion of the Board’s November 15, 2001 Order in this matter. The Board found that respondent violated Sections 9(b), 9.1(d)(1), and 9.1(d)(2) of the Environmental Protection Act (415 ILCS 5/9(b), 9.1(d)(1), 9.1(d)(2) (2000)) and ordered the respondent to pay \$850,000 in civil penalties and \$115,750.25 in costs and attorney fees. The modified order adds a new paragraph 3 setting new deadlines for respondent to obtain permits and to make equipment modifications.	6-0 A-E
PCB 00-67	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> - No action taken on the for summary judgement concerning American Disposal Company.	RCRA-E
PCB 00-122	<u>People of the State of Illinois v. John A. Gordon, P.E., and Gordon & Price, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Lawrence County facility, the Board ordered publication of the required newspaper notice.	6-0 PWS-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 01-128	<u>B.L.T., Inc. v. Sixth Street Developers, ORF, Inc., Roland Industries, Inc., VT Properties, Inc., and Freesen, Inc.</u> – No action taken.	Citizens L-E
PCB 01-154	<u>David P. Houghtaling v. Tire Management, Inc.</u> – The Board granted respondent's motion to dismiss this citizen noise enforcement action involving a Kane County facility.	6-0 Citizens N-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> – No action taken.	W-E
PCB 02-10	<u>Rebecca S. Lawrence v. Northpoint Grade School</u> – No action taken.	Citizens N-E
PCB 02-11	<u>Doris Glave v. Brent and Patty Harris and Winds Chant Kennel, Inc.</u> - No action taken.	Citizens N-E
PCB 02-21	<u>People of the State of Illinois v. J&F Hauling, Inc.</u> – The Board granted complainant's 30 days to provide proof of proper service. The Board reserved ruling on the complainant's motion to deem facts admitted and for summary judgment.	6-0 RCRA-E

PCB 02-39 Forest Preserve District of Cook County (Rolling Meadows) v. IEPA – 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 Appeal

PCB 02-41 Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder – The Board found that the alleged violations Section 9(a) of the Act (415 ILCS 5/9(a) (2000), and Sections 900.102 and 901.102(a) of the Board’s regulations (35 Ill. Adm. Code 900.102, 901.102(a)) were neither duplicitous nor frivolous, dismissed the alleged violations of Sections 201.102 and 243.102(a) (35 Ill. Adm. Code 201.102, 243.102(a)) as frivolous, and accepted this matter involving a McHenry County facility for hearing. 6-0
Citizens
A&N-E

PCB 02-42	<u>City of Canton v. IEPA</u> – The Board accepted petitioner’s amended petition in response to December 6, 2001 Board order, noting that it restarted the Board’s decision timeclock.	6-0 PWS-V
PCB 02-45	<u>Heritage Environmental Services, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no Resource Conservation and Recovery Act permit appeal was filed on behalf of this Cook County facility.	6-0 P-A
PCB 02-61	<u>Amtrak v. IEPA</u> – Upon receipt of petitioner’s letter dated January 4, 2002, the Board dismissed as unnecessary this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	6-0 UST Appeal
PCB 02-62	<u>Amtrak v. IEPA</u> – Upon receipt of petitioner’s letter dated January 4, 2002, the Board dismissed as unnecessary this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	6-0 UST Appeal
PCB 02-64	<u>McNeill Twins Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Whiteside County facility.	6-0 UST Fund
PCB 02-65	<u>GBF Graphics, Inc. v. IEPA</u> – The Board found the petition deficient in this air variance request involving a Cook County facility, and ordered petitioner to file an amended petition to cure specified deficiencies no later than February 24, 2002, or the petition would be subject to dismissal.	6-0 A-V
PCB 02-78	<u>Ecolab, Inc. v. Occidental Chemical Corporation</u> – The Board held for a later duplicitous/frivolous determination this citizen’s underground storage tank enforcement action involving a Cook County facility.	Citizens UST-E

PCB 02-80	<u>People of the State of Illinois v. Caterpillar, 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 Tazewell County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 02-81	<u>People of the State of Illinois v. Tosco Refining Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	6-0 RCRA-E
PCB 02-82	<u>People of the State of Illinois v. Di Paolo Company</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 Lake County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
<p>Chairman Manning excused herself from the meeting to take an urgent phone call. Board Member Girard assumed the Chair at her request.</p>		
PCB 02-84	<u>People of the State of Illinois v. Bill Palmer d/b/a Commercial Group, Frank Glosky d/b/a Glosky Realty, and R.A.S. Development, Inc.</u> – The Board accepted for hearing this water enforcement action involving a Kendall County facility.	5-0 W-E
PCB 02-85	<u>MAC Investments 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 Cook County facility.	5-0 UST Fund 90-Day Ext.
PCB 02-86	<u>Lockformer Company v. IEPA</u> – The Board accepted for hearing this site remediation program appeal involving a DuPage County facility.	5-0 SRP Appeal

PCB 02-87	<u>City of Salem v. IEPA</u> – The Board accepted for hearing this request for variance involving a Marion County public water supply.	5-0 PWS-V
PCB 02-88	<u>City of Centralia v. IEPA</u> – The Board accepted for hearing this request for variance involving a Marion County public water supply.	5-0 PWS-V
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 citizen’s air enforcement action involving a Franklin County facility.	Citizens A-E
Chairman Manning returned to the meeting and resumed chairing it.		
PCB 02-90	<u>Tri County FS, Inc. v. IEPA</u> – The Board found and certified that specified facilities of Tri County, Inc. located in Jersey County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 T-C
PCB 02-91	<u>Rezmar Corporation 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 Cook County facility.	5-0 Melas abstained UST Fund
PCB 02-92	<u>Wareco Service, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Knox County facility.	6-0 UST Fund

CASES PENDING DECISION

R02-1	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments</u>	R, Land
R02-12	<u>(January 1, 2001, through June 30, 2001); In the Matter of: RCRA</u>	
R02-17	<u>Subtitle C Update, USEPA Amendments (July 1, 2001, through</u>	
(Cons.)	<u>December 31, 2001); In the Matter of: UIC Update, USEPA</u>	
	<u>Amendments (July 1, 2001, through December 31, 2001) –</u>	
	Consolidation Order, Proposed Rule, Proposal for Public	
	Comment, Opinion and Order	

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 12:05 p.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 24th day of January 2002 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board