

# ILLINOIS POLLUTION CONTROL BOARD

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## DRAFT MEETING MINUTES



**January 8, 2004**  
**Chicago/Springfield Telephonic conference**  
**CHICAGO OFFICE – 100 W. Randolph Street**  
**Videoconference Room 11-512**  
**and**  
**SPRINGFIELD OFFICE – 1021 N. Grand Avenue East**  
**Oliver Holmes Conference Room 2012 N – Second Floor**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Novak welcomed members of the public and staff to the meeting. The Chairman then announced that this meeting was noticed up as a video-conferenced meeting, with Members present at the Board's Chicago and Springfield facilities. Due to technical difficulties with the video equipment in Springfield, this meeting was conducted by telephone only. The Board's administrative rules at 2 Illinois Administrative Code 2175.120 allow for telephonic meetings, and nothing in the Open Meetings Act prohibit telephone meetings. The Board Members were present in the rooms in both Chicago and Springfield as indicated in the public notice, and members of the public were welcome to attend the meeting in each announced location.

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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Minutes of the December 18, 2003 meeting were approved by a vote of 5-0.

### **RULEMAKINGS**

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| <b>R04-12</b> | <u>Technical Correction to Formulas in 35 Ill. Adm. Code 214 “Sulfur Limitations”</u> – The Board reserved this docket for a future rulemaking to amend the Board’s air pollution control regulations. | R, Air |
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**R04-13**      SDWA Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – 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, 2003 through December 31, 2003

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**R04-14**      UIC Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – 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, 2003 through December 31, 2003

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**R04-15**      RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – 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, 2003 through December 31, 2003

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**R04-16**      RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – 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, 2003 through December 31, 2003

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**R04-17**      UST Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – 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, 2003 through December 31, 2003

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**R04-18**      Wastewater Pretreatment Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – 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, 2003 through December 31, 2003

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**R04-19**      Definition of VOM Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – 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, 2003 through December 31, 2003

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### **ADJUSTED STANDARDS**

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**AS 04-1**      In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 215.301 – No action taken.

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### **ADMINISTRATIVE CITATIONS**

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**AC 04-23**      IEPA v. Roy Baur d/b/a Baur Trucking – The Board found that this St. Clair County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.

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**AC 04-24**      Ogle County v. Kenneth Gilland – The Board found that this Ogle County respondent violated Section 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$4,500.

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**AC 04-25**      IEPA v. Colorado Real Estate & Investment Company (Kingspark Mobile Estates) – The Board accepted for hearing this petition for review of an administrative citation against this Peoria County respondent.

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**AC 04-29**      IEPA v. Charles L. Parker – The Board accepted an administrative citation against this Logan County respondent.

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**AC 04-30**      IEPA v. Larry Lord – The Board accepted an administrative citation against this Marshall County respondent.

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**AC 04-31**      IEPA v. Equipping The Saints Ministry, International, Inc. – The Board accepted an administrative citation against this Macoupin County respondent.

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**AC 04-32**      IEPA v. Rosemary Pehm – The Board accepted an administrative citation against this Marshall County respondent.

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**AC 04-33**      IEPA v. Everett C. Glover Trust c/o Rebecca Cloney, Trustee – The Board accepted an administrative citation against this Montgomery County respondent.

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**AC 04-34**      IEPA v. Troy Williamson and Swords Vaneer and Lumber Company – The Board accepted an administrative citation against these Henry County respondents.

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## **ADJUDICATORY CASES**

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### Decisions

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| <b>PCB 01-167</b> | <u>People of the State of Illinois v. ESG Watts, Inc. (Taylor Ridge Landfill)</u> – in an interim order, the Board found that respondent violated Sections 9(a), 12(a), 21(d) and (o)(11) of the Act (415 ILCS 5/9(a), 5/21(d)(1), (o)(11) (2002)). The Board assessed a total civil penalty of one million dollars and ordered respondent to cease and desist from further violations. Complainant must file an affidavit in support of their request for attorney fees by February 12, 2004, and respondent may file a response to the affidavit within 14 days of the receipt of the affidavit of attorney fees. The Board will then issue a final order assessing fees and directing payment of the one million dollar penalty and cost. | 4-1<br>Johnson<br>dissented<br>A,L,W-E |
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| <b>PCB 03-20</b> | <u>People of the State of Illinois v. Acme Refining Scrap Iron and Metal Company</u> – In this water enforcement action concerning a Lake 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 \$21,000 and to cease and desist from further violations. | 5-0<br>W-E |
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*Motions and Other Matters*

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| <b>PCB 97-119</b> | <u>People of the State of Illinois v. G&amp;M Total, Inc., George Papas individually and as president of G&amp;M Total, Inc.</u> – No action taken. | L-E |
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| <b>PCB 97-193</b> | <u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – No action taken. | L-E |
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| <b>PCB 98-148</b> | <u>Briggs Industries, Inc. v. Loren West and Abingdon Salvage Company, Inc.</u> – The Board granted complainant’s motion to dismiss this citizen enforcement action involving a Knox County facility. This order closes the case. | 5-0<br>L-E |
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| <b>PCB 99-19</b> | <u>Karen &amp; Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – No action taken. | A-E |
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| <b>PCB 99-187</b> | <u>Gina Pattermann v. Broughton Trucking and Materials, Inc.</u> – No action taken. | A&N-E |
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| <b>PCB 01-7</b>                                      | <u>People of the State of Illinois v. QC Finishers, Inc.</u> – The Board denied respondent’s request for a ruling on motion to strike, for leave to file a reply and that the Board reopen its September 18, 2003 decision to address all timely filed pleadings. The Board granted respondent 21 days from service of the order to file a supplemental answer setting forth any affirmative defenses. Complainant has 21 days from service of the supplemental answer to file any responsive motion. | 5-0<br>A-E               |
| <b>PCB 01-46</b><br><b>PCB 01-51</b><br><b>Cons.</b> | <u>XCTC Limited Partnership v. IEPA; Georgia-Pacific Tissue, L.L.C. v. IEPA</u> – No action taken.  | P-A, Air                 |
| <b>PCB 02-77</b>                                     | <u>People of the State of Illinois v. Millenium Recycling &amp; Solid Waste Consultants, Inc., Sherri Clementi individually and as President of Millenium Recycling &amp; Solid Waste Consultants, Inc., and Michael Lorence individually</u> – No action taken.  | L-E                      |
| <b>PCB 02-186</b>                                    | <u>People of the State of Illinois v. Van Melle U.S.A., Inc.</u> – No action taken.   | A-E                      |
| <b>PCB 03-73</b>                                     | <u>People of the State of Illinois v. Riverdale Recycling, Inc. and Tri-State Disposal, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.  | 5-0<br>L-E               |
| <b>PCB 03-115</b>                                    | <u>David Haworth v. Coresaw Log &amp; Lumber, Inc.</u> – The Board granted complainant’s motion to dismiss this citizen enforcement action involving a Marshall County facility.  | 5-0<br>Citizens<br>A&N-E |

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| <b>PCB 03-235</b>  | <u>United Disposal of Bradley, Inc. and Municipal Trust &amp; Savings Bank as Trustee Under Trust 0799 v. IEPA</u> – No action taken.  | P-A, Land             |
| <b>PCB 04-10</b>   | <u>Illinois State Toll Highway Authority (Belvidere North CACR) v. IEPA</u> – The Board granted petitioner’s motion to consolidate this underground storage tank appeal involving a Boone County facility with PCB 04-11.  | 5-0<br>UST<br>Appeal  |
| <b>PCB 04-11</b>   | <u>Illinois State Toll Highway Authority (Belvidere North CAP) v. IEPA</u> – The Board granted petitioner’s motion to consolidate this underground storage tank appeal involving a Boone County facility with PCB 04-10.   | 5-0<br>UST<br>Appeal  |
| <b>PCB 04-12</b>   | <u>Teresa L. Shepro, as Trustee of the Justice W. Shepro Trust, and Teresa L. Shepro and Frank Wiemerslage, as beneficiaries under Trust No. 898, of the Chicago Trust Company v. Newby Oil Company, David E. Tripp and Janice Tripp</u> – No action taken.  | Citizens<br>L&W-E     |
| <b>PCB 04-14</b>   | <u>McDonald’s Corporation v. IEPA</u> – No action taken.   | UST<br>Appeal         |
| <b>PCB 04-22</b>   | <u>Wei Enterprises v. IEPA</u> – No action taken.  | UST<br>Appeal         |
| <b>PCB 04-23</b>   | <u>Wei Enterprises v. IEPA</u> - No action taken.  | UST<br>Appeal         |
| <b>PCB 04-33</b><br><b>PCB 04-34</b><br><b>PCB 04-35</b> | <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.</u> – No action taken. | P-C-F-S-R<br>3d Party |
| <b>PCB 04-37</b>   | <u>Piasa Motor Fuels v. IEPA</u> – Having previously granted a request   | 5-0                   |

for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Madison County facility.

UST  
Appeal

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**PCB 04-38**

Cooper Oil Company 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 Clay County facility.

5-0  
UST  
Appeal

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**PCB 04-39**

Kresser Motor Service, Inc. 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 LaSalle County facility.

5-0  
UST  
Appeal

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**PCB 04-40**

Premcor Refining Group 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 Madison County facility.

5-0  
UST  
Appeal

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**PCB 04-48**

Village of Robbins and Allied Waste Transportation, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility.

5-0  
P-A, Land

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**PCB 04-65**

Champion Laboratories, Inc. v. IEPA – The Board granted petitioner’s motion to stay effectiveness of the CAAPP Permit pending decision of this appeal.

5-0  
P-A, Air

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**PCB 04-69**

Republic Bank of Chicago as Trustee of Trust #2234, Aristotle Halikias, Lena Halikias, Michael Halikias, Nikolas Halikias, Noula Halikias, and Patricia Halikias as beneficiaries of Trust #2234 v. Sunoco, Inc. (R&M) – No action taken.

Citizens  
UST  
Appeal

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| <b>PCB 04-75</b>  | <u>Mate Technologies, Inc. v. F.I.C. America Corporation</u> – No action taken.   | Citizens<br>L-E                        |
| <b>PCB 04-98</b>  | <u>People of the State of Illinois v. Onyx Environmental Services L.L.C. and Aura II, Inc.</u> – No action taken.   | A, L&W-E                               |
| <b>PCB 04-99</b>  | <u>Simpson Auto Service v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.  | 5-0<br>UST<br>Appeal                   |
| <b>PCB 04-100</b> | <u>People of the State of Illinois v. Marc Realty, Inc., 11 East Adams, L.L.C., and Roberts Environmental Control, Inc.</u> - No action taken.  | A-E                                    |
| <b>PCB 04-101</b> | <u>People of the State of Illinois v. DuPage Machine Products, Inc.</u> – No action taken.  | A-E                                    |
| <b>PCB 04-102</b> | <u>Noveon, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Marshall County facility. No action was taken on petitioner’s motion to stay effectiveness of CAAPP Permit.                     | 5-0<br>P-A, Air                        |
| <b>PCB 04-103</b> | <u>Illinois State Toll Highway Authority (Des Plaines South) 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<br>UST<br>Appeal<br>90-Day<br>Ext. |

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| <b>PCB 04-104</b> | <u>Detrex 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<br>UST<br>Appeal<br>90-Day<br>Ext. |
| <b>PCB 04-105</b> | <u>Webb &amp; Sons, 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 Coles County facility.   | 5-0<br>UST<br>Appeal<br>90-Day<br>Ext. |
| <b>PCB 04-106</b> | <u>People of the State of Illinois v. Thomas Gray an individual, Steve Whyte an individual, Gladys Whyte an individual, Leona Childress an individual, and William McCoy an individual</u> – No action taken.  | L-E                                    |
| <b>PCB 04-107</b> | <u>People of the State of Illinois v. Peter Babaniotis</u> - No action taken.  | L&W-E                                  |
| <b>PCB 04-108</b> | <u>Midwest Generation, L.L.C. – Collins Generating Station v. IEPA</u> – The Board accepted for hearing and granted petitioner’s motion to file reduced number of copies in this permit appeal involving a Marshall County facility. No action was taken on petitioner’s motion to stay effectiveness of CAAPP Permit. | 5-0<br>P-A, Air                        |
| <b>PCB 04-109</b> | <u>R.W. Sheridan Oil Co., Inc. (High Priority Corrective Action Plan Budget) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McLean County facility.   | 5-0<br>UST<br>Appeal                   |
| <b>PCB 04-110</b> | <u>Board of Trustees of Eastern Illinois University v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Coles County facility. No action was taken on petitioner’s motion to stay effectiveness of CAAPP Permit.   | 5-0<br>P-A, Air                        |

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|-------------------|---|-----------------------------------|
| <b>PCB 04-111</b> | <u>City of Charleston, Illinois v. IEPA</u> – The Board accepted for hearing this request for variance on behalf of a Coles County facility.  | 5-0<br>PWS-V                      |
| <b>PCB 04-112</b> | <u>Swif-T Food Mart (IEPA letter dated 12/1/2003; 12/1/1995 – 11/20/2001) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Lake County facility.                               | 5-0<br>UST<br>Appeal              |
| <b>PCB 04-113</b> | <u>Ethyl Petroleum Additives, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a St. Clair County facility. No action was taken on petitioner’s motion to stay effectiveness of CAAPP Permit. | 5-0<br>P-A, Air                   |
| <b>PCB 04-114</b> | <u>Archer Daniels Midland 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 Peoria County facility.   | 5-0<br>P-A, Air<br>90-Day<br>Ext. |

### **CASES PENDING DECISION**

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|-------------------|---|---------------|
| <b>R03-20</b>     | <u>In the Matter of: Brownfields Site Restoration Program; Amendments to 35 Ill. Adm. Code 740 – Adopted Rule, Final Order, Opinion and Order</u> | R, Land       |
| <b>PCB 03-2</b>   | <u>Todd’s Service Station v. IEPA</u> – (open waiver)   | UST<br>Appeal |
| <b>PCB 01-167</b> | <u>People of the State of Illinois v. ESG Watts, Inc. (Taylor Ridge Landfill)</u>   | A,L,W-E       |

## **ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:35 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 22, 2004, by a vote of.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board