

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



MARCH 18, 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 were present.

APPROVAL OF MINUTES

Minutes of the March 4, 2004 meeting were approved by a vote of 5-0.

RULEMAKINGS

R04-5	<u>In the Matter of: RCRA Subtitle D (Municipal Solid Waste</u>	5-0
R04-15	<u>Landfill) Update, USEPA Amendments (January 1, 2003 through</u>	R, Land
Cons.	<u>June 30, 2003); In the Matter of: RCRA Subtitle C (Hazardous</u> <u>Waste) Update, USEPA Amendments (July 1, 2003 through</u> <u>December 31, 2003) – On its own motion the Board consolidated</u> and adopted a proposal for public comment in these “identical-in- substance” rulemakings to amend the Board’s Municipal Solid Waste Landfill regulations.	
R04-24	<u>In the Matter of: Amendments to the Board’s Procedural Rules to</u> <u>Accommodate New Statutory Provisions: 35 Ill. Adm. Code 101-</u> <u>130 – The Board adopted a first notice opinion and order in this</u> rulemaking to amend the Board’s procedural regulations.	5-0 R, Proc.

ADMINISTRATIVE CITATIONS

AC 04-31	<u>IEPA v. Equipping the Saints Ministry, Inc.</u> – No action taken.	
AC 04-35	<u>County of Montgomery v. Lance Vernish and Christine Vernish</u> – The Board found that these Montgomery County respondents violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 04-37	<u>County of Jackson v. Gary Clover</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-38	<u>IEPA v. Emmett Engel</u> – The Board found that this JoDaviess County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 04-40	<u>IEPA v. Knox County Landfill Committee and Greg Ingles</u> – The Board found that these Knox County respondents violated Sections 21(o)(5) and (o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5), (o)(12) (2002)), and ordered respondents to pay a civil penalty of \$1,000.	5-0
AC 04-42	<u>County of Jackson v. Gary Easton</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-44	<u>County of Jackson v. Gary Easton</u> – The Board found that this Jackson County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.	5-0

AC 04-54 IEPA v. U.S. Scrap and Metal – The Board accepted an administrative citation against this Macon County respondent.

AC 04-55 IEPA v. Josiah W. Collins II and Lori Hilton – The Board accepted an administrative citation against these McDonough County respondents.

ADJUDICATORY CASES

Decisions

PCB 02-162 People of the State of Illinois v. Fox Valley Dry Wall, Inc. – In this land enforcement action concerning a Kane 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 \$8,000 as well as \$2,000 in fees and cost, and to cease and desist from further violations. 5-0
L-E

PCB 03-5 People of the State of Illinois v. Star Electronics, Inc. – In this air 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 \$10,000 and to cease and desist from further violations. 5-0
A-E

PCB 04-33 Byron Sandberg v. City of Kankakee, Illinois City Council and 5-0
PCB 04-34 Town and Country Utilities, Inc. and Kankakee Regional Landfill,
PCB 04-35 L.L.C.; Waste Management of Illinois v. City of Kankakee, Illinois P-C-F-S-R
Cons. City Council and Town and Country Utilities, Inc. and Kankakee 3d Party
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. – The Board affirmed
the August 18, 2003 decision of the City of Kankakee approving
Town & Country’s application to site a new pollution control
facility.

Motions and Other Matters

PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – The Board denied respondent’s motion for leave to file a third amended complaint and struck the third amended complaint.	5-0 L-E
PCB 99-187	<u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – No action taken.	A&N-E
PCB 00-163	<u>David and Jacquelyn McDonough v. Gary Robke</u> – No action taken.	N-E
PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – No action taken.	A-E
PCB 01-167	<u>People of the State of Illinois v. ESG Watts, Inc.</u> – No action taken.	A,L,&W-E
PCB 03-220	<u>People of the State of Illinois v. Lehigh Press, Inc. a/k/a Lehigh Press-Cadillac, Lehigh Cadillac-Direct, Lehigh Digital, and Lehigh Direct</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 03-235	<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 04-9	<u>People of the State of Illinois v. Aargus Plastics, Inc.</u> – No action taken.	A-E
PCB 04-13	<u>People of the State of Illinois v. Intermatic Incorporated</u> – The Board granted complainant’s motion to dismiss count IV of the complaint, which alleges violations of the air pollution control regulations.	5-0 A-E

PCB 04-75	<u>Mate Technologies, Inc. v. F.I.C. America Corporation</u> – The Board denied respondents motion to dismiss or in the alternative strike.	5-0 L-E
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 04-86	<u>Braun Oil Company (Corrective Action Plan) 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 Raandolph County facility.	5-0 UST Appeal
PCB 04-89	<u>Russell Oil (April 29, 2003 to June 30, 2003) 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 Saline County facility.	5-0 UST Appeal
PCB 04-90	<u>A&R, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 04-91	<u>Thomeczek Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 04-138	<u>People of the State of Illinois v. Pinnacle Corporation d/b/a Town & Country Homes</u> – No action taken.	W-E
PCB 04-146	<u>Jean A. Mathison and Rockford Stop-N-Go, Inc. v. Illinois Office of State Fire Marshal and IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Boone County facility. The Board dismissed the Illinois Environmental Protection Agency as an improper respondent.	5-0 UST Appeal

PCB 04-147	<u>Cooper Oil Company 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 Clay County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-148	<u>Illioopolis Grain Company 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 Sangamon County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-149	<u>Great Lakes Dredge & Dock Company v. IEPA</u> – On its own motion, the Board reserved this docket for the review of the February 9, 2004 rejection of the October 2003 corrective action plan and associated budget. Petitioner was directed to file an amended petition under docket number PCB 04-145, accompanied by the statutory filing fee, within 35 days of the date of this order <i>i.e.</i> on or before April 8, 2004.	5-0 UST Appeal 90-Day Ext.
PCB 04-150	<u>Pontiac Casey’s, 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 Livingston County facility.	5-0 UST Appeal 90-Day Ext.
PCB 03-156 PCB 03-157 PCB 03-158 PCB 04-151 PCB 04-152 PCB 04-153 PCB 04-154	<u>Swearingin Amoco (October 1, 1996 to February 28, 1997; May 1, 1997 to March 31, 1998; October 1, 1997 to October 31, 1998 and March 1, 1995 to May 31, 1997; June 1, 1996 to June 30, 1996; July 1, 1996 to August 31, 1996; February 1, 2000 to July 31, 2000; July 1, 2000 to February 1, 2001) v. IEPA</u> – The Board accepted PCB 04-151, PCB 04-152, PCB 04-153 and PCB 04-154 for hearing. The Board granted petitioner’s motion to consolidate these underground storage tank appeals involving a Jersey County facility with formerly consolidated cases PCB 03-156, PCB 03-157, and PCB 03-158.	5-0 UST Appeals

PCB 04-155	<u>Elston/Webster, L.P. and Renaissance Realty Group L.L.C. (High Priority Corrective Action Plan and Modeling Report) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 04-156	<u>Keller Oil/Centralia v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Marion County facility.	5-0 UST Appeal
PCB 04-157	<u>Joe’s Mobil v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility.	5-0 UST Appeal
PCB 03-24 PCB 03-25 PCB 04-158 (Cons.)	<u>Hannel Oil Company (January 1, 2001 to June 30, 2001; July 1, 2000 to December 31, 2000; August 1, 2002 to November 30, 2002) v. IEPA</u> – The Board accepted PCB 04-158 for hearing. The Board granted petitioner’s motion to consolidate this underground storage tank appeal involving a Morgan County facility with formerly consolidated cases PCB 03-24 and PCB 03-25.	5-0 UST Appeal
PCB 04-159	<u>Biggs Brothers Service Center 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 St. Clair County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-160	<u>ISG Hennepin, Inc. v. IEPA</u> – The Board dismissed this petition to review a February 4, 2004 determination of the Illinois Environmental Protection Agency as improperly filed. The motion to appear <i>pro hac vice</i> was accordingly denied as moot.	5-0 W-V

CASES PENDING DECISION

R04-16	<u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update,</u>	R, Land
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USEPA Amendments (July 1, 2003 through December 31, 2003) –
Proposed Rule, Proposal for Public Comment, Proposed Opinion
and Order

PCB 03-214 Illinois Ayers Oil Co. v. IEPA (due 4/15) UST
Appeal

PCB 03-218 Rochelle Waste Disposal, L.L.C. v. City Council of The City of
Rochelle, Illinois – (see also Respondent’s Agreed Motion to
Exceed Page Limit for Post-Hearing Brief (2/9), Concerned
Citizens of Ogle County’s Motion for Leave to File an Amicus
Curiae Brief and Amicus Curiae Brief (2/10)) (due 4/15) P-C-F-S-R

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting to an executive session 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 April 1, 2004, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board