

# ILLINOIS POLLUTION CONTROL BOARD

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## DRAFT MEETING MINUTES



**APRIL 1, 2004**  
**Chicago/Springfield Videoconference**  
**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.

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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Minutes of the March 18, 2004 meeting were approved by a vote of 4-0.

### **RULEMAKINGS**

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<b>R04-16</b>	<u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2003 through December 31, 2003) –</u> The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations.	4-0 R, Land
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## ADMINISTRATIVE CITATIONS

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<b>AC 03-27</b>	<u>IEPA v. Vince Harvey</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent.	4-0
<b>AC 04-31</b>	<u>IEPA v. Equipping the Saints Ministry, Inc.</u> – The Board denied complainant’s motion for default judgment, and ordered the matter to proceed to hearing.	4-0
<b>AC 04-47</b>	<u>IEPA v. James Haas, Jr.</u> – The Board found that this Carroll 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.	4-0
<b>AC 04-48</b>	<u>IEPA v. Russell v. Weller, Evelyn L. Weller, and Springfield Iron and Metal Co., Inc.</u> – The Board dismissed respondent’s petition for review in this administrative citation as untimely filed. The Board found that these Sangamon County respondents violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
<b>AC 04-52</b>	<u>IEPA v. Glen Cooper, Betty Cooper and Ronald Gernay d/b/a Ron’s Sandblasting, Painting and Power Washing</u> – The Board found the petition for review deficient in this administrative citation involving a Cass County facility, and ordered petitioners to file an amended petition to cure deficiencies no later than May 1, 2004, or the petition would be subject to dismissal.	4-0
<b>AC 04-56</b>	<u>County of Vermilion, Illinois v. Jerry Hathaway and Darrell Cripe</u> – Accept Case – The Board accepted an administrative citation against these Vermilion County respondents.	

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**AC 04-57**      IEPA v. Arlyn Ray d/b/a Arlyn Ray Construction, Tom Romero d/b/a Arlyn Ray Exteriors, Robert J. Adams and Rita M. Adams – The Board accepted an administrative citation against these Woodford County respondents.

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**ADJUDICATORY CASES**

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Decisions

**PCB 01-167**      People of the State of Illinois v. ESG Watts, Inc. – The Board entered a final order requiring respondent to reimburse the Office of the Attorney General \$7,140 for attorney fees and expert witness costs. This order follows the Board's interim order of January 8, 2004, which found that this respondent had violated Sections 9(a), 12(a), 21(d) and (o)(11) of the Environmental Protection Act (415 ILCS 5/9(a), 5/21(d)(1), (o)(11) (2002)) and assessed a penalty of \$1,000,000.      4-0  
Johnson concurred  
L-E

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**PCB 03-214**      Illinois Ayers Oil Co. v. IEPA – The Board affirmed in part and reversed in part the Environmental Protection Agency's March 28, 2003 decision to modify the high priority corrective action plan and budget for respondents' site in Beardstown, Cass County.      4-0  
UST Appeal

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Motions and Other Matters

**PCB 99-19**      Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities – The Board denied respondents' motion to supplement record. Because this matter is now before the appellate court, the Board no longer has jurisdiction to enter the requested order.      4-0  
Citizens  
N-E

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**PCB 99-187**      Gina Pattermann v. Boughton Trucking and Materials, Inc. – No action taken.      A&N-E

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<b>PCB 00-163</b>	<u>David and Jacquelyn McDonough v. Gary Robke</u> – No action taken.	N-E
<b>PCB 01-7</b>	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – No action taken.	A-E
<b>PCB 01-102</b>	<u>Cassen and Sons, Inc. v. IEPA</u> – No action taken.	4-0 UST Appeal
<b>PCB 02-190</b>	<u>Mark IV Realty, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	3-0 Melas abstained UST Appeal
<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 04-9</b>	<u>People of the State of Illinois v. Aargus Plastics, Inc.</u> – No action taken.	A-E
<b>PCB 04-81</b>	<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
<b>PCB 04-103</b>	<u>Illinois State Toll Highway Authority (Des Plaines South) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
<b>PCB 04-104</b>	<u>Detrex Corporation 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.	4-0 UST Appeal

<b>PCB 04-105</b>	<u>Webb &amp; Sons, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility.	4-0 UST Appeal
<b>PCB 04-138</b>	<u>People of the State of Illinois v. Pinnacle Corporation d/b/a Town &amp; Country Homes</u> – The Board denied respondent’s motion to dismiss complaint.	4-0 W-E
<b>PCB 04-143</b> <b>PCB 04-145</b>	<u>Great Lakes Dredge &amp; Dock Company v. IEPA</u> – The Board accepted PCB 04-145 for hearing. The Board granted petitioner’s motion to consolidate this underground storage tank appeal involving a Cook County facility with PCB 04-143.	4-0 UST Appeal
<b>PCB 04-146</b>	<u>Jean A. Mathison and Rockford Stop-N-Go, Inc. v. Illinois Office of State Fire Marshal</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Boone County facility.	4-0 UST Appeal
<b>PCB 04-161</b>	<u>People of the State of Illinois v. ConocoPhillips Company</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 Madison County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
<b>PCB 04-162</b>	<u>People of the State of Illinois v. Asbestos Control and Environmental Services Corp.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
<b>PCB 04-163</b>	<u>Eaves Auto Repair 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 Ford County facility.	4-0 UST Appeal 90-Day Ext.

<b>PCB 04-164</b>	<u>People of the State of Illinois v. The Fields of Long Grove Home Owner's Association</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Lake County.	4-0 PWS-E
<b>PCB 04-165</b>	<u>People of the State of Illinois v. Medical Waste Management, Inc.</u> – The Board accepted for hearing this special waste hauling enforcement action, involving waste from facilities located in various counties.	4-0 SWH-E
<b>PCB 04-166</b>	<u>Red Carpet Car Wash 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 Macon County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 04-167</b>	<u>L. Keller Oil Properties, Inc./Effingham/Downtown Super K v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Effingham County facility.	4-0 UST Appeal
<b>PCB 04-168</b>	<u>L. Keller Oil Properties, Inc./Salem/Keller Oil (Pruden's Shell) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Marion County facility.	4-0 UST Appeal
<b>PCB 04-169</b>	<u>Craig's Service Station 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 McLean County facility.	4-0 UST Appeal 90-Day Ext.

<b>PCB 04-170</b>	<u>Chemrex 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.	4-0 UST Appeal 90-Day Ext.
<b>PCB 03-129</b>	<u>L. Keller Oil Properties, Inc./Charleston/Keller Oil v. IEPA</u> – The Board accepted PCB 04-171 for hearing. The Board granted petitioner’s motion to consolidate this underground storage tank appeal involving a Coles County facility with formerly consolidated cases PCB 03-129, PCB 03-130, PCB 03-131, PCB 03-136, PCB 03-137.	4-0
<b>PCB 03-130</b>		UST
<b>PCB 03-131</b>		Appeal
<b>PCB 03-136</b>		
<b>PCB 03-137</b>		
<b>PCB 04-171</b>		
<b>PCB 02-205</b>	<u>Home Oil Company v. IEPA</u> – No action taken.	UST
<b>PCB 02-206</b>		Appeal
<b>PCB 04-172</b>		
<b>PCB 04-173</b>	<u>City of Sullivan 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 Moultrie County facility.	4-0 UST Appeal 90 Day Ext.

### **CASES PENDING DECISION**

<b>R04-18</b>	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – Proposed Rule, Proposal for Public Comment, Opinion and Order</u>	R, Water
<b>PCB 02-177</b>	<u>People of the State of Illinois v. John Prior d/b/a Prior Oil Company and James Mezo d/b/a Mezo Oil Company</u>	L, W-E
<b>PCB 03-218</b>	<u>Rochelle Waste Disposal, L.L.C. v. City Council of The City of</u>	P-C-F-S-R

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)

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**ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Novak adjourned the meeting to an executive session at 11:30 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 15, 2004, by a vote of.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board