

# ILLINOIS POLLUTION CONTROL BOARD

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## DRAFT MEETING MINUTES



September 4, 2003  
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 Johnson 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 Members Marovitz and Melas who were absent.

### APPROVAL OF MINUTES

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Minutes of the August 21, 2003 meeting were approved by a vote of 5-0.

### RULEMAKINGS

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<b>R03-8</b>	<u>In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903</u> – The Board adopted a final opinion and order amending the Board’s noise pollution control regulations.	5-0 R, Noise
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<b>R03-13</b>	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2002 through December 31, 2002)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	5-0 R, Water
<b>R03-19</b>	<u>In the Matter of: Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s water pollution control regulations.	5-0 R, Water
<b>R03-21</b>	<u>In the Matter of: Radionuclide Restricted Status, Amendments to 35 Ill. Adm. Code 602.105, 602.106, 602.108, and 602.115</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s public water supply regulations.	5-0 R, PWS

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## **ADMINISTRATIVE CITATIONS**

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<b>AC 03-11</b>	<u>City of Chicago Department of Environment v. City Wide Disposal Inc.</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)) and assessing a penalty of \$6,000. 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. Respondent may file responses to the statements within 14 days.	5-0
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## ADJUDICATORY CASES

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### Decisions

**PCB 03-117**     People of the State of Illinois v. Bi-State Tire, Inc. – In this land enforcement action concerning a Rock Island 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 \$6,000 and to cease and desist from further violations.     5-0  
L-E

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**PCB 03-224**     People of the State of Illinois v. Village of Sims, Followell Construction Company, Inc., and Lamac Engineering Company – In this public water supply enforcement action concerning a Wayne 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)), and accepted three separate final stipulation and settlement agreements. The Village of Sims agreed to pay a \$500 civil penalty, while Followell Construction Company, Inc. and Lamac Engineering Company agreed to pay a \$5,000 civil penalty each. The respondents were ordered to cease and desist from further violations.     5-0  
PWS-E

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### Motions and Other Matters

**PCB 96-10**     Vogue Tyre & Rubber Company v. IEPA – The Board denied respondent’s motion for summary judgment.     5-0  
P-A, Land

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**PCB 96-98**     People of the State of Illinois v. Skokie Valley Asphalt, Co., Inc., Edwin Frederick, Jr. individually and as owner and president of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick individually and as owner and vice president of Skokie Valley Asphalt Co., Inc. – The Board granted complainant’s motion to compel in part and directed the respondents to respond to discovery on or before September 30, 2003.     5-0  
W-E

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<b>PCB 96-143</b>	<u>People of the State of Illinois v. Michel Grain Company, Inc. d/b/a Michel Fertilizer, Caryle Michel, and Ronnie Todd</u> – No action taken.	W-E
<b>PCB 97-9</b>	<u>People of the State of Illinois v. C&amp;S Recycling, Inc., Flood Brothers Disposal Company, Inc., William Flood, individually and as treasurer of C&amp;S Recycling, Inc., and Brian Flood, individually and as president of C&amp;S Recycling, Inc.</u> – No action taken.	L-E
<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
<b>PCB 98-136</b>	<u>Illinois State Toll Highway Authority (Lake Forest Oasis - East) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	5-0 P-A, Air
<b>PCB 99-19</b>	<u>Anthony And Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – The Board did not rule on the merits of respondent’s August 28, 2003 motion for reconsideration of its July 24, 2003 decision, but noted under the procedural rules the order is stayed, until the final disposition of respondent’s motion for reconsideration.	5-0 Citizens N-E
<b>PCB 99-187</b>	<u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – The Board issued an order clarifying its August 7, 2003 Order, barring introduction of certain testimony and refusing to reopen discovery.	5-0 A&N-E
<b>PCB 00-104</b>	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc., and Smithfield Foods, Inc.</u> – The Board denied the respondents’ motions for summary judgment on count I of the amended complaint and for partial summary judgment for the period after March 1, 2002.	5-0 A-E

<b>PCB 00-163</b>	<u>David and Jacquelyn McDonough v. Gary Robke</u> – The Board granted respondent’s motion to modify the Board’s February 6, 2003 Order. The Board stayed paragraph 3 of its February 6, 2003 order until March 1, 2004.	5-0 Citizens N-E
<b>PCB 00-205</b>	<u>Werner Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility.	5-0 P-A, Air
<b>PCB 01-7</b>	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – No action taken.	A-E
<b>PCB 01-43</b>	<u>People of the State of Illinois v. Michael Stringini</u> – No action taken.	L-E
<b>PCB 02-03</b>	<u>People of the State of Illinois v. Texaco Refining &amp; Marketing, Inc.</u> – No action taken.	L&W-E
<b>PCB 03-65</b>	<u>Knox College v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Knox County facility.	5-0 UST Appeal
<b>PCB 03-66</b>	<u>Klean Car Wash, Inc. 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.	5-0 UST Appeal
<b>PCB 03-73</b>	<u>People of the State of Illinois v. Riverdale Recycling, Inc. and Tri-State Disposal, Inc.</u> – No action taken.	L-E

<b>PCB 03-87</b>	<u>Main Station v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Knox County facility. This renders moot respondent’s motion to strike part of the administrative record.	5-0 UST Appeal
<b>PCB 03-128</b>	<u>People of the State of Illinois v. Robert Hamm, d/b/a Three R’s Pier Builders</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 Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 03-160</b>	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Knox County facility.	5-0 UST Appeal
<b>PCB 03-162</b>	<u>Tasim Fejza v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Will County facility.	5-0 UST Appeal
<b>PCB 03-191</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc., and the City of Morris</u> – No action taken.	L-E
<b>PCB 03-208</b>	<u>Stanford Property 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 Clay County facility.	5-0 UST Appeal
<b>PCB 03-209</b>	<u>Silvestri Paving Company (September 11, 2002 to November 20, 2002) 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.	5-0 UST Appeal

<b>PCB 03-212</b>	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Knox County facility.	5-0 UST Appeal
<b>PCB 03-218</b>	<u>Rochelle Waste Disposal, L.L.C. v. City Council of the City of Rochelle, Illinois</u> – No action taken.	UST Appeal
<b>PCB 03-219</b>	<u>Randall Industries v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 03-221</b>	<u>Lowe Transfer, Inc. and Marshall Lowe v. County Board of McHenry County, Illinois</u> – The Board denied petitioners’ motion requesting a site visit. The remaining motions were referred to the hearing officer for disposition.	5-0 P-C-F-S-R
<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> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a DeKalb County facility.	Citizens L&W-E
<b>PCB 04-19</b>	<u>Paul and Donna Fredrickson v. Jeff Grelyak</u> – The Board held for a later duplicative/frivolous determination this citizen’s air and noise enforcement action involving a McHenry County facility.	Citizens A&N
<b>PCB 04-21</b>	<u>Andy's Drive-In 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 Alexander County facility.	5-0 UST Appeal 90-Day Ext.

<b>PCB 04-22</b>	<u>Wei Enterprises v. IEPA (UST Fund Reimbursement)</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.
<b>PCB 04-23</b>	<u>Wei Enterprises (Modified Site Correction Action Plan) 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.
<b>PCB 04-24</b>	<u>People of the State of Illinois v. Tri-K Development, Inc.</u> – The Board accepted for hearing this air enforcement action involving a DuPage County facility.	5-0 W-E

**CASES PENDING DECISION**

**OTHER ITEMS**

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**ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Johnson adjourned the meeting at 11:29 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 18, 2003, by a vote of.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board