

# ILLINOIS POLLUTION CONTROL BOARD

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## DRAFT MEETING MINUTES



February 5, 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 January 8, 2004 meeting were approved by a vote of 4-0.

### ADJUSTED STANDARDS

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AS 04-1	<u>In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 215.301</u> – The Board accepted for hearing this Franklin County facility’s petition for an adjusted standard from the volatile organic material limitations. The Board granted petitioner’s motions for expedited review and for attorney Dale A. Guariglia permission to appear <i>pro hac vice</i> .	4-0 Air
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## ADMINISTRATIVE CITATIONS

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<b>AC 04-19</b>	<u>IEPA v. Christopher Coleman</u> – The Board granted complainant’s motion to reconsider, vacated the Board’s December 18, 2003 order and dismissed this administrative citation, and closed the docket.	4-0
<b>AC 04-26</b>	<u>IEPA v. Charles Flick</u> – The Board found that this Union 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.	4-0
<b>AC 04-28</b>	<u>IEPA v. American Disposal Services of Illinois, Inc. and David Bryant</u> – The Board found that these Livingston County respondents violated Section 21(o)(12) of the Act (415 ILCS 5/21(o)(12) (2002)), and ordered respondents to pay a civil penalty of \$500.	4-0
<b>AC 04-29</b>	<u>IEPA v. Charles Parker</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Logan County facility.	4-0
<b>AC 04-30</b>	<u>IEPA v. Larry Lord</u> – The Board found that this Marshall 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.	4-0
<b>AC 04-32</b>	<u>IEPA v. Rosemary Pehm</u> – The Board accepted for hearing this petition for review of an administrative citation against this Marshall County respondent.	4-0
<b>AC 04-34</b>	<u>IEPA v. Troy Williamson and Swords Vaneer &amp; Lumber Company</u> – The Board accepted for hearing two petitions for review of an administrative citation against these Henry County respondents.	4-0

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**AC 04-35**      County of Montgomery v. Lance and Christine Vernish – The Board accepted an administrative citation against these Montgomery County respondents.

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**AC 04-36**      IEPA v. V-Max Materials, Inc. – The Board accepted an administrative citation against this DuPage County respondent.

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**AC 04-37**      County of Jackson v. Gary Clover – The Board accepted an administrative citation against this Jackson County respondent.

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**AC 04-38**      IEPA v. Emmett Engel – The Board accepted an administrative citation against this JoDavies County respondent.

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**AC 04-39**      County of Jackson v. Edward Tow – The Board accepted for hearing this petition for review of an administrative citation against this Jackson County respondent.

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**AC 04-40**      IEPA v. Knox County Landfill Committee and Greg Ingles – The Board accepted an administrative citation against these Knox County respondents.

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**AC 04-41**      IEPA v. Cheryl Clayton – The Board accepted an administrative citation against this Adams County respondent.

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**AC 04-42**      County of Jackson v. Gary Easton – The Board accepted an administrative citation against this Jackson County respondent.

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**AC 04-43**      County of Jackson v. Frank Stonemark – The Board accepted an administrative citation against this Jackson County respondent.

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**AC 04-44**      County of Jackson v. Gary Easton – The Board accepted an administrative citation against this Jackson County respondent.

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**AC 04-45**      IEPA v. Herbert Lust d/b/a Bement Plumbing Supply Company and Francis Ann Lust – The Board accepted an administrative citation against this Platt County respondent.

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**AC 04-46**      IEPA v. Christopher Coleman – The Board accepted an administrative citation against this Union County respondent.

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## **ADJUDICATORY CASES**

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### Decisions

**PCB 02-162**      People of the State of Illinois v. Fox Valley Dry Wall, Inc. – The Board directed the parties to file with the Clerk information clarifying the authority on which the Board may rely in ordering payment of fees and costs to the specified fund in the stipulation by March 8, 2004.      4-0  
L-E

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### Motions and Other Matters

**PCB 97-119**      People of the State of Illinois v. G&M Total, Inc., George Papas individually and as president of G&M Total, Inc. – No action taken.      L-E

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**PCB 97-193**      People of the State of Illinois v. Community Landfill Company, Inc. – No action taken.      L-E

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**PCB 99-19**      Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities – The Board granted in part respondent’s motions to supplement and for reconsideration, modifying the Board’s July 24, 2003 final opinion and order.      4-0  
Johnson  
dissented  
A-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 99-188</b>	<u>L. Keller Oil Properties, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Macon County facility.	4-0 UST Appeal
<b>PCB 01-46</b> <b>PCB 01-51</b> <b>Cons.</b>	<u>XCTC Limited Partnership v. IEPA; Georgia-Pacific Tissue, L.L.C. v. IEPA</u> – The Board granted respondent’s motion to dismiss petitioner’s amended petition. The permit appeal shall proceed to hearing on the original petition for appeal.	4-0 P-A, Air
<b>PCB 02-49</b>	<u>Fox River Water Reclamation District (South Plant) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Kane County facility.	4-0 P-A, NPDES
<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 02-164</b>	<u>Barbara Stuart and Ronald Stuart v. Franklin Fisher and Phyllis Fisher</u> – Complainants’ motion to incorporate portions of the Board hearing transcripts and documents from a prior 1979 noise complaint was referred to the hearing officer for disposition.	Citizens N-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 03-55</b> <b>PCB 04-29</b>	<u>222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Company, Federal Chicago Corporation, and Raymond E. Cross; The City of Chicago v. Purex Industries, Inc., Federal Die Casting Company, Federal Chicago Corporation, and Raymond E. Cross</u> – No action taken.	Citizens L-E
<b>PCB 03-88</b> <b>PCB 04-109</b>	<u>R.W. Sheridan Oil Co., Inc. v. IEPA</u> – The Board granted petitioner’s motion to consolidate PCB 03-88 and PCB 04-109 underground storage tank appeals involving a McLean County facility.	4-0 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 04-22</b>	<u>Wei Enterprises v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 04-23</b>	<u>Wei Enterprises v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 04-26</b>	<u>L. Erickson v. Charleston Classic Homes and Lawrence E. Vansomeren, Jr.</u> – No action taken.	Citizens N-E
<b>PCB 04-33</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> – The Board denied petitioner County of Kankakee's motion to supplement the record in these consolidated pollution control facility siting appeals involving a proposed facility in Kankakee County.	4-0
<b>PCB 04-34</b>		P-C-F-S-R
<b>PCB 04-35</b>		3d Party
<b>PCB 04-73</b>	<u>A&amp;R, 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.	4-0 UST Appeal
<b>PCB 04-74</b>	<u>Clearing Disposal 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 04-76</b>	<u>Carrollton CUSD #1 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 Greene County facility.	4-0 UST Appeal
<b>PCB 04-77</b>	<u>Action Amusement Company 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 Washington County facility.	4-0 UST Appeal
<b>PCB 04-110</b>	<u>Board of Trustees of Eastern Illinois University v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of the CAAPP Permit pending decision of this appeal.	4-0 P-A, Air
<b>PCB 04-113</b>	<u>Ethyl Petroleum Additives, Inc. v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of the CAAPP Permit pending decision of this appeal.	4-0 P-A, Air
<b>PCB 04-117</b>	<u>Saline County Landfill, Inc. v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 04-128</b>	<u>Boye Needle Facility 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 04-129</b>	<u>Brock 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 McLean County facility.	4-0 UST Appeal 90-Day Ext.

<b>PCB 04-130</b>	<u>Drake Tower Apartments, 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 Cook County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 04-131</b>	<u>Circle C, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jersey County facility.	4-0 UST Appeal
<b>PCB 04-132</b>	<u>Granite City Fire Department 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 Madison County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 04-133</b>	<u>Keller Oil Company/Sullivan Super K v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Moultrie County facility.	4-0 UST Appeal
<b>PCB 04-134</b>	<u>People of the State of Illinois v. Interstate Brands Corporation</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
<b>PCB 04-135</b>	<u>People of the State of Illinois v. GF Office Furniture, Ltd. L.P., Office Suites, Inc., Inc., GF Office Furniture, Ltd. L.P., and GF Furniture Holding, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
<b>PCB 04-136</b>	<u>People of the State of Illinois v. Cromwell-Phoenix, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E

**PCB 04-137**     People of the State of Illinois v. Robinson Carbon, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Crawford County.     4-0  
A-E

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**PCB 04-138**     People of the State of Illinois v. Pinnacle Corporation d/b/a Town & Country Homes – The Board accepted for hearing this air enforcement action involving a site located in Lake County.     4-0  
W-E

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### **ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Novak adjourned the meeting 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 February 19, 2004, by a vote of.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board