

# ILLINOIS POLLUTION CONTROL BOARD

## DRAFT MEETING MINUTES

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**May 20, 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. The Chairman thanked the Members for accommodating his need to conduct the meeting via teleconference from the Springfield office.

### **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 May 6, 2004 meeting were approved by a vote of 5-0.

### **RULEMAKINGS**

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<b>R04-13</b>	<u>In the Matter of: SDWA 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 public water supply regulations.	5-0 R, PWS
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**R04-22**            In the Matter of: Proposed Amendments to Regulation of            R, Land  
**R04-23**            Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code  
732); In the Matter of Proposed Amendments to Regulation of  
Petroleum Underground Storage Tanks (35 Ill. Adm. Code 734) –  
No action taken.

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**R04-26**            In the Matter of: Proposed 35 Ill. Adm. Code 304.123(g),            R, Water  
304.123(h), 304.123(i), 304.123(j), and 304.123(k) – No action  
taken.

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## **ADJUSTED STANDARDS**

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**AS 04-2**            In the Matter of: Petition of Jo'Lyn Corporation and Falcon Waste            5-0  
and Recycling for an Adjusted Standard from 35 Ill. Adm. Code            Land  
Part 807 or in the Alternative A Finding of Inapplicability) – The  
Board ordered petitioner file an amended petition to cure  
deficiencies found in the original petition.

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**AS 04-3**            In the Matter of: Petition by Hayden Wrecking Corporation for an            Water  
Adjusted Standard from 35 Ill. Adm. Code Section 620.410(a) –  
Pending receipt of the certificate of publication, the Board held this  
Hancock County facility's petition for an adjusted standard from  
the Board's groundwater quality regulations.

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## **ADMINISTRATIVE CITATIONS**

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**AC 03-13**            IEPA v. Dan Cadwallader – The Board entered an interim opinion            5-0  
and order finding respondent violated Section 21(p)(1) and of the  
Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)) and  
assessing a penalty of \$1,500. The Board ordered the Clerk of the  
Board and the Environmental Protection Agency to file by June 10,  
2004 a statement of hearing costs, supported by affidavit, with  
service on respondent.

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<b>AC 04-4</b>	<u>IEPA v. Edward Sapp</u> – No action taken.	
<b>AC 04-51</b>	<u>IEPA v. Michael Moreton</u> – No action taken.	
<b>AC 04-57</b>	<u>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</u> – No action taken.	
<b>AC 04-59</b>	<u>IEPA v. Tim Walker</u> – The Board accepted for hearing this petition for review of an administrative citation against this Macon County respondent.	5-0
<b>AC 04-60</b>	<u>IEPA v. Sharyn Fuller and Carl Benedict d/b/a Benedict Auto Sales</u> – The Board found the petition for review deficient in this administrative citation involving a Peoria County facility, and ordered petitioner to file an amended petition to cure deficiencies no later than June 21, 2004, or the petition would be subject to dismissal. Complainant was directed to file the appropriate proof of service for respondent Fuller on or before June 4, 2004. If proof of service is not filed, the administrative citation against Fuller would be subject to dismissal.	5-0
<b>AC 04-61</b>	<u>IEPA v. Florence Propheter and Propheter Construction Company</u> – The Board accepted an administrative citation against these Whiteside County respondents.	5-0
<b>AC 04-62</b>	<u>IEPA v. Onyx Environmental Services</u> – The Board found that this respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)) in the operation of a vehicle driving between mile markers 201 and 212 along Interstate 55 in Livingston County, and ordered respondent to pay a civil penalty of \$1,500.	5-0
<b>AC 04-63</b>	<u>County of Jackson v. Egon Kamarasy</u> – The Board accepted for hearing this petition for review of an administrative citation against this Jackson County respondent.	5-0

**AC 04-64**      County of Jackson v. Egon Kamarasy – The Board found the petition for review deficient in this administrative citation involving a Jackson County facility, and ordered petitioner to file an amended petition to cure deficiencies no later than June 21, 2004, or the petition would be subject to dismissal.      5-0

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**AC 04-75**      IEPA v. Charles L. Parker – The Board accepted an administrative citation against this Logan County respondent.

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**AC 04-76**      IEPA v. Landfill, L.L.C., West End Disposal Facility, and Danny Bowman – The Board accepted an administrative citation against these Saline County respondents.

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**AC 04-77**      IEPA v. Frank Bencie – The Board accepted an administrative citation against this Franklin County respondent.

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**AC 04-78**      IEPA v. Daniel Pauley – The Board accepted an administrative citation against this St. Clair County respondent.

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## **ADJUDICATORY CASES**

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### Decisions

**PCB 03-185**      Swif-T-Food Mart (IEPA Letters dated March 3, 2003 and December 1, 1995 to November 20, 2001) v. IEPA – The Board reversed the March 3, 2003 approval of reimbursement of requested costs of corrective action, with modifications. The Board remanded the case to the Illinois Environmental Protection Agency to issue the requested reimbursement.      5-0  
UST  
Appeal

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## Motions and Other Matters

<b>PCB 96-98</b>	<u>People of the State of Illinois v. Skokie Valley Asphalt, Company, Inc., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Company, Inc., and Richard J. Frederick individually and as owner and Vice-President of Skokie Valley Asphalt Company, Inc.</u> – No action taken.	W-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.	UST Appeal
<b>PCB 02-3</b>	<u>People of the State of Illinois v. Chevron Environmental Services Company (as successor to Texaco Refining &amp; Marketing, Inc.)</u> – The Board granted complainant’s motions to change caption, to file a reduced number of lengthy attachments, and to replace page 4 of the stipulation with an errata sheet filed May 7, 2004. The Board ordered publication of the required newspaper notice of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a Will County facility.	5-0 L&W-E
<b>PCB 02-78</b>	<u>Ecolab, Inc. v. Occidental Chemical Corporation f/d/b/a Occidental Electrochemicals Corporation</u> – The Board granted the parties’ agreed motion for voluntary dismissal of this citizen underground storage tank enforcement action involving a Cook County facility.	5-0 L-E
<b>PCB 03-51</b>	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc., American Drapery Cleaners, and Flameproofers, Inc.</u> – The Board granted complainant’s second motion to strike the affirmative defenses, and accepted the amended complaint for hearing.	5-0 A-E

<b>PCB 03-58</b>	<u>Pechiney Plastic Packaging, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this Clean Air Act Permit Program (CAAPP) permit appeal involving a Kane County facility.	5-0 P-A, Air
<b>PCB 03-106</b>	<u>Village of South Elgin v. Waste Management of Illinois, Inc.</u> – No action taken.	L-E
<b>PCB 03-214</b>	<u>Illinois Ayers Oil Company v. IEPA</u> – No action taken.	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> – The Board granted complainant’s motion to strike the second, twelfth, thirteenth and fourteenth affirmative defenses and denied the motion to strike the fourth, fifth, sixth, and eleventh affirmative defenses.	5-0 A-E
<b>PCB 04-48</b>	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – No action taken.	P-A, Land
<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 04-117</b>	<u>Saline County Landfill, Inc. v. IEPA and Saline County</u> – No action taken.	P-A, Land
<b>PCB 04-141</b>	<u>Illinois State Toll Highway Authority (Lincoln South HPCAP/B) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal

<b>PCB 04-186</b>	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County, Illinois</u> – The Board accepted for hearing this pollution control facility sitting appeal involving a Kane County facility.	5-0 P-C-F-S-R
<b>PCB 04-191</b>	<u>Clark Oil Station #848 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 Marion County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 04-192</b>	<u>People of the State of Illinois v. Smithfield Properties, L.L.C., Wooton Construction, Ltd., and Chicago Sun-Times, Inc.</u> – The Board accepted for hearing this land and water enforcement action involving a site located in Cook County.	5-0 L&W-E
<b>PCB 04-193</b>	<u>People of the State of Illinois v. Fellowes Manufacturing Company a/k/a Fellowes, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Dupage County.	5-0 A-E
<b>PCB 04-194</b>	<u>People of the State of Illinois v. Dur-O-Wal, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Kane County.	5-0 W-E
<b>PCB 04-195</b>	<u>Casey’s General Stores 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 Henry County facility.	5-0 UST Appeal 90-Day Ext.

<b>PCB 04-196</b>	<u>Robert Mezo 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 Franklin County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 04-197</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.	5-0 UST Appeal 90-Day Ext.
<b>PCB 04-198</b>	<u>Glen’s 66 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility.	5-0 UST Appeal
<b>PCB 04-199</b>	<u>Hicks Bulk Distribution 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 Jackson County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 04-200</b>	<u>Clark Oil Station #271 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.	5-0 UST Appeal 90-Day Ext.

## CASES PENDING DECISION

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<b>R04-5</b>	<u>In the Matter of: RCRA Subtitle D (Municipal Solid Waste</u>	R, Land
<b>R04-15</b>	<u>Landfill) Update, USEPA Regulations (January 1, 2003 through</u>	
<b>Cons.</b>	<u>June 30, 2003); In the Matter of: RCRA Subtitle D (Municipal</u>	
	<u>Solid Waste Landfill) Update, USEPA Regulations (July 1, 2003</u>	
	<u>through December 31, 2003) – Adopted Rule, Final Order, Opinion</u>	
	<u>and Order</u>	

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## ADJOURNMENT

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Moved and seconded, by a vote of 5-0, Chairman Novak adjourned 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 June 3, 2004, by a vote of.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board