

# DRAFT ILLINOIS POLLUTION CONTROL BOARD MEETING MINUTES



**FEBRUARY 7, 2002**  
**SPRINGFIELD OFFICE**  
**600 South Second Street – Suite 403**  
**Hearing Room**  
**11:00 A.M.**

## **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting.

## **ROLL CALL**

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The Administrative Assistant to the Chairman called the roll and all Board Members answered present.

## **APPROVAL OF MINUTES**

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No action taken.

## **RULEMAKINGS**

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<b>R97-27</b>	<u>In the Matter of: Revision of the Waste Disposal Rules:</u> <u>Amendments to 35 Ill. Adm. Code 817.101</u> – The Board dismissed this petition of the Illinois Cast Metals Association to amend 35 Ill. Adm. Code 817.101.	7-0 R, Land
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## **ADJUSTED STANDARDS**

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<b>AS 01-1</b>	<u>In the Matter of: Petition of City of Elgin for an Adjusted Standard</u> <u>from 35 Ill. Adm. Code 304.125 and 35 Ill. Adm. Code 302.204</u> – The Board granted this Kane County facility's motion to withdraw its request for an adjusted standard from the pH water quality standard and effluent limitation found at 35 Ill. Adm. Code 304.125 and 302.204.	7-0 PWS
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<b>AS 01-6</b>	<u>In the Matter of: Petition of Borden Chemicals &amp; Plastics Operating Limited Partnership for an Adjusted Standard from 35 Ill. Adm. Code 304.105 as it Applies to 35 Ill. Adm. Code 302.211(B)-(E)</u> – The Board granted this Sangamon County facility an adjusted standard from the heated effluent discharge requirement, pursuant to 35 Ill Adm. Code 302.211(B)-(E), subject to conditions.	7-0 Water
<b>AS 02-2</b>	<u>In the Matter of: Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u> – Pending receipt of the certificate of publication, the Board held this Winnebago County facility’s petition for a waste delisting under the hazardous waste regulations.	Land
<b>AS 02-3</b>	<u>In the Matter of: Petition of Ford Motor Company (Chicago Assembly Plant) for an Adjusted Standard from 35 Ill. Adm. Code 218.986</u> – Pending receipt of the certificate of publication, the Board held this Cook County facility’s petition for an adjusted standard from the air pollution control regulations.	Air

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### **ADMINISTRATIVE CITATIONS**

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<b>AC 01-37</b>	<u>IEPA v. Kishwaukee Auto Parts</u> – The Board dismissed this administrative citation against this Winnebago County respondent, finding that the violation resulted from “uncontrollable circumstances” within the meaning of Section 31.1(d)(2) of the Environmental Protection Act. 415 ILCS 5/31.1(d)(2) (2000).	5-2 Manning and Flemal dissented
<b>AC 02-3</b>	<u>IEPA v. Marvin Hammack and Doris Baker</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Schuyler County facility, the Board found respondents violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)) and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motions to dismiss respondents’ petition for review.	7-0
<b>AC 02-7</b>	<u>IEPA v. Terry and Letisha Springer</u> – No action taken.	

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**AC 02-29**     IEPA v. Environmental Reclamation Company and Gene Stacey – 7-0  
The Board found that these Coles County respondents’ violated Sections 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2000)), and ordered respondents to pay a civil penalty of \$1,000.

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**AC 02-34**     IEPA v. Manzell Lawson, Sr. – The Board accepted an administrative citation against this Peoria County respondent.

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**AC 02-35**     IEPA v. E. Lewis Look – The Board accepted an administrative citation against this Peoria County respondent.

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**AC 02-36**     IEPA v. Trevor Pearce – The Board accepted an administrative citation against this Clay County respondent.

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**AC 02-37**     City of Chicago Department of Environment v. Edward F. Glascott  
– The Board accepted an administrative citation against this Cook County respondent.

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**AC 02-38**     Ogle County Solid Waste Management Department v. Lawrence and Eleanora Sandahl – The Board accepted an administrative citation against these Ogle County respondents.

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**Decisions**

**PCB 00-122**     People of the State of Illinois v. John A. Gordon, P.E., and Gordon & Price, Inc. – In this public water supply enforcement action concerning a Lawrence 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$25,000, and to cease and desist from further violations. 7-0  
PWS-E

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**PCB 02-50**     Vandalia Community School District #203 v. IEPA – The Board dismissed this matter for failure to file an amended petition as ordered on November 1, 2001. 7-0  
P-A,  
NPDES

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**PCB 02-73** People of the State of Illinois v. Bernie C. Morris – In this water enforcement action concerning a Edgar 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$2,500, and to cease and desist from further violations. 7-0  
W-E

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**PCB 02-82** People of the State of Illinois v. DiPaolo Company – In this water enforcement action concerning a Lake 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$9,000, and to cease and desist from further violations. 7-0  
W-E,  
NPDES

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## **ADJUDICATORY CASES**

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### **Motions and Other Matters**

**PCB 96-10** Vogue Tyre & Rubber Company v. IEPA – No action taken. UST  
Appeal

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**PCB 97-168** People of the State of Illinois v. Old World Industries, Inc., and Specialty Sealant Tapes, Inc. – No action taken. L-E

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**PCB 97-103** People of the State of Illinois v. State Oil Company, William Anest, f/d/b/a S & S Petroleum Products, Peter Anest, f/d/b/a S & S Petroleum Products, Charles Abraham, Josephine Abraham, and Milstream Service, Inc.; Charles Abraham, Josephine Abraham, and Millstream Services, Inc., Cross-Complainants v. William Anest and Peter Anest, Cross-Respondents – No action taken. L&W-E

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**PCB 99-134** People of the State of Illinois v. Peabody Coal Company – The Board granted respondent’s attorney’s motion to appear *pro hac vice*. 7-0  
W-E

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<b>PCB 00-67</b>	<u>People of the State of Illinois v. American Disposal Company</u> – The Board denied complainant's motion for summary judgment and ordered respondent to have its attorney file an appearance in this matter.	7-0 RCRA-E
<b>PCB 00-70</b>	<u>E.G. Vogt Oil Company, Inc. v. IEPA</u> – The Board granted respondent's motion for leave to file instanter the Illinois Environmental Protection Agency Record in this matter.	7-0 UST Fund
<b>PCB 00-74</b>	<u>Freeburg Investors Group, Inc. v. IEPA</u> – The Board granted respondent's motion for leave to file instanter the Illinois Environmental Protection Agency Record in this matter.	7-0 UST Fund
<b>PCB 00-76</b>	<u>East Side Acquisitions, Inc. d/b/a State Street Shell v. IEPA</u> – The Board granted respondent's motion for leave to file instanter the Illinois Environmental Protection Agency Record in this matter.	7-0 UST Fund
<b>PCB 00-94</b>	<u>Linnemann Oil Company v. IEPA</u> – The Board granted respondent's motion for leave to file instanter the Illinois Environmental Protection Agency Record in this matter.	7-0 UST Fund
<b>PCB 00-133</b>	<u>John M. Giertych, Geri Giertych, Wally Stoklosa, Earl Daliege, Everett Johnson, Meddard Sowonik, Max Prindle, Chuck Polizzi, Marge Polizzi, George Brassea, Gladys Brassea, Nancy Pitcher, Geraldine Hughes, Bernard Nagel, et al. v. 4T's Management, L.L.C.</u> – The Board denied respondent's motion for summary judgment in this citizens' noise enforcement action involving a Kankakee County facility.	7-0 Citizens N-E
<b>PCB 00-138</b>	<u>Granite City Sheet Metal v. IEPA</u> – The Board granted respondent's motion for leave to file instanter the Illinois Environmental Protection Agency Record in this matter.	7-0 UST Fund
<b>PCB 00-139</b>	<u>L. Wolf Company v. IEPA</u> – The Board's order noted that the Illinois Environmental Protection Agency Record in this matter had not been filed and directed that it be filed.	7-0 UST Fund

<b>PCB 00-141</b>	<u>E.G. Vogt Oil Company, Inc. v. IEPA</u> – The Board granted respondent’s motion for leave to file instanter the Illinois Environmental Protection Agency Record in this matter.	7-0 UST Fund
<b>PCB 00-181</b>	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties and the Board of Education of Belvidere District 100</u> – No action taken.	Citizens UST-E
<b>PCB 00-189</b>	<u>People of the State of Illinois v. Fox River Water Reclamation District</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Kane County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
<b>PCB 00-194</b>	<u>Bulkoa, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 01-54</b>	<u>Richard G. Cotterman v. Jackson Farms</u> – The Board granted complainant’s motion to dismiss this citizen’s air and noise enforcement action involving a Macoupin County facility.	7-0 Citizens A&N-E
<b>PCB 01-77</b>	<u>Village of Park Forest v. Sears, Roebuck and Company</u> – The Board granted respondent’s motion to delete the not “subject to disclosure” designation of all past and future filings before the Board and directed the hearing officer to reschedule the February 20, 2002 hearing date.	7-0 Citizens UST-E
<b>PCB 01-135</b>	<u>People of the State of Illinois v. Patrick Robert Land Trust</u> – No action taken.	L-E
<b>PCB 01-144</b>	<u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, PrairieLand Construction, Inc., and Rich Williams &amp; Associates, Architects</u> – No action taken.	PWS-E
<b>PCB 01-150</b>	<u>People of the State of Illinois v. Marc Development Corporation and Silver Glen Estates Homeowners’ Association</u> – No action taken.	W-E

<b>PCB 02-1</b>	<u>People of the State of Illinois v. Stein Steel Mill Services, Inc.</u> – No action taken.	A-E
<b>PCB 02-21</b>	<u>People of the State of Illinois v. J&amp;F Hauling, Inc.</u> – No action taken.	RCRA-E
<b>PCB 02-52</b>	<u>Vandalia C.U.S.D. 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 Fayette County facility.	7-0 UST Appeal
<b>PCB 02-53</b>	<u>E&amp;L Trucking Company v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 2-86</b>	<u>Lockformer Company v. IEPA</u> – No action taken.	SRP Appeal
<b>PCB 02-89</b>	<u>Sandra Stanton v. Mrs. Jessie Oyston, Mayor (Village of Buckner)</u> – The Board held for a later duplicitous/frivolous determination this citizen’s air enforcement action involving a Franklin County facility.	Citizens A-E
<b>PCB 02-90</b>	<u>Tri County FS, Inc. (Jersey County) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s corrected recommendation, the Board found and certified that specified facilities of Tri County FS, Inc. located in Jersey County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
<b>PCB 02-97</b>	<u>Midwest Illinois Auto/Truck Plaza, Inc. v. IEPA</u> – No action taken.	UST Appeal 90-Day Ext.

<b>PCB 02-98</b>	<u>Tri County FS, Inc. (Calhoun County) v. IEPA</u> – The Board found and certified that specified facilities of Tri County FS, Inc. located in Calhoun County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	70 T-C
<b>PCB 02-100</b>	<u>Principia College 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 Jersey County facility.	7-0 P-A 90-Day Ext.
<b>PCB 02-101</b>	<u>E&amp;L Trucking Company v. IEPA</u> – No action taken.	UST Fund 90-Day Ext.
<b>PCB 02-102</b>	<u>E/M Coatings v. IEPA</u> - The Board found and certified that specified facilities of E/M Coating located in DuPage County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
<b>PCB 02-103</b>	<u>Midway Oil Company v. IEPA</u> – The Board granted respondent’s motion to dismiss this request for 90-day extension of appeal period.	7-0 UST Appeal
<b>PCB 02-104</b>	<u>Metropolitan Water Reclamation District of Greater Chicago (Egan Plant, Schaumburg) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, NPDES
<b>PCB 02-105</b>	<u>Southern Illinois University, Edwardsville v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Madison County facility.	7-0 P-A, NPDES 90-Day Ext.



**PCB 02-106** City of Quincy v. IEPA – The Board accepted for hearing this permit appeal involving an Adams County facility. 7-0  
P-A,  
NPDES

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**PCB 02-107** Midway Oil v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Rock Island County facility. 7-0  
UST  
Appeal,  
90-Day  
Ext.

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**PCB 02-108** Saline County Landfill, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Saline County facility and granted petitioner’s motion for expedited review. 7-0  
P-A, Land

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**ADJOURNMENT**

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Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:55 a.m. to an Executive Session.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 21st day of February 2002 by a vote of.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board