

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



JULY 10, 2003
CHICAGO OFFICE – 100 W. Randolph Street
Conference Room 9-039
and
SPRINGFIELD OFFICE – 600 South Second Street
Video Conference Room 402
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Johnson welcomed members of the public and staff to the meeting. Chairman Johnson noted that the Chicago portion of the meeting was moved from the Board's 11th floor office to the 9th floor due to video equipment failure, and apologized to the public for any inconvenience. The Chairman explained that signs had been posted and staff was personally directing the public to the 9th floor video conference room.

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present except for Board Member Marovitz joined the meeting in progress.

APPROVAL OF MINUTES

Minutes of the June 19, 2003 meeting were approved by a vote of 5-0. Board Member Karpel abstained.

RULEMAKINGS

R02-22	<u>In the Matter of: Emission Reduction Market System Amendments</u> – On its own motion, the Board dismissed this in active docket to amend the Board's air pollution control regulations.	6-0 R, Air
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R03-9 In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 901 – The Board adopted a first notice opinion and order in this matter to amend the Board’s noise regulations. 6-0
R, Noise

R03-11 In the Matter of: Site-Specific Rule for City of Effingham Treatment Plant Fluoride Discharge, 35 Ill. Adm. Code 304.233 – No action taken. R, Water

R03-20 In the Matter of: Brownfields Site Restoration Program; Amendments to 35 Ill. Adm. Code 740 – The Board adopted a first notice opinion and order to establish procedures and standards for administering the new Brownfields Site Restoration Program. 6-0
R, Land

Member Marovitz arrived at 11:15 a.m. and requested that the Board return to R03-15, SDWA Update, USEPA Amendments (July 1, 2002 through December 31, 2002), to allow him to move an order.

R03-15 SDWA Update, USEPA Amendments (July 1, 2002 through December 31, 2002) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s public water supply regulations. 7-0
R, PWS

ADJUSTED STANDARDS

AS 03-5 In the Matter of: Petition of Cromwell-Phoenix, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Subpart F, Section 218.204(c) – No action taken. Air

ADMINISTRATIVE CITATIONS

AC 03-31	<u>County of Vermilion, Illinois v. Brickyard Disposal and Recycling, Inc.</u> – The Board granted complainant’s motion to strike violation B. The Board found that this Vermilion County respondent violated Section 21(o)(4) of the Act (415 ILCS 5/21(o)(4) (2002)) and ordered respondent to pay a civil penalty of \$500.	7-0
AC 03-32	<u>IEPA v. Sharyn Fuller and Carl Benedict</u> – The Board granted complainant’s motion to dismiss respondent Sharyn Fuller from this matter. The Board accepted for hearing Peoria County respondent Carl Benedict’s petition for review of an administrative citation.	7-0
AC 03-33	<u>IEPA v. Olen G. Parkhill, Jr.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent.	7-0
AC 03-34	<u>IEPA v. Olen G. Parkhill, Jr.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent.	7-0
AC 03-35	<u>IEPA v. Denny D. Richey</u> – The Board accepted an administrative citation against this Clark County respondent.	7-0

ADJUDICATORY CASES

Decisions

PCB 98-148	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. a/k/a Briggs Plumbing Products, Inc.; Briggs Industries, Inc., Third-Party Complainants v. Loren West and Abingdon Salvage Company, Inc., Third Party Respondents</u> – No action taken.	L-E
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PCB 00-180 People of the State of Illinois v. Jacobs Energy Corporation – In this air and 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, ordered the respondent to pay a total civil penalty of \$10,500, and to cease and desist from further violations. 7-0
A&L-E

PCB 01-155 People of the State of Illinois v. Alloy Engineering and Casting Company – In this Resource Conservation and Recovery Act, air, and water enforcement action concerning a Champaign 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, ordered the respondent to pay a total civil penalty of \$75,000, and to cease and desist from further violations. 7-0
A-E

PCB 03-147 People of the State of Illinois v. Westfield Homes of Illinois – 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) (2002)), accepted a stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$15,000, and to cease and desist from further violations. 7-0
W-E

PCB 03-153 People of the State of Illinois v. C&F Packing Co., Inc. – 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) (2002)), accepted a stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$11,000, and to cease and desist from further violations. 7-0
W-E

Motions and Other Matters

PCB 96-10 Vogue Tyre & Rubber Company v. IEPA – No action taken. P-A, Land

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Co., Inc., W-E

Edwin L. 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. – No action taken.

PCB 97-69	<u>People of the State of Illinois v. Economy Plating, Inc.</u> – No action taken.	A-E
PCB 99-187	<u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – No action taken.	A&N-E
PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc., and Smithfield Foods, Inc.</u> – No action taken.	A-E
PCB 00-181	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties, and Board of Education of Belvidere District 100</u> – The Board granted the parties’ joint motion for voluntary dismissal of this citizen’s land enforcement involving a Boone County facility.	7-0 Citizens L-E
PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – No action taken.	L-E
PCB 02-115	<u>People of the State of Illinois v. Blue Ridge Construction Corporation</u> – No action taken.	A&W-E
PCB 03-51	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc.</u> – No action taken.	A-E
PCB 03-117	<u>People of the State of Illinois v. Bi State Tire, Inc.</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 Rock Island County facility, the Board ordered publication of the required newspaper notice.	7-0 L-E
PCB 03-125	<u>City of Kankakee v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Merlin Karlock</u>	Girard

PCB 03-133	<u>v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Michael Watson v. County of</u>	P-C-F-S-R
PCB 03-134	<u>Kankakee, County Board of Kankakee, and Waste Management of</u>	
PCB 03-135	<u>Illinois, Inc.; and Keith Runyon v. County of Kankakee, County Board of Kankakee, and Waste Management, Inc. – No action taken.</u>	
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PCB 03-149	<u>Township of Putnam 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 Fulton County facility.	7-0 UST Appeal
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PCB 03-155	<u>Rosignol Marathon (Site Classification Work Plan) 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 Wabash County facility.	7-0 UST Appeal
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PCB 03-162	<u>Tasim Fejza v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Will County facility.	7-0 UST Appeal
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PCB 03-177	<u>Cady Oil Co. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Peoria County facility.	7-0 UST Appeal
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PCB 03-180	<u>Royer Oil Company v. IEPA</u> – The Board accepted for hearing	7-0
PCB 03-186	three underground storage tank appeals involving a Bond County facility and granted the motions to consolidate PCB 03-180, PCB	UST
PCB 03-187	03-186 and PCB 03-187. The Board also granted petitioner’s motion for leave to file an amended petition in PCB 03-180.	Appeal
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PCB 03-185	<u>Swif-T Food Mart v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Lake County facility.	7-0 UST Appeal
PCB 03-211	<u>Mark and Cynthia Heywood v. Dan and Darleen Sheehan</u> – The Board found that the alleged violations in the complaint were neither duplicative nor frivolous, and accepted for hearing this matter involving a Cook County facility.	7-0 Citizens N-E
PCB 03-218	<u>Rochelle Waste Disposal, L.L.C. v. City Council of the City of Rochelle</u> – The Board denied Concerned Citizens of Ogle County’s petition to intervene in this pollution control facility siting appeal involving an Ogle County facility.	7-0 P-C-F-S-R
PCB 03-221	<u>Lowe Transfer, Inc. and Marshall Lowe v. County Board of McHenry County, Illinois</u> – The Board denied Village of Cary’s petition to intervene in this pollution control facility siting appeal involving a McHenry County facility.	7-0 P-C-F-S-R
PCB 03-224	<u>People of the State of Illinois v. Village of Sims, Followell Construction Company, Inc., and Lamac Engineering Company</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 Wayne County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 03-232	<u>Gas for Less (Vista Marketing Group) 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 Winnebago County facility.	7-0 UST Appeal 90-Day Ext.

PCB 03-233	<u>People of the State of Illinois v. Gerald Hewing d/b/a Hewing Technical Services</u> – The Board accepted for hearing this water enforcement action involving a Shelby County facility.	7-0 W-E, NPDES
PCB 03-235	<u>United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank as Trustee Under Trust 0799 v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Kankakee County facility.	7-0 P-A, Land
PCB 03-236	<u>Citizens Against Landfill Expansion v. American Disposal Services of Illinois, Inc., and Livingston County Board, Livingston County Illinois</u> – No action taken.	P-C-F-S-R 3d Party
PCB 03-237	<u>Estate of Olivia Tyberendt, Deceased v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Clinton County facility.	7-0 UST Appeal
PCB 03-238	<u>Tom’s Gas Stop 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.	7-0 UST Appeal
PCB 04-1	<u>SCI Illinois Services, Inc. (August 1, 2002 – February 14, 2003) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility and granted the motions to consolidate this matter with PCB 04-3. The Board also granted petitioner’s motion to strike portions of the petition for review.	7-0 UST Appeal
PCB 04-2	<u>Freedom Oil Company (March 1, 2002 – January 24, 2003) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Edgar County facility and granted the motions to consolidate this matter with PCB 03-54, 03-56, 03-105, and 03-179.	7-0 UST Appeal

PCB 04-3	<u>SCI Illinois Services, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility and granted the motions to consolidate this matter with PCB 04-1.	7-0 UST Appeal
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PCB 04-4	<u>People of the State of Illinois v. Best-Way Construction & Remediation, Inc. and Clinton 6 L.L.C.</u> – The Board accepted for hearing this air enforcement action involving a Cook County facility.	7-0 A-E
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CASES PENDING DECISION

R03-19	<u>In the Matter of: Proposed Amendments to Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures</u> – Proposed Rule, First Notice, Opinion and Order	R, Water
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AS 03-2	<u>In the Matter of Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Code 811, 812 and 817, and Modification of AS 95-4 (Sludge Application)</u>	Girard Land
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PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> (open waiver)	UST Appeal
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Johnson adjourned the meeting at 11:50 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 24, 2003, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board