

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



FEBRUARY 5, 1998 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Clerk of the Board call the roll and all Board Members answered present except for Board Member Yi who was absent due to illness.

APPROVAL OF MINUTES

Minutes of the January 22, 1998 meeting were approved by a vote of 6-0. Chairman Manning abstained.

RULEMAKINGS

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| R97-16 | <u>In the Matter of: Proportionate Share Liability (35 Ill. Adm. Code 741)</u> - The Board accepted for hearing the Illinois Environmental Protection Agency's proposal to amend the Board's procedural rules. | 6-0
R,
Procedural |
| R98-9 | <u>In the Matter of: Municipal Solid Waste Landfill Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848</u> - Proposed Rule, First Notice, Opinion and Order. The Board adopted a first notice opinion and order in response to the joint proponents' proposal to amend the Board's municipal solid waste landfill rules. | 6-0
R, Land |
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ADJUSTED STANDARDS (CONTINUED)

R98-12	<u>In the Matter of: Amendment of 35 Ill. Adm. Code 703, 720, 721, 724, 728, and 733 (Standards for Universal Waste Management) - Proposed Rule, Second Notice, Opinion and Order. The Board adopted a second notice opinion and order in this proposed rulemaking to amend the Board's regulations concerning standards for universal waste management (35 Ill. Adm. Code 733, Standards for Universal Waste Management).</u>	6-0 R, Land
R98-15	<u>In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code 215 (Emission Standards and Limitations for Stationary Sources Located Outside the Chicago and Metro East Ozone Non-attainment Areas) - Proposed Rule, First Notice, Opinion and Order. The Board adopted a first notice opinion and order in this proposed rulemaking to amend Subparts A (General Provisions), F (Coating Operations), and Z (Dry Cleaners) of 35 Ill. Adm. Code 215 to achieve consistency between these subparts and other Board regulations dealing with volatile organic material (VOM) emissions from stationary emission sources.</u>	6-0 R, Air

ADJUSTED STANDARDS

AS 97-6	<u>In the Matter of: Petition of Granite City Steel for an Adjusted Standard from 35 Ill. Adm. Code 302.212 and 302.213, Water Quality Standards Relating to Ammonia - The Board granted petitioner's request stay of proceedings to file an amended petition for adjusted standard. The amended permit is now due to be filed no later than May 11, 1998.</u>	5-0 Hennessey abstained Water, NPDES
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ADMINISTRATIVE CITATIONS

AC 98-14	<u>Montgomery County v. Envotech-Illinois, Inc. - The Board entered an order finding that this Montgomery County respondent violated Section 21(o)(5) of the Environmental Protection Act and ordered him to pay a civil penalty of \$500.</u>	6-0
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ADJUDICATORY CASES (CONTINUED)

ADJUDICATORY CASES

Decisions

PCB 96-107	<u>People of the State of Illinois v. ESG Watts, Inc.</u> The Board found respondent in violation of several sections of the Environmental Protection Act and of the Board's regulations at its facility located in Rock Island County, ordered respondent to pay a civil penalty of \$100,000 as well as attorney fees in the amount of \$25,567. The Board revoked respondents operating permit No. 1972-72-DE/OP.	5-0 Hennessey abstained A,L, W-E
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PCB 96-233	<u>People of the State of Illinois v. ESG Watts, Inc.</u> The Board found respondent in violation of several sections of the Environmental Protection Act and of the Board's regulations at its facility located in Mercer County, ordered respondent to pay a civil penalty of \$680,200.	6-0 L&GW-E
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PCB 98-92	<u>People of the State of Illinois v. Target Stores, Inc.</u> - The Board accepted a stipulation and settlement agreement in this air enforcement action concerning asbestos demolition and renovation activity performed at various sites located in DuPage County, ordered respondent to pay a civil penalty of \$14,000, and ordered respondent to cease and desist from further violations.	6-0 A-E
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Motions and Other Matters

PCB 94-290	<u>Bank of Illinois in DuPage v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a DuPage County facility.	6-0 UST-FRD
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PCB 95-163	<u>People of the State of Illinois v. Clark Refining & Marketing, Inc.</u> - No action taken.	A,W, & RCRA-E
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ADJUDICATORY CASES (CONTINUED)

Other Motions and Matters (Continued)

PCB 96-84	<u>Forest Preserve District of DuPage County, Illinois v. Mineral Land Resources Corporation, Southwind Financial, Ltd., f/k/a Abbott Contractors, Inc., Bluff City Materials, Inc. as Assignee of Abbott Contractors, Inc.</u> - No action taken.	L&W-E, Citizens
PCB 96-97	<u>People of the State of Illinois v. Village of Thompsonville</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 against a Franklin County facility, the Board ordered publication of the required newspaper notice.	5-0 Hennessey abstained W-E
PCB 96-148	<u>People of the State of Illinois v. U.S. Dismantlement Corporation, and USDC Environmental, Inc.</u> - No action taken.	A-E
PCB 96-215	<u>Illinois State Toll Highway Authority v. IEPA</u> - No action taken.	UST-FRD
PCB 96-261	<u>People of the State of Illinois v. G.M. Demolition Corporation</u> - No action taken.	A-E
PCB 97-30	<u>People of the State of Illinois v. Shell Oil Company</u> - No action taken.	A-E
PCB 97-81	<u>Millennium Petrochemicals, Inc. (f/k/a Quantum Chemical Corporation) v. IEPA</u> - The Board denied the joint motion for remand.	6-0 P-A, Air
PCB 97-96	<u>Shell Oil Company v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a DuPage County facility.	6-0 UST-FRD
PCB 97-121	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - No action taken.	RCRA-E Citizens

ADJUDICATORY CASES (CONTINUED)

Other Motions and Matters (Continued)

PCB 97-136	<u>Edmund and Mary Radkiewicz v. Chevron Products Company</u> - The Board granted complainant's motion for withdrawal of this citizen's underground storage tank action involving a Cook County facility.	6-0 UST-E, Citizens
PCB 98-42	<u>People of the State of Illinois v. Illini Protein</u> - The Board granted complainant's motion to reconsider the January 8, 1998 Board Order.	6-0 EPCRA-E
PCB 98-72	<u>St. Clair Properties Development, Inc. v. IEPA</u> - No action taken.	P-A, Water
PCB 98-74	<u>Jiffy Lube International, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.	6-0 UST-Appeal
PCB 98-76	<u>King Bruwaert House v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.	6-0 UST-FRD
PCB 98-77	<u>Grant Dean Buick v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Kane County facility.	6-0 UST-FRD
PCB 98-84	<u>Scott Behrmann and Shelley Behrmann v. Okawville Farmers Elevator-St. Libory</u> - No action taken.	N-E, Citizens

ADJUDICATORY CASES (CONTINUED)

Other Motions and Matters (Continued)

PCB 98-91	<u>Village of Millstadt v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this St. Clair County facility.	6-0 P-A, Land
PCB 98-94	<u>People of the State of Illinois v. Material Service Corporation</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 against a Vermilion County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 98-97	<u>Material Service Corporation v. J.W. Peters & Sons, Inc.</u> - The Board accepted for hearing this citizens' underground storage tank enforcement action against a McHenry County facility.	6-0 UST-E, Citizens
PCB 98-100	<u>People of the State of Illinois v. Color Communications, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Emergency Planning Community Right to Know Act enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.	6-0 EPCRA
PCB 98-101	<u>Franklin C.U.S.D. #1 v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of a Morgan County facility.	6-0 UST-FRD, 90-Day Ext.
PCB 98-102	<u>Panhandle Eastern Pipe Line Company v. IEPA</u> - The Board accepted for hearing this appeal of an air permit decision on behalf of a Sangamon County facility.	6-0 P-A, Air

CASES PENDING DECISION

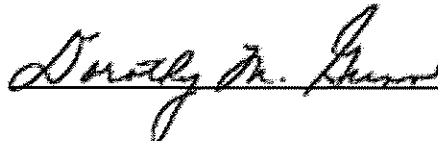
R97-12(C)	<u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO): Amendments to 35 Ill. Adm. Code 742.505 and 742.900</u> - Proposed Rule, Second Notice, Opinion and Order	McFawn Yi R, Land
R98-2	<u>In the Matter of: SDWA Update, USEPA Regulations (January 1, 1997 through June 30, 1997) - Adopted Rule, Final Order, Opinion and Order</u>	Flemal R, PWS
AS 97-10	<u>In the Matter of: Petition of Waste Professionals, Inc. d/b/a Pekin Landfill, for an Adjusted Standard from 35 Ill. Adm. Code Part 814</u>	Flemal Land, RCRA
PCB 95-90	<u>Minnesota Mining and Manufacturing Company (Bedford Park Plant) v. IEPA (due 2/20)</u>	McFawn A-V
PCB 96-237	<u>People of the State of Illinois v. ESG Watts, Inc.</u>	Girard L-E
PCB 97-8	<u>People of the State of Illinois v. Canton Industrial Corporation</u>	Manning L-E, Tires
PCB 98-60	<u>CDT Landfill Corporation v. City of Joliet (due 2/20)</u>	Yi L-S-R

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:10 a.m.

I, Dorothy M. Gunn, Clerk of the Illinois pollution Control Board, hereby certify that the above minutes were approved this 19th day of February 1998, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



FEBRUARY 5, 1998 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.

Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Thank you for your interest.

ROLL CALL

APPROVAL OF MINUTES

January 22, 1998

RULEMAKINGS

R97-16	<u>In the Matter of: Proportionate Share Liability (35 Ill. Adm. Code 741) - Accept for Hearing Order</u>	Manning McFawn Hennessey R, Procedural
R98-9	<u>In the Matter of: Municipal Solid Waste Landfill Rules: Amendments to 35 Ill. Adm. Code 811, 813, and 848 - Proposed Rule, First Notice, Opinion and Order</u>	Girard Manning Yi R, Land

RULEMAKINGS (CONTINUED)

R98-12 In the Matter of: Amendment of 35 Ill. Adm. Code 703, 720, 721, 724, 728, and 733 (Standards for Universal Waste Management) - Proposed Rule, Second Notice, Opinion and Order Manning
R, Land

R98-15 In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code 215 (Emission Standards and Limitations for Stationary Sources Located Outside the Chicago and Metro East Ozone Non-attainment Areas) - Proposed Rule, First Notice, Opinion and Order Flemal
R, Air

ADJUSTED STANDARDS

AS 97-6 In the Matter of: Petition of Granite City Steel for an Adjusted Standard from 35 Ill. Adm. Code 302.212 and 302.213, Water Quality Standards Relating to Ammonia - Petitioner's Conditional Motion for Continuance of Temporary Stay of Proceedings (1/29) Flemal
Water,
NPDES

ADMINISTRATIVE CITATIONS

AC 98-14 Montgomery County v. Envotech-Illinois, Inc. - Default Order Manning

ADJUDICATORY CASES

Decisions

PCB 96-107 People of the State of Illinois v. ESG Watts, Inc. Manning
A,L, W-E

PCB 96-233 People of the State of Illinois v. ESG Watts, Inc. McFawn
L&GW-E

PCB 98-92 People of the State of Illinois v. Target Stores, Inc. - Stipulation Manning
A-E

ADJUDICATORY CASES (CONTINUED)

Provisional Variances

Since the Board must decide provisional variances within forty-eight hours of their filing, any provisional variances filed prior to this meeting will be included here.

Motions and Other Matters

Additional motions on the following cases filed prior to this meeting may be included here.

PCB 94-290	<u>Bank of Illinois in DuPage v. IEPA</u> - Petitioner's Motion to Dismiss (1/28)	Girard UST-FRD
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PCB 95-163	<u>People of the State of Illinois v. Clark Refining & Marketing, Inc.</u> - Complainant's Motion for Partial Summary Judgment and Memorandum of Law in Support of Complainant's Motion for Partial Summary Judgment (12/16), Respondent's Motion for Summary Judgment, Memorandum of Law, Motion to File in Excess of Page Limits, and Motion to File Instantly (12/24), Respondent's Response to Complainant's Motion for Summary Judgment (1/20)	Manning A,W, & RCRA-E
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PCB 96-84	<u>Forest Preserve District of DuPage County, Illinois v. Mineral Land Resources Corporation, Southwind Financial, Ltd., f/k/a Abbott Contractors, Inc., Bluff City Materials, Inc. as Assignee of Abbott Contractors, Inc.</u> - Complainant's Motion for Reconsideration of December 18, 1997 Board Order (1/21)	McFawn L&W-E, Citizens
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PCB 96-97	<u>People of the State of Illinois v. Village of Thompsonville</u> - Motion for Relief from Hearing Requirement (1/28)	Manning W-E
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PCB 96-148	<u>People of the State of Illinois v. U.S. Dismantlement Corporation, and USDC Environmental, Inc.</u> - Complainant's Motion for Extension of Time (1/29)	Meyer A-E
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PCB 96-215	<u>Illinois State Toll Highway Authority v. IEPA</u> - Petitioner's Motion to Voluntarily Dismiss Petition (1/30)	Yi UST-FRD
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ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 96-261	<u>People of the State of Illinois v. G.M. Demolition Corporation</u> - Complainant's Motion for Summary Judgment (1/27)	Meyer A-E
PCB 97-30	<u>People of the State of Illinois v. Shell Oil Company</u> - Respondent's Motion to Dismiss, Motion for Leave to File Memorandum of Law in Support of Motion to Dismiss in Excess of Page Limits, and Memorandum of Law in Support of Motion to Dismiss (11/17), Complainant's Response to Respondent's Motion to Dismiss (12/23), Respondent's Reply to Complainant's Response to Respondent's Motion to Dismiss (1/23)	Meyer A-E
PCB 97-81	<u>Millennium Petrochemicals, Inc. (f/k/a Quantum Chemical Corporation) v. IEPA</u> - Joint Motion for Remand (1/16)	Flemal P-A, Air
PCB 97-96	<u>Shell Oil Company v. IEPA</u> - Petitioner's Motion to Withdraw Petition (1/20)	McFawn UST-FRD
PCB 97-121	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin,</u> individually and d/b/a Martin's of Matteson - Complainant's Motion for Summary Judgment (12/24), Respondents' Motion to Strike all References in Complainant's Motion for Summary Judgment to Reports Prepared by Pioneer Environmental, Inc. (1/14), Complainant's Response to Respondent's Motion to Strike (1/21)	McFawn RCRA-E Citizens
PCB 97-136	<u>Edmund and Mary Radkiewicz v. Chevron Products Company</u> - Complainants' Motion for Voluntary Dismissal with Prejudice (1/26)	Flemal UST-E, Citizens
PCB 98-42	<u>People of the State of Illinois v. Illini Protein</u> - Complainant's Motion to Reconsider January 8, 1998 Board Order (1/20)	Girard EPCRA-E

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-72	<u>St. Clair Properties Development, Inc. v. IEPA</u> - Agency Motion to Dismiss for Lack of Subject Matter Jurisdiction (1/26)	Yi P-A, Water
PCB 98-74	<u>Jiffy Lube International, Inc. v. IEPA</u> - Dismissal Order	Manning UST-Appeal 90-Day Ext.
PCB 98-76	<u>King Bruwaert House v. IEPA</u> - Dismissal Order	Manning UST-FRD
PCB 98-77	<u>Grant Dean buick v. IEPA</u> - Dismissal Order	Manning UST-FRD
PCB 98-84	<u>Scott Behrmann and Shelley Behrmann v. Okawville Farmers Elevator-St. Libory</u> - Respondent's Motion to Dismiss (1/9)	Yi N-E, Citizens
PCB 98-91	<u>Village of Millstadt v. IEPA</u> - Dismissal Order	Manning P-A, Land
PCB 98-94	<u>People of the State of Illinois v. Material Service Corporation</u> - Motion to Request Relief from the Hearing Requirement (1/29)	Girard A-E
PCB 98-97	<u>Material Service Corporation v. J.W. Peters & Sons, Inc.</u> - Duplicitous/Frivolous Determination Order (See Respondent's Request for Appearance of Mark R. Kaster and Alexandra B. Klass and Respondent's Motion to Dismiss Complaint filed 2/2)	Yi UST-E, Citizens
PCB 98-100	<u>People of the State of Illinois v. Color Communications, Inc.</u> - Agreed Motion to Request Relief from the Hearing Requirement (1/20)	Manning EPCRA
PCB 98-101	<u>Franklin C.U.S.D. #1 v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (1/20) - Order	Manning UST-FRD, 90-Day Ext.

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-102	<u>Panhandle Eastern Pipe Line Company v. IEPA</u> - Accept for Hearing Order	Manning P-A, Air
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CASES PENDING DECISION

R97-12(C)	<u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO): Amendments to 35 Ill. Adm. Code 742.505 and 742.900</u> - Proposed Rule, Second Notice, Opinion and Order	McFawn Yi R, Land
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R98-2	<u>In the Matter of: SDWA Update, USEPA Regulations (January 1, 1997 through June 30, 1997)</u> - Adopted Rule, Final Order, Opinion and Order	Flemal R, PWS
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AS 97-10	<u>In the Matter of: Petition of Waste Professionals, Inc. d/b/a Pekin Landfill, for an Adjusted Standard from 35 Ill. Adm. Code Part 814</u>	Flemal Land, RCRA
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PCB 95-90	<u>Minnesota Mining and Manufacturing Company (Bedford Park Plant) v. IEPA</u> (due 2/20)	McFawn A-V
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PCB 96-237	<u>People of the State of Illinois v. ESG Watts, Inc.</u>	Girard L-E
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PCB 97-8	<u>People of the State of Illinois v. Canton Industrial Corporation</u>	Manning L-E, Tires
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PCB 98-60	<u>CDT Landfill Corporation v. City of Joliet</u> (due 2/20)	Yi L-S-R
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OTHER ITEMS

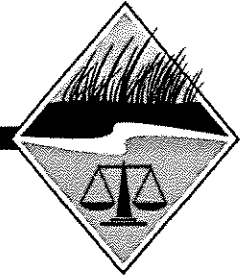
ADJOURNMENT

CASE TYPE CODES:

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist RCRA	Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		

ILLINOIS POLLUTION CONTROL BOARD

NEW CASE LISTING



NEW CASES FILED SINCE JANUARY 22, 1998 BOARD MEETING

PCB 98-100	People of the State of Illinois v. Color Communications, Inc.
PCB 98-101	Franklin C.U.S.D. #1 v. IEPA
PCB 98-102	Panhandle Eastern Pipe Line Company v. IEPA