

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JUNE 17, 1999 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

Chairman Manning welcomed members of the public and staff to the meeting.

ROLL CALL

The Clerk of the Board called the roll. All Board Members were present.

APPROVAL OF MINUTES

Minutes of the June 3, 1999 meeting were approved by a vote of 7-0.

RULEMAKINGS

R99-8	<u>In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141</u> - The Board adopted a second-notice opinion and order in this proposed rulemaking to amend the Board's water regulations.	7-0 R, Water
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R99-14	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 1998 through December 31, 1998)</u> - The Board dismissed this reserved identical-in-substance docket because the single United States Environmental Protection Agency amendment to its regulations during the update period of July 1, 1998, through December 30, 1998, did not require Board action.	7-0 R, Land
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R99-15 In the Matter of: RCRA Subtitle C Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - The Board adopted a final opinion and order in this "identical-in-substance" rulemaking to amend the Board's hazardous waste disposal regulations. 7-0
R, Land

ADJUSTED STANDARDS

AS 99-5 In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - No action taken. Water, NPDES

ADMINISTRATIVE CITATIONS

AC 98-4 County of Sangamon v. ESG Watts, Inc. - The Board entered an interim opinion and order finding respondent violated Sections 21(o)(6) and (o)(9) of the Environmental Protection Act (415 ILCS 5/21(o)(6), (o)(9) (1996)) and assessing a penalty of \$1,000. The Board ordered the Clerk of the Board and the County of Sangamon to file within 15 days a statement of hearing costs, supported by affidavit, with service on respondent. 7-0

AC 99-42 IEPA v. Fred and Anne Hood - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Macoupin County facility, the Board found respondents violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered respondents to pay a civil penalty of \$500. 7-0

AC 99-51 County of Will v. Antonio Gonzalez - The Board accepted an administrative citation against this Will County respondent.

ADJUDICATORY CASES

Decisions

PCB 97-55 People of the State of Illinois v. Precision Chrome, Inc. - No action taken. RCRA-E

PCB 97-192 People of the State of Illinois v. Sundale Sewer Corporation and Howard Spurgeon - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this water enforcement action involving a Tazewell County facility, ordered respondent to pay a civil penalty of \$15,000, and to cease and desist from further violations. 7-0
W-E

PCB 98-2 ESG Watts, Inc. (Sangamon Valley Landfill) v. Sangamon County Board - The Board vacated the May 31, 1997 decision of the Sangamon County Board. 7-0
P-C-F-S-R

PCB 99-73 People of the State of Illinois v. J.L. Clark, Inc. - The Board vacated its order of January 21, 1999, granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), and accepted an amended stipulation and settlement agreement in this air enforcement action involving a DuPage County facility. Respondent was ordered to pay a total civil penalty of \$30,000, and to cease and desist from further violations. 7-0
A-E

PCB 99-93 People of the State of Illinois v. South Palos Township Sanitary District - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this water enforcement action involving a DuPage County facility, ordered respondent to pay a civil penalty of \$4,000, and to cease and desist from further violations. 7-0
W-E

Provisional Variances

PCB 99-185 City of Knoxville v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Knox County facility a 45-day provisional variance, subject to conditions, from the excess flow limits set in 35 Ill. Adm. Code 304.141 and National Pollutant Discharge Elimination System Permit No. IL0022209. 7-0
W-V,
NPDES

Motions and Other Matters

PCB 91-162	<u>Minnesota Mining and Manufacturing Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this request for an air variance involving a Cook County facility.	7-0 A-V
PCB 96-164	<u>CGE Ford Heights, L.L.C. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this tax certification appeal involving a Cook County facility.	7-0 T-C, Appeal
PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&S Petroleum Products, Peter Anest, an individual f/d/b/a S&S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Millstream Service, Inc.</u> - No action taken.	L&W-E
PCB 97-166	<u>Swearingin Services, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Jersey County facility.	7-0 UST-FRD
PCB 97-230	<u>People of the State of Illinois v. Standard T. Chemical Company, 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 Preparedness and Community Right to Know Act enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 EPCRA-E
PCB 98-81	<u>Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation Systems, Inc. and D. P. Cartage, Inc.</u> - No action taken.	N-E, Citizens
PCB 99-37	<u>Sun Chemical Corporation v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this request for an air variance involving a Cook County facility.	7-0 A-V

PCB 99-89	<u>MDI Limited Partnership v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Boone County facility.	7-0 UST-Appeal
PCB 99-115	<u>General Electric Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a LaSalle County facility.	7-0 P-A, Air
PCB 99-122	<u>Central C&D Recycling, Inc. v. IEPA</u> - The Board denied petitioner's motion for sanctions, granted respondent's motion for leave to file the administrative record instantner, and granted respondent's motion to strike in part.	7-0 P-A, Land
PCB 99-128	<u>Mecon Industries, 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.	7-0 UST-FRD
PCB 99-129	<u>Montgomery Ward & Company, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST-Appeal
PCB 99-131	<u>Dynachem, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Vermilion County facility.	7-0 P-A NPDES
PCB 99-132	<u>Ted Harrison Oil Company 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 Cass County facility.	7-0 UST-FRD
PCB 99-133	<u>Bulkoa, 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.	7-0 UST-Appeal

PCB 99-135	<u>Remote Services, Inc. (Dairy Mart Store #551) 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 Vermilion County facility.	7-0 UST-FRD
PCB 99-137	<u>Seitz Corporation 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 Lake County facility.	7-0 UST-FRD
PCB 99-147	<u>Remote Services, Inc. (Dairy Mart Store #535) 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 McLean County facility.	7-0 UST-FRD
PCB 99-156	<u>CGB Waterfront Services, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this Alexander County facility.	7-0 P-A
PCB 99-162	<u>Kelly-Mac Partners v. Robertson-CECO Corporation</u> - The Board held for a later duplicitous/frivolous determination this citizens' underground storage tank enforcement action involving a Cook County facility.	UST-E, Citizens
PCB 99-164	<u>Ayers Oil Company v. IEPA</u> - No action taken.	UST-FRD 90-Day Ext.
PCB 99-180	<u>Muellermist Irrigation Company v. Office of the State Fire Marshal</u> - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	6-1 Girard dissented UST-FRD
PCB 99-181	<u>People of the State of Illinois v. Siciliano, Inc.</u> The Board accepted for hearing this air enforcement action against a Sangamon County facility.	A-E

PCB 99-182 Bob and Sharon Lamma v. Office of the State Fire Marshal - The Board accepted for hearing this underground storage tank appeal involving a Sangamon County facility. 7-0
UST-FRD

PCB 99-183 Blake Oil Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of an Ogle County facility. 7-0
UST-FRD
90-Day Ext.

PCB 99-184 National Fiber Glass Products n/k/a National Bathing Products, Inc. - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Will County facility. 7-0
P-A
90-Day Ext.

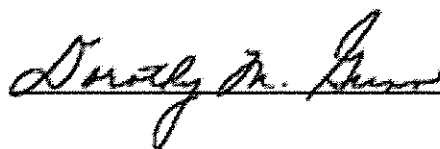
CASES PENDING DECISION

R99-17 In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - Adopted Rule, Final Order, Opinion and Order Melas
R, Water

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:00 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 8th day of July 1999 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



JUNE 17, 1999 CHICAGO OFFICE
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

June 3, 1999

RULEMAKINGS

R99-8	<u>In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141 - Proposed Rule, Second Notice, Opinion and Order</u>	Girard Manning Melas R, Water
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RULEMAKINGS (CONTINUED)

R99-14	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - Proposed Rule, Dismissal Order</u>	Girard R, Land
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R99-15	<u>In the Matter of: RCRA Subtitle C Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - Adopted Rule, Final Order, Opinion and Order</u>	Kezelis R, Land
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ADJUSTED STANDARDS

AS 99-5	<u>In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - Agency Motion for Reconsideration of May 6, 1999 Order (6/14)</u>	Melas Water, NPDES
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ADMINISTRATIVE CITATIONS

AC 98-4	<u>County of Sangamon v. ESG Watts, Inc. - Interim Opinion and Order</u>	Manning
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AC 99-42	<u>IEPA v. Fred and Anne Hood - Joint Stipulation of Settlement and Dismissal of Respondents' Petition for Administrative Review (6/11)</u>	Melas
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AC 99-51	<u>County of Will v. Antonio Gonzalez - Accept Case - No Order</u>	Manning
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ADJUDICATORY CASES

Decisions

PCB 97-55	<u>People of the State of Illinois v. Precision Chrome, Inc. - Stipulation</u>	McFawn RCRA-E
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ADJUDICATORY CASES (CONTINUED)

Decisions (Continued)

PCB 97-192	<u>People of the State of Illinois v. Sundale Sewer Corporation and Howard Spurgeon</u> - Stipulation	Melas W-E
PCB 98-2	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. Sangamon County Board</u> (due 7/30)	Hennessey P-C-F-S-R
PCB 99-73	<u>People of the State of Illinois v. J.L. Clark, Inc.</u> - Stipulation	Manning A-E
PCB 99-93	<u>People of the State of Illinois v. South Palos Township Sanitary District</u> - Stipulation	Kezelis W-E

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.

PCB 99-185	<u>City of Knoxville v. IEPA</u> - Provisional Variance	Manning W-V, NPDES
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Motions and Other Matters

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

PCB 91-162	<u>Minnesota Mining and Manufacturing Company v. IEPA</u> - Petitioner's Motion to Dismiss (6/3)	McFawn A-V
PCB 96-164	<u>CGE Ford Heights, L.L.C. v. IEPA</u> - Agency Motion to Dismiss (3/18), Petitioner's Motion to File Instantly its Answer to the Agency's Motion to Dismiss (5/3)	Manning T-C, Appeal

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&S Petroleum Products, Peter Anest, an individual f/d/b/a S&S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Millstream Service, Inc.</u> - Third Party Respondents William Anest and Peter Anest's Motion to Dismiss and Memorandum in Support of Motion to Dismiss (4/8), Respondents Charles and Josephine Abraham and Millstream Service, Inc.'s Response to Third Party Respondents William and Peter Anest's Motion to Dismiss the First Amended Cross-Complaint (5/10), Respondents William and Peter Anest's Motion for Leave to File Reply to Response to Motion to Dismiss Instantly (5/24)	Manning L&W-E
PCB 97-166	<u>Swearingin Services, Inc. v. IEPA</u> - Petitioner's Motion for Voluntary Dismissal (6/1)	Flemal UST-FRD
PCB 97-230	<u>People of the State of Illinois v. Standard T. Chemical Company, Inc.</u> - Motion for Relief from Hearing Requirement (6/14)	Melas EPCRA-E
PCB 98-81	<u>Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation Systems, Inc. and D.P. Cartage, Inc.</u> - Respondents' Motion for Reconsideration and Modification of the Board's Final Order of May 6, 1999 (6/10)	Hennessey N-E, Citizens
PCB 99-37	<u>Sun Chemical Corporation v. IEPA</u> - Petitioner's Motion to Dismiss (6/7)	Flemal A-V
PCB 99-89	<u>MDI Limited Partnership v. IEPA</u> - Petitioner's Motion for Dismissal of Appeal (6/1)	Hennessey UST-Appeal
PCB 99-115	<u>General Electric Company v. IEPA</u> - Petitioner's Motion to Dismiss Permit Appeal (6/1)	Girard P-A, Air

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-122	<u>Central C&D Recycling, Inc. v. IEPA</u> - Petitioner's Motion for Sanctions (5/13), Agency Motion for Leave to File Administrative Record Instantly (5/24), Agency Motion to Strike and Alternative Response to Petitioner's Motion for Sanctions (5/26)	Hennessey P-A, Land
PCB 99-128	<u>Mecon Industries, Inc. v. IEPA</u> - Dismissal Order	Manning UST-FRD
PCB 99-129	<u>Montgomery Ward & Company, Inc. v. IEPA</u> - Petitioner's Petition for Voluntary Dismissal (6/4)	Melas UST-Appeal
PCB 99-131	<u>Dynachem, Inc. v. IEPA</u> - Petitioner's Motion to Dismiss (6/10)	Kezelis P-A NPDES
PCB 99-132	<u>Ted Harrison Oil Company v. IEPA</u> - Dismissal Order	Manning UST-FRD
PCB 99-133	<u>Bulkoa, Inc. v. IEPA</u> - Dismissal Order	Manning UST-Appeal
PCB 99-135	<u>Remote Services, Inc. (Dairy Mart Store #551) v. IEPA</u> - Dismissal Order	Manning UST-FRD
PCB 99-137	<u>Seitz Corporation v. IEPA</u> - Dismissal Order	Manning UST-FRD
PCB 99-147	<u>Remote Services, Inc. (Dairy Mart Store #535) v. IEPA</u> - Dismissal Order	Manning UST-FRD

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-156	<u>CGB Waterfront Services, Inc. v. IEPA</u> - Dismissal Order	Manning P-A
PCB 99-162	<u>Kelly-Mac Partners v. Robertson-CECO Corporation</u> - (See Motion for Admission Pro Hac Vice on Behalf of Respondent filed 5/26, Complainant's Stipulation of Extension of Time filed 5/28, and Respondent's Motion to Dismiss filed 6/11) - Awaiting Duplicitous/Frivolous Determination	Kezelis UST-E, Citizens
PCB 99-164	<u>Ayers Oil Company v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (5/14) - Awaiting Agency Notification	UST-FRD 90-Day Ext.
PCB 99-180	<u>Muellermist Irrigation Company v. Office of the State Fire Marshal</u> - Accept for Hearing Order	McFawn UST-FRD
PCB 99-181	<u>People of the State of Illinois v. Siciliano, Inc.</u> - Hearing Mandatory - No Order	Kezelis A-E
PCB 99-182	<u>Bob and Sharon Lamma v. Office of the State Fire Marshal</u> - Accept for Hearing Order	Flemal UST-FRD
PCB 99-183	<u>Blake Oil Company v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (6/9) - Order	Manning UST-FRD 90-Day Ext.
PCB 99-184	<u>National Fiber Glass Products n/k/a National Bathing Products, Inc.</u> - Joint Request for 90-Day Extension of Appeal Period (6/11) - Order	Manning P-A 90-Day Ext.

CASES PENDING DECISION

R99-17

In the Matter of: Wastewater Pretreatment Update, USEPA
Regulations (July 1, 1998 through December 31, 1998) - Adopted
Rule, Final Order, Opinion and Order

Melas
R, Water

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 JUNE 3, 1999 BOARD MEETING

AC 99-51	County of Will v. Antonio Gonzalez
PCB 99-180	Muellermist Irrigation Company v. Office of the State Fire Marshal
PCB 99-181	People of the State of Illinois v. Siciliano, Inc.
PCB 99-182	Bob and Sharon Lamma v. Office of the State Fire Marshal
PCB 99-183	Blake Oil Company v. IEPA
PCB 99-184	National Fiber Glass Products n/k/a National Bathing Products, Inc. v. IEPA
PCB 99-185	City of Knoxville v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999

May 6 *	September 9
May 20	September 23
June 3	October 7 **
June 17	October 21
July 8	November 4 *
July 22	November 18
August 5 ***	December 2
August 19 *	December 16

- * These Board Meetings will be in the Board's Springfield Office
600 S. Second Street, Suite 403, Hearing Room
- ** This Board Meeting will be in Conference Room 2-025. All other
Board Meetings in Chicago will be in Conference Room 9-040
- *** This Board Meeting will be in Room N-505 at the State of Illinois
Building, 160 N. LaSalle Street