

DRAFT ILLINOIS POLLUTION CONTROL BOARD MEETING MINUTES



MARCH 21, 2002
CHICAGO OFFICE-100 West Randolph
CONFERENCE ROOM 9-040
11:00 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 called the roll and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the March 7, 2002 meeting were approved by a vote of 7-0.

ADJUSTED STANDARDS

AS 99-1	<u>In the Matter of: The City of Belleville for an Adjusted Standard from 35 Ill. Adm. Code 306.305</u> – The Board granted this St. Clair County facility an adjusted standard from the combined sewer overflow disinfection requirements, in 35 Ill Adm. Code 306.305(b), subject to conditions.	7-0 Water
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AS 02-4	<u>In the Matter of: Petition of Central Illinois Light Company for an Adjusted Standard from 35 Ill. Adm. Code 214.141</u> – The Board directed petitioner to address within 21 days of this order, its concern that the rule revision requested by means of this petition for an adjusted standard may be contrary to the Environmental Protection Act and the Administrative Procedures Act, (5 ILCS 100/1-1 <i>et seq.</i> (2000)).	7-0 Air
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ADMINISTRATIVE CITATIONS

AC 02-32	<u>IEPA v. Colorado Real Estate & Investment Company</u> – The Board rejected complainant’s interpretation that part of the petition to contest the administrative citation was a motion to dismiss.	7-0
AC 02-36	<u>IEPA v. Trevor Pearce d/b/a Pearce Farm Store</u> – The Board found that this Clay County respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2000)), and ordered respondent to pay a civil penalty of \$3,000.	6-1 Girard dissented
AC 02-37	<u>City of Chicago Department of Environment v. Edward F. Glascott</u> – The Board found that this Cook County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondent to pay a civil penalty of \$1,500.	7-0
AC 02-38	<u>Ogle County v. Lawrence and Eleanora Sandahl</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Ogle 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 motion to dismiss the alleged violation of Section 21(p)(7) of the Act. 415 ILCS 5/21(p)(7) (2000).	7-0
AC 02-40	<u>IEPA v. Robert and John Gray d/b/a Gray’s Material Service</u> – The Board accepted for hearing this petition for review of an administrative citation against these Iroquois County respondents.	7-0
AC 02-42	<u>IEPA v. Herbert Board</u> – The Board accepted an administrative citation against this Edgar County respondent.	
AC 02-43	<u>IEPA v. James Potter</u> – The Board accepted an administrative citation against this Edgar County respondent.	
AC 02-44	<u>County of Jackson v. Robert L. Morgan d/b/a Morgan Builders</u> – The Board accepted an administrative citation against this Jackson County respondent.	
AC 02-45	<u>IEPA v. Roeco Enterprises, Inc.</u> – The Board accepted an administrative citation against this Champaign County respondent.	

Decisions

PCB 97-168	<u>People of the State of Illinois v. Old World Industries, Inc. and Specialty Sealant Tapes, Inc.</u> – No action taken.	L-E
PCB 00-125	<u>People of the State of Illinois v. Nina Enterprises, Inc.</u> – In this air enforcement action concerning a Cook 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 \$37,000, and to cease and desist from further violations.	7-0 A-E
PCB 02-65	<u>GBF Graphics, Inc. v. IEPA</u> – The Board dismissed this matter for petitioner’s failure to file an amended petition as ordered on January 10, 2002.	7-0 A-V
PCB 02-87	<u>City of Salem v. IEPA</u> – The Board granted petitioner a variance, subject to conditions from 35 Ill. Adm. Code 611.744 and 611.745, which relate to installing and collecting data from turbidity monitors for its water purification plant located in Marion County, Illinois.	7-0 PWS-V
PCB 02-88	<u>City of Centralia v. IEPA</u> – The Board granted petitioner a variance, subject to conditions from 35 Ill. Adm. Code 611.743(a)(1), 611.744 and 611.745, which relate to installing and collecting data from turbidity monitors for its water purification plant located in Marion County, Illinois.	7-0 PWS-V

ADJUDICATORY CASES

Motions and Other Matters

PCB 97-103	<u>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</u> – No action taken.	L&W-E
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PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – No action taken.	L-E
PCB 00-45	<u>D& R Service v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Randolph County facility.	L-E
PCB 00-110	<u>People of the State of Illinois v. Joe Decicco Demolition, 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 the Board of Education of Belvidere District 100</u> – No action taken.	UST-E
PCB 01-135	<u>People of the State of Illinois v. Patrick Robert Land Trust</u> – No action taken.	L-E
PCB 02-30	<u>People of the State of Illinois v. Meridian Development 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 involving a Lake County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 02-41	<u>Milton and Virginia Kamholz v. Lawrence and Marianne Sporleder</u> – No action taken.	Citizens A&N-E
PCB 02-56	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – No action taken.	W-E
PCB 02-86	<u>The Lockformer Company v. IEPA</u> – The Board construed respondent’s motion to dismiss as a motion for summary judgment. The Board granted summary judgment in favor of the Illinois Environmental Protection Agency and affirmed its November 16, 2001 termination of Lockformer’s Site Remediation Program Review and Evaluation Services Agreement.	6-1 Johnson dissented SRP Appeal
PCB 02-89	<u>Sandra Stanton v. Mrs. Jessie Oyston, Mayor (Village of Buckner)</u>	Citizens

– No action taken.

A-E

PCB 02-108 Saline County Landfill, Inc. v. IEPA – No action taken. P-A, Land

PCB 02-120 People of the State of Illinois v. Entler Excavating Company, Inc. – 7-0
The Board accepted for hearing this air enforcement action A-E
involving a Macon County facility.

PCB 02-121 Aux Sable Liquid Products v. IEPA – The Board opened a docket 7-0
to address recommended denial of petitioner’s request for T-C
preferential tax treatment under the Property Tax Code (35 ILCS
200/11-10 (2000)) for its facility located in Grundy County.
Petitioner must file a petition to contest with the Clerk of the Board
within 35 days after the respondent served the recommendation. If
petitioner fails to timely file a petition, the Board may deny tax
certification for the noise pollution abatement control facility based
solely on respondent’s recommendation.

PCB 02-122 Aux Sable Liquid Products (Waste Heat Recovery Units) v. IEPA – 7-0
Upon receipt of the Illinois Environmental Protection Agency’s T-C
recommendation, the Board found and certified that specified
facilities of Aux Sable Liquid Products located in Grundy County
are pollution control facilities for the purpose of preferential tax
treatment under the Property Tax Code (35 ILCS 200/11-10
(2000)).

PCB 02-123 Aux Sable Liquid Products (Merox Treating Process Unit) v. IEPA 7-0
– Upon receipt of the Illinois Environmental Protection Agency’s T-C
recommendation, the Board found and certified that specified
facilities of Aux Sable Liquid Products located in Grundy County
are pollution control facilities for the purpose of preferential tax
treatment under the Property Tax Code (35 ILCS 200/11-10
(2000)).

PCB 02-124 Aux Sable Liquid Products (Continuous Emissions Monitoring System) v. IEPA – T-C
Upon receipt of the Illinois Environmental
Protection Agency’s recommendation, the Board found and
certified that specified facilities of Aux Sable Liquid Products
located in Grundy County are pollution control facilities for the
purpose of preferential tax treatment under the Property Tax Code
(35 ILCS 200/11-10 (2000)).

PCB 02-125	<u>Aux Sable Liquid Products (Vapor Recovery Compressor) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	T-C
PCB 02-126	<u>Aux Sable Liquid Products (Flare System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	T-C
PCB 02-127	<u>Aux Sable Liquid Products (Ethane Treaters) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	T-C
PCB 02-128	<u>Aux Sable Liquid Products (Railcar Level System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	T-C
PCB 02-129	<u>Sports Aircraft, Inc. 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 DuPage County facility.	7-0 UST Fund 90-Day Ext.

PCB 02-130 Strong 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 this Schuyler County facility.

7-0
UST Fund
90-Day
Ext.

PCB 02-131 BP Amoco Chemical Company (Trimelletic Anhydride Dust Collector MM-2703) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will 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

PCB 02-132 BP Amoco Chemical Company (Trimelletic Anhydride Barometric Condensers) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will 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

PCB 02-133 BP Amoco Chemical Company (Trimelletic Anhydride Vacuum Filter MM-2701) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will 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

PCB 02-134 BP Amoco Chemical Company (Trimelletic Anhydride Dust Collector MM-2702) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will 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

PCB 02-135 BP Amoco Chemical Company (Trimelletic Anhydride Dust Collector MM-2753) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will 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

PCB 02-136 Dynergy Midwest Generations, Inc. (Coal Dust Suppression and Low NO_x Burners) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Madison 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

PCB 02-137 Dynergy Midwest Generations, Inc. (Electrostatic Precipitator) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Madison 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

PCB 02-138 Dynergy Midwest Generations, Inc. (Addition to Electrostatic Precipitator) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Randolph 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

PCB 02-139 Dynergy Midwest Generations, Inc. (Bag Filter) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Randolph 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

PCB 02-140	<u>Dynegy Midwest Generations, Inc. (Overfire Air System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Randolph 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
PCB 02-141	<u>Dynegy Midwest Generations, Inc. (Dry Fly Ash Dust Control System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Madison 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
PCB 02-142	<u>Dynegy Midwest Generations, Inc. (Rotating Overfire Air System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Vermilion 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
PCB 02-143	<u>Dynegy Midwest Generations, Inc. (Selective Catalytic Reduction System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Mason 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
PCB 02-144	<u>Dynegy Midwest Generations, Inc. (Overfire Air System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Mason 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

PCB 02-145 Dynegy Midwest Generations, Inc. (Dust Control Equipment) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Putnam 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

PCB 02-146 Dynegy Midwest Generations, Inc. (Conveyor System and Dust Suppression) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Putnam 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

PCB 02-147 Dynegy Midwest Generations, Inc. (Bag Filter Units and Ash Transfer Equipment) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Putnam 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

PCB 02-148 Duke Energy Lee, L.L.C. (Dry Low NO_x Combustion System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Lee 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

PCB 02-149 Duke Energy Lee, L.L.C. (Continuous Emissions Monitoring Systems) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Lee 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

PCB 02-150	<u>Kaufman Grain Company (Concrete Driveway) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kaufman Grain Company located in Vermilion 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
PCB 02-151	<u>Ameren Energy Generating Company (Overfire Air System, Unit 1) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 Tristano abstained T-C
PCB 02-152	<u>Ameren Energy Generating Company (Overfire Air System, Unit 2) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 Tristano abstained T-C
PCB 02-153	<u>Dynegy Midwest Generation, Inc. (Electrostatic Precipitators) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Randolph 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
PCB 02-154	<u>BP Products North America, Inc. (Vapor Recovery System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Products North America, Inc. located in Cook 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
PCB 02-155	<u>EM Coatings (Regeneration Catalytic Oxidizer) v. IEPA</u> – Upon	7-0

receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of EM Coatings 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)).

T-C

PCB 02-156 Chroma Corporation v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this McHenry County facility.

7-0
P-A,
NPDES
90-day
Ext.

PCB 02-157 David L. Weber and Rachel B. Weber v. Cisco United Methodist Church – The Board held for a later duplicitous/frivolous determination this citizen's noise enforcement action involving a Piatt County facility.

Citizens
N-E

CASES PENDING DECISION

PCB 02-42 City of Canton v. IEPA (due 4/30)

PWS-V

OTHER ITEMS

Chairman Manning's motion to change the location of the April 4, 2002 Board meeting from Springfield, Illinois to Chicago, Illinois was granted by a vote of 7-0.

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:30 a.m. to an Executive Session.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the minutes on April 4, 2002 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board