

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



January 22, 2004
100 W. Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the January 8, 2004 meeting were approved by a vote of 5-0.

RULEMAKINGS

R03-20	<u>In the Matter of: Brownfields Site Restoration Program; Amendments to 35 Ill. Adm. Code 740</u> – The Board adopted as final rules to establish procedures and standards for administering the new Brownfields Site Restoration Program.	5-0 R, Land
R04-1	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2003 through June 30, 2003)</u> – The Board adopted as final rules in this “identical-in-substance” rulemaking to amend the Board’s water pollution control regulations.	5-0 R, Water

R04-20 In the Matter of: Clean-Up Part III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219 – The Board accepted for hearing the Illinois Environmental Protection Agency’s January 6, 2004 proposal to amend the Board’s air pollution control regulations. On its own motion the Board consolidated this matter for hearing with R04-12, Technical Corrections to Formulas in 35 Ill. Adm. Code 214 "Sulfur Limitations", and adopted a proposal from public comment. 5-0
R, Air

R04-21 In the Matter of: Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525 – The Board accepted for hearing the Illinois Environmental Protection Agency’s January 13, 2004 proposal to amend the Board’s water quality standards regulations. 5-0
R, Water

R04-22 In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) – The Board accepted for hearing the Illinois Environmental Protection Agency’s (Agency) January 13, 2004 proposal to amend the Board’s land pollution control regulations. As requested by the Agency, the Board consolidated this matter with R04-23, In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed New 35 Ill. Adm. Code 734). 5-0
R, Land

R04-23 In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed New 35 Ill. Adm. Code 734) – The Board accepted for hearing the Illinois Environmental Protection Agency’s (Agency) January 13, 2004 proposal to amend the Board’s land pollution control regulations. As requested by the Agency, the Board consolidated this matter with R04-22, In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732). 5-0
R, Land

ADJUSTED STANDARDS

AS 04-1 In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 215.301 – No action taken. Air

ADMINISTRATIVE CITATIONS

AC 04-27 IEPA v. Douglas S. Carrico d/b/a Carrico's Auto Heap – The Board accepted for hearing this petition for review of an administrative citation against this Greene County respondent. 5-0

ADJUDICATORY CASES

Decisions

PCB 02-1 People of the State of Illinois v. Stein Steel Mill Services, Inc. – In this air enforcement action concerning a Madison 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, and ordered the respondent to pay a total civil penalty of \$15,000 and to cease and desist from further violations. 5-0
A-E

PCB 02-162 People of the State of Illinois v. Fox Valley Dry Wall, Inc. – No action taken. L-E

PCB 03-2 Todd's Service Station v. IEPA – The Board affirmed the June 7, 2000 Illinois Environmental Protection Agency approval with modifications, of petitioner's corrective action plan budget. 5-0
UST
Appeal

PCB 03-14 People of the State of Illinois v. Riba-Fairfield, Inc. – In this Resource Conservation and Recovery Act enforcement action concerning a Macon 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, and ordered the respondent to pay a total civil penalty of \$5,000 and to cease and desist from further violations. 5-0
L-E

PCB 03-233 People of the State of Illinois v. Gerald Hewing d/b/a Hewing Technical Services – In this water enforcement action concerning a Shelby 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, and ordered the respondent to pay a total civil penalty of \$2,000 and to cease and desist from further violations. 5-0
W-E

PCB 04-46 People of the State of Illinois v. Marathon Ashland Pipeline L.L.C. – In this air enforcement action concerning a Clark 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, and ordered the respondent to pay a total civil penalty of \$55,000 and to cease and desist from further violations. 5-0
A-E

Motions and Other Matters

PCB 97-119 People of the State of Illinois v. G&M Total, Inc., George Papas individually and as president of G&M Total, Inc. – No action taken. L-E

PCB 97-193 People of the State of Illinois v. Community Landfill Company, Inc. – No action taken. L-E

PCB 98-80 People of the State of Illinois v. Craig Linton an individual and Randy Rowe an individual – 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 LaSalle County facility, the Board ordered publication of the required newspaper notice. 5-0
L-E

PCB 99-19 Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities – No action taken. A-E

PCB 99-163	<u>Homewood Disposal Service Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	5-0 P-A, Land
PCB 99-187	<u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – No action taken.	A&N-E
PCB 01-46 PCB 01-51 Cons.	<u>XCTC Limited Partnership v. IEPA; Georgia-Pacific Tissue, L.L.C. v. IEPA</u> – No action taken.	P-A, Air
PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc., Sherri Clementi individually and as President of Millenium Recycling & Solid Waste Consultants, Inc., and Michael Lorence individually</u> – No action taken.	L-E
PCB 02-186	<u>People of the State of Illinois v. Van Melle U.S.A., Inc.</u> – No action taken.	A-E
PCB 03-85	<u>Biggs Brothers Service v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 03-96	<u>Martin E. and Kathy L. Geber v. Carrie Scharf Trucking and Materials, Carrie Scharf Materials Company, and East Side Materials, L.L.C.</u> – The Board granted the parties’ joint motion for dismissal of this citizen’s noise enforcement action involving a Tazewell County facility.	5-0 Citizens N-E
PCB 03-182	<u>People of the State of Illinois v. Reilly Industries, Inc.</u> – The Board granted complainant’s motion to file first supplemental complaint and accepted the supplemental complaint.	5-0 RCRA-E Air and Water

PCB 03-218	<u>Rochelle Waste Disposal, L.L.C. v. City Council of the City of Rochelle, Illinois</u> – The Board referred the parties’ agreed motion to exceed page limit to the hearing officer for disposition.	P-C-F-S-R
PCB 03-235	<u>United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank as Trustee Under Trust 0799 v. IEPA</u> – No action taken.	P-A, Land
PCB 04-8	<u>People of the State of Illinois v. Greg Prey individually and d/b/a King Tire</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 LaSalle County facility, the Board ordered publication of the required newspaper notice.	Johnson L-E
PCB 04-12	<u>Teresa L. Shepro, as Trustee of the Justice W. Shepro Trust, and Teresa L. Shepro and Frank Wiemerslage, as beneficiaries under Trust No. 898, of the Chicago Trust Company v. Newby Oil Company, David E. Tripp and Janice Tripp</u> – The Board struck the alleged violation of 35 Ill. Adm. Code Part 742 as frivolous and accepted this matter involving a DeKalb County facility for hearing.	5-0 Citizens L&W-E
PCB 04-14	<u>McDonald’s Corporation v. IEPA</u> – The Board denied petitioner’s motion for summary judgment but granted the respondent’s motion, affirming the Illinois Environmental Protection Agency’s June 23, 2003 denial of reimbursement for \$31,515 in costs.	5-0 UST Appeal
PCB 04-22	<u>Wei Enterprises v. IEPA</u> – No action taken.	UST Appeal
PCB 04-23	<u>Wei Enterprises v. IEPA</u> - No action taken.	UST Appeal

PCB 04-33	<u>Byron Sandberg v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.;</u>	5-0
PCB 04-34	<u>Waste Management of Illinois v. City of Kankakee, Illinois</u>	P-C-F-S-R
PCB 04-35	<u>City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; County of Kankakee, Illinois and Edward D. Smith, Kankakee County States Attorney v. City of Kankakee, Illinois City Council and Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.</u> – The Board ordered petitioners Waste Management and the County of Kankakee (County) to pay the costs of preparing seven copies of the transcript and one original and nine copies of all other documents in the record with the Board. The Board also ordered Waste Management and the County to reimburse the City of Kankakee (City) for binding and numbering the pages of the record on appeal, as well as for delivery of the record to the Board. The Board deferred ruling on the City’s motion October 23, 2003 motion to waive the necessity of filing approximately 1,700 pounds of rock core samples and ordered the City to complete the record by February 1, 2004, by providing either: (1) citation to physical and quantitative descriptions of the rock core samples in the record; or (2) the actual rock core samples.	3d Party
PCB 04-51	<u>Illinois State Toll Highway Authority (Lincoln Oasis North) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 04-52	<u>Kramer’s Service Station v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Vermilion County facility.	5-0 UST Appeal
PCB 04-66	<u>Premcor Refining Group v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 04-68	<u>Martin Oil Marketing, Ltd. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal

PCB 04-69	<u>Republic Bank of Chicago as Trustee of Trust #2234, Aristotle Halikias, Lena Halikias, Michael Halikias, Nikolas Halikias, Noula Halikias, and Patricia Halikias as beneficiaries of Trust #2234 v. Sunoco, Inc. (R&M)</u> – The Board denied the motion to reconsider or clarify the Board’s December 4, 2003 order.	4-0 Melas abstained Citizens UST Appeal
PCB 04-70	<u>Briarwood Country Club 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 Lake County facility.	5-0 UST Appeal
PCB 04-71	<u>Paul Phelan 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 Macoupin County facility.	5-0 UST Appeal
PCB 04-72	<u>Willaredt Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Macon County facility.	5-0 UST Appeal
PCB 04-75	<u>Mate Technologies, Inc. v. F.I.C. America Corporation</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.	5-0 Citizens L-E
PCB 04-93	<u>Martin Oil Marketing, Ltd. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McLean County facility.	5-0 UST Appeal
PCB 04-98	<u>People of the State of Illinois v. Onyx Environmental Services L.L.C. and Aura II, Inc.</u> – The Board accepted for hearing this air, land and water enforcement action involving a site located in Lake County.	5-0 A, L&W-E
PCB 04-100	<u>People of the State of Illinois v. Marc Realty, Inc., 11 East Adams,</u>	5-0

	<u>L.L.C., and Roberts Environmental Control, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	A-E
PCB 04-101	<u>People of the State of Illinois v. DuPage Machine Products, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.	5-0 A-E
PCB 04-102	<u>Noveon, Inc. v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of the CAAPP Permit pending decision of this appeal.	5-0 P-A, Air
PCB 04-106	<u>People of the State of Illinois v. Thomas Gray an individual, Steve Whyte an individual, Gladys Whyte an individual, Leona Childress an individual, and William McCoy an individual</u> – The Board accepted for hearing this air enforcement action involving a site located in Kankakee County.	5-0 L-E
PCB 04-107	<u>People of the State of Illinois v. Peter Babaniotis</u> - The Board accepted for hearing this land and water enforcement action involving a site located in Will County.	5-0 L&W-E
PCB 04-108	<u>Midwest Generation, L.L.C. – Collins Generating Station v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of the CAAPP Permit pending decision of this appeal.	5-0 P-A, Air
PCB 04-110	<u>Board of Trustees of Eastern Illinois University v. IEPA</u> – No action taken.	P-A, Air
PCB 04-113	<u>Ethyl Petroleum Additives, Inc. v. IEPA</u> – No action taken.	P-A, Air

PCB 04-115	<u>General Electric Company d/b/a GE Plastics v. IEPA</u> – The Board accepted for hearing this permit appeal involving a LaSalle County facility. The Board granted attorneys Alphonse McMahon and Shannon S. Broome permission to appear <i>pro hac vice</i> on behalf of respondent.	5-0 P-A, Air
PCB 04-116	<u>Oasis Industries, 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 Kane County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-117	<u>Saline County Landfill, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Saline County facility.	5-0 P-A, Land
PCB 04-118	<u>AJ Oil Company 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 Peoria County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-119	<u>Illinois State Toll Highway Authority (Des Plaines South) 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.	5-0 UST Appeal 90-Day Ext.
PCB 04-120	<u>Didier Greenhouses, 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 Winnebago County facility.	5-0 UST Appeal 90-Day Ext.

PCB 04-121	<u>Gregory M. and Nancy C. Leigh (Property Identification Number 06-05-26-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Gregory M. and Nancy C. Leigh located in Fulton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C Water
PCB 04-122	<u>Bacon Hill Farm, Inc. (Property Identification Number 06-05-25-100-005)</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Bacon Hill Farm, Inc. located in Fulton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C Water
PCB 04-123	<u>Hammett Farms, Inc. (Property Identification Number 11-12-300-009 v. IEPA)</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hammett Farms, Inc. located in DeKalb County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C Water
PCB 04-124	<u>Hilleson Farms, Inc. (Property Identification Number 21-12-10-300-001 v. IEPA)</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hilleson Farms, 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 (2002)).	5-0 T-C Water
PCB 04-125	<u>David and Kathleen Helregel (Property Identification Number 75-20-19-100-008) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of David and Kathleen Helregel located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C Water

PCB 04-126	<u>Independence Pork, L.L.C. (Property Identification Number 17-11-400-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Independence Pork, LLC located in DeKalb County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C Water
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PCB 04-127	<u>Wayne A. and Susan E. Bergbower (Property Identification Number 90-08-16-300-009) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Wayne A. and Susan E. Bergbower located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C Water
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PCB 04-128	<u>Pioneer Engineering & Environmental Services, Inc. v. IEPA</u> – No action taken.	UST Appeal 90-Day Ext.
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OTHER ITEMS

The Board granted Chairman’s motion to reschedule Closed Deliberative Session under the exception in Section 120/2 (B)(4) of the Open Meetings Act from January 29, 2004 to February 3, 2004	5-0
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:55 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 5, 2004, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board