

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 20, 2003
Chicago/Springfield Videoconference
CHICAGO OFFICE – 100 W. Randolph Street
Videoconference Room 11-512
and
SPRINGFIELD OFFICE – 1021 N. Grand Avenue East
Oliver Holmes Conference Room 2012 N – Second Floor
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Johnson 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 except for Board Members Marovitz, Karpiel, and Padovan who were absent.

APPROVAL OF MINUTES

Minutes of the November 6, 2003 meeting were approved by a vote of 4-0.

ADJUSTED STANDARDS

AS 03-5	<u>In the Matter of: Petition of Cromwell-Phoenix, Inc. for an Adjusted Standard From 35 Ill. Adm. Code Subpart F, Section 218-204(c) (the “Paper Coating Rule”) – The Board granted the joint motion to re-open docket and to substitute CP-D Acquisition Company, LLC for Cromwell-Phoenix, Inc. as petitioner. The Board amends the September 18, 2003 order in this matter and granted this Cook County petitioner an adjusted standard, with conditions, from volatile organic material emission requirements.</u>	4-0 Air
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ADMINISTRATIVE CITATIONS

AC 04-9	<u>IEPA v. Larry Lord</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Marshall County facility.	4-0
AC 04-11	<u>IEPA v. Ricky and Jerry Hess</u> – The Board found that these McLean County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)) and ordered respondents to pay a civil penalty of \$1,500.	4-0
AC 04-12	<u>IEPA v. Tulley Robinson</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Union County facility.	4-0
AC 04-14	<u>City of Chicago Department of Environment v. Kazimierz Sobko</u> – The Board found that this Cook County respondent violated Section 21(p)(1), (p)(4), and (p)(7) of Act (415 ILCS 5/21(p)(1), (p)(4), and (p)(7) (2002)) and ordered respondent to pay a civil penalty of \$4,500.	4-0
AC 04-15	<u>IEPA v. Anthony Funaro, Jr.</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Saline County facility.	4-0
AC 04-17	<u>IEPA v. Robert Thompson</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of Act (415 ILCS 5/21(p)(1) and (p)(7) (2002)) and ordered respondent to pay a civil penalty of \$3,000.	4-0

ADJUDICATORY CASES

Decisions

PCB 03-190	<u>People of the State of Illinois v. Village of Cherry Valley</u> – In this public water supply enforcement action concerning a Winnebago 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 respondents to pay a total civil penalty of \$3,000 and to cease and desist from further violations.	4-0 PWS-E
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Motions and Other Matters

PCB 96-10	<u>Vogue Tyre & Rubber Company v. IEPA</u> – The Board denied respondent’s motion for reconsideration.	4-0 UST Appeal
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PCB 97-69	<u>People of the State of Illinois v. Economy Plating, Inc.</u> – The Board granted Stone, Pogrund & Korey’s motion to withdraw as respondent’s counsel.	4-0 A-E
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PCB 99-19	<u>Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – No action taken.	A-E
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PCB 99-187	<u>Gina Pattermann v. Broughton Trucking and Materials, Inc.</u> – Respondent’s request for leave to file reduced number of copies of voluminous attachments to motion for summary judgment was referred to the hearing officer for disposition. No action was taken on the motion for summary judgment.	A&N-E
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PCB 00-219	<u>Stephen G. Brill v. Henry Latoria individually and d/b/a T.L. Trucking Foodliner</u> – The Board granted respondent’s motion to extend the deadline to comply with its August 7, 2003 opinion and order until December 12, 2003.	4-0 Citizens A&N-E
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PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – No action taken.	A-E
PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – No action taken.	RCRA-E
PCB 02-23	<u>Dean Foods Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Winnebago County facility.	4-0 P-A, Air
PCB 02-187	<u>UOP L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility.	4-0 P-A, Air
PCB 03-20	<u>People of the State of Illinois v. Acme Refining Scrap Iron and Metal Company</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.	4-0 W-E
PCB 03-22	<u>People of the State of Illinois v. Saint-Gobain Containers, Inc.</u> – Respondent’s motion for protective order was referred to the hearing officer for entry of an order.	A-E
PCB 03-73	<u>People of the State of Illinois v. Riverdale Recycling, Inc. and Tri-State Disposal, Inc.</u> – The Board denied complainant’s motion to dismiss respondent’s affirmative defenses.	4-0 L-E
PCB 03-213	<u>Winslow Boco (Strata Geologic Services, Inc.) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Stephenson County facility.	4-0 UST Appeal

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> – No action taken.	Citizens L&W-E
PCB 04-14	<u>McDonald’s Corporation v. IEPA</u> – No action taken.	UST Appeal
PCB 04-17	<u>Koch Pipeline Company, L.P. – Hartford Terminal v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Madison County facility.	4-0 P-A, Air
PCB 04-18	<u>Knapp Oil Company 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 Massac County facility.	4-0 UST Appeal
PCB 04-20	<u>R.W. Sheridan Oil Company, Inc. 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 McLean County facility.	4-0 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.; Waste Management of Illinois v. City of Kankakee, Illinois 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> – No action taken.	P-C-F-S-R
PCB 04-34		3d Party
PCB 04-35		

PCB 04-69	<u>Republic Bank of Chicago, as Trustee of Bank 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 held for a later duplicative/frivolous determination this citizens’ underground storage tank enforcement action involving a Kane County facility. Member Melas announced that he would abstain from all deliberations in this matter.	Citizens UST-E
PCB 04-75	<u>Mate Technologies, Inc. v. F.I.C. America Corporation</u> – The Board held for a later duplicative/frivolous determination this citizens’ land enforcement action involving a DuPage County facility.	Citizens L-E
PCB 04-79	<u>Bonita Saxbury and Richard Saxbury v. Archer Daniels Midland</u> - The Board held for a later duplicative/frivolous determination this citizens’ land enforcement action involving a Pike County facility.	Citizens N-E
PCB 04-80	<u>Lincoln Technical Institute 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.	4-0 UST Appeal 90-Day Ext.
PCB 04-81	<u>People of the State of Illinois v. Emmett Utilities, Inc. and Russell D. Thorell individually and as president of Emmett Utilities, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in McDonough County.	4-0 PWS-E
PCB 04-82	<u>Webel Foods, 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 Pike County facility.	4-0 UST Appeal 90-Day Ext.

PCB 04-83 Wei Enterprises (March 1, 2002 to February 28, 2003) v. IEPA –
The Board ordered petitioner file an amended petition within 30
days, or this matter would be subject to dismissal.

4-0
UST
Appeal

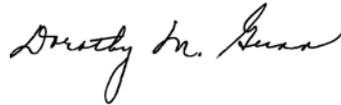
OTHER ITEMS

Chairman Johnson announced that this would be his last meeting as chairman and thanked everyone for their support. Member Tristano was presented with a plaque in recognition for his service to the Board. Members Karpel, Marovitz, and Padavan's plaques are to be mailed. Members Girard and Melas wished him well in his future endeavors. Member Girard presented Chairman Johnson a plaque for his service as Chairman of the Board since January 1, 2003.

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Johnson adjourned the meeting at 11:30 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 4, 2003, by a vote of 3-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board