

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



July 22, 2004
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 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 June 17, 2004 meeting were approved by a vote of 5-0.

RULEMAKINGS

R04-11	<u>In the Matter of: Regulation Applicable to Ameren Energy Generating Company, Elgin, Amending 35 Ill. Adm. Code Part 901</u> – The Board adopted a adopted a final opinion and order granting the requested site specific amendments to the Board’s noise pollution control regulations for this Cook County peaker plant.	5-0 R, Noise
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ADJUSTED STANDARDS

AS 01-10 In the Matter of: Petition of Prairie Material Sales, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Parts 811, 814 – The Board granted petitioner’s motion for voluntary dismissal of this petition for an adjusted standard involving a Lee County facility. 5-0
Land

AS 04-1 In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 215.301 – The Board granted this Franklin County petitioner an adjusted standard, with conditions, from volatile organic material emission requirements. 5-0
Air

AS 04-2 In the Matter of: Petition of Jo’Lyn Corporation and Falcon Waste and Recycling for an Adjusted Standard from 35 Ill. Adm. Code Part 807 or in the Alternative A Finding of Inapplicability) – No action taken. Land

AS 04-4 In the Matter of: Petition of Johns Manville for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Sections 811.310, 811.311, 811.318 – No action taken. Land

ADMINISTRATIVE CITATIONS

AC 03-32 IEPA v. Carl Benedict d/b/a Benedict Auto Sales – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, the Board found respondents violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. 5-0

AC 04-18 IEPA v. Luther Coleman – No action taken.

AC 04-57	<u>IEPA v. Arlyn Ray d/b/a Arlyn Ray Construction, Tom Romero d/b/a Arlyn Ray Exteriors, Robert J. Adams and Rita M. Adams</u> – No action taken.	
AC 04-81	<u>IEPA v. Ralph Williams and Lois Williams</u> – The Board found that these Knox County respondents violated Section 21(p)(1), (p)(3), and (p)(5) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(5) (2002)), and ordered respondents to pay a civil penalty of \$4,500.	5-0
AC 04-82	<u>IEPA v. John Brown d/b/a John Brown Painting</u> – The Board accepted for hearing this petition for review of an administrative citation against this Massac County respondent.	5-0
AC 04-84	<u>IEPA v. City of Salem, Roger Kinney, Dick Brown and Jason Bruce</u> – The Board accepted for hearing this petition for review of an administrative citation against these Marion County respondents.	5-0
AC 04-85	<u>IEPA v. Michael Lee Schenck</u> – The Board found that this Knox County respondent violated Section 21(o)(11) and (o)(13) of the Act (415 ILCS 5/21(o)(11), (o)(13) (2002)), and ordered respondents to pay a civil penalty of \$1,000.	5-0
AC 04-86	<u>IEPA v. Bill Weis</u> – The Board found that this St. Clair County respondent violated Section 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2002)), and ordered respondents to pay a civil penalty of \$4,500.	5-0
AC 04-87	<u>IEPA v. Herman “Bud” Krohe</u> – The Board found that this Cass County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500.	5-0
AC 05-3	<u>IEPA v. City of Freeport and Ryan Wilson</u> – The Board accepted an administrative citation against these Stephenson County respondents.	
AC 05-4	<u>IEPA v. G.T.&L, Inc.</u> – The Board accepted an administrative citation against this Cook County respondent.	
AC 05-5	<u>IEPA v. Robert and Phylis Ulrich and Bob Ulrich Pallet, Inc.</u> – The	

Board accepted an administrative citation against these Adams County respondents.

AC 05-6 IEPA v. Knox County Landfill Committee and Greg Ingle – The Board accepted an administrative citation against these Knox County respondents.

AC 05-7 IEPA v. Edward and Betty Jo Cain and Edward Cain d/b/a Cain Roofing Company – The Board accepted an administrative citation against these Champaign County respondents.

AC 05-8 IEPA v. Ted Harrison and Gerald S. Gill – The Board accepted an administrative citation against these Cass County respondents.

ADJUDICATORY CASES

Decisions

PCB 02-3 People of the State of Illinois v. Chevron Environmental Services Company (as successor to Texaco Refining & Marketing, Inc.) – In this land and water enforcement action concerning a Will 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 \$50,000 and to cease and desist from further violations. 5-0
L&W-E

PCB 04-100 People of the State of Illinois v. Marc Realty, Inc., 11 East Adams, L.L.C., and Roberts Environmental Control, Inc. – 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) (2002)), accepted a stipulation and settlement agreement as to Marc Realty, Inc. and 11 East Adams, L.L.C. only, and ordered the respondents to pay a total civil penalty of \$55,000 and to cease and desist from further violations. The docket remains open for further proceedings against the remaining respondent, Roberts Environmental Control, Inc. 5-0
A-E

PCB 04-140 People of the State of Illinois v. Whiteway Sanitation, Inc. – In this land enforcement action concerning a Jersey 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 \$4,500 and to cease and desist from further violations. 5-0
L-E

PCB 04-142 People of the State of Illinois v. Village of Poplar Grove and R.H. Bateman & Company, Inc. – In this public water supply enforcement action concerning a Boone 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 \$4,000 and to cease and desist from further violations. 5-0
PWS-E

PCB 04-206 People of the State of Illinois v. Medical Waste Solutions, Inc. – In this land enforcement action concerning a Lake 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 \$13,000 and to cease and desist from further violations. 5-0
L-E

PCB 04-211 People of the State of Illinois v. Clinton Landfill, Inc. – In this land enforcement action concerning a DeWitt 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 engage in a supplemental environmental project (SEP) involving disposal of waste to the value of \$25,000, and to cease and desist from further violations. 5-0
L-E

ADJUDICATORY CASES

Motions and Other Matters

PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt, Company, Inc., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Company, Inc., and Richard J. Frederick individually and as owner and Vice-President of Skokie Valley Asphalt Company, Inc.</u> – No action taken.	W-E
PCB 99-187	<u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – No action taken.	A&N-E
PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – No action taken.	RCRA-E
PCB 01-102	<u>Cassen and Sons, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 03-38	<u>Morry Gabel, Myra Gabel, Don Foreman, Marsha Foreman, Keith Pinsoneault, and Tracy Pinsoneault v. The Wealshire, Inc.</u> – The Board granted complainants’ motion for voluntary dismissal of this enforcement action involving a Lake County facility.	5-0 Citizens N-E
PCB 03-51	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc., American Drapery Cleaners & Flameproofers, Inc. and Richard Zell</u> – No action taken.	A-E
PCB 03-106	<u>Village of South Elgin v. Waste Management of Illinois, Inc.</u> – No action taken.	L-E

PCB 03-124	<u>Aqua Illinois, Inc. v. IEPA</u> – In response to a joint motion, the Board granted parties’ motion to dismiss the petition for administrative review with regard to petitioner’s nitrate removal facility, wet well/storage basin for ion exchange backwash, powdered activated carbon unit, two 2-stage upflow clarifiers, and six rapid-rate gravity dual media filters, with leave to refile the application for tax certification in the future with regard to those facilities. The Board certified that the remaining specified facilities of Aqua Illinois, 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 (2002)).	5-0 T-C
PCB 03-185	<u>Swif-T Food Mart v. IEPA</u> – No action taken.	UST Appeal
PCB 03-214	<u>Illinois Ayers Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 04-48	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – No action taken.	P-A, Land
PCB 04-87	<u>Knapp Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Massac County facility.	5-0 UST Appeal
PCB 04-91	<u>Thomeczek Oil Company 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 04-92	<u>Sather Enterprises, Ltd. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a DeWitt County facility.	5-0 UST Appeal

PCB 04-99	<u>Simpson Auto 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 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> – No action taken.	L-E
PCB 04-143 PCB 04-145	<u>Great Lakes Dredge & Dock Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these underground storage tank appeals involving a Cook County facility.	5-0 UST Appeal
PCB 04-148	<u>Illioopolis Grain Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Sangamon County facility.	5-0 UST Appeal
PCB 04-174	<u>Cooper Oil Company (May 1, 2003 to August 31, 2003) 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 Clay County facility.	5-0 UST Appeal
PCB 04-175	<u>Cooper Oil Company (December 1, 1994 to November 30, 1999) 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 Clay County facility.	5-0 UST Appeal
PCB 04-179	<u>Southern Farms Country Eggs, 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 Clinton County facility.	5-0 UST Appeal
PCB 04-180	<u>Larry Weineke 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.	5-0 UST Appeal

PCB 04-182	<u>Strohm 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 Crawford County facility.	5-0 UST Appeal
PCB 04-183	<u>Johnson Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Vermilion County facility.	5-0 UST Appeal
PCB 04-184	<u>Pete’s Marathon (June 1, 2003 to August 31, 2003) 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 Marion County facility.	5-0 UST Appeal
PCB 04-185	<u>Midwest Generation EME, Inc. v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee</u> – The Board denied Michael Watson’s and Merlin Karlock’s motions to intervene and Watson’s motion to strike.	4-0 Novak abstained P-C-F-S-R
PCB 04-187	<u>Sutter Sanitation, Inc. and Lavonne Haker v. IEPA</u> – No action taken.	P-A, Land taken.
PCB 04-204	<u>Daniel J. Beers v. Dave Calhoun (Let It Shine Car Wash)</u> – The Board denied respondent’s motion to dismiss, found that the alleged violations were neither duplicative nor frivolous, and accepted this noise complaint involving a Tazewell County facility for hearing.	5-0 Citizens N-E
PCB 04-213	<u>The Village of Lombard, Illinois v. Bill’s Auto Center, Bill’s Standard Service and William Kovar</u> – The Board found that the alleged violations in count I and III through V of the complaint were neither duplicative nor frivolous, dismissed count II as frivolous, and accepted for hearing this matter involving a DuPage County facility.	5-0 Citizens UST-E

PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Appeal
PCB 05-1	<u>Batavia, Illinois Residents Opposed to Siting of Waste Transfer Station v. Application of Onyx Waste Services Midwest, Inc. for Local Siting Approval for a Solid Waste Transfer Station and City of Batavia, Illinois</u> – The Board ordered petitioner to file an amended petition curing deficiencies and accompanied by an attorneys appearance, within 30 days, or this matter would be subject to dismissal.	5-0 P-C-F-S-R 3d Party
PCB 05-2	<u>Holland Energy, L.L.C.-Beecher City (Property Identification Numbers 0524-01-00-100-004, 0825-16-00-100-004, 0825-16-00-300-002, 0825-16-00-300-003, 0825-16-00-200-002) v. IEPA</u> – No action taken.	T-C
PCB 05-3	<u>Holland Energy, L.L.C.-Beecher City (Property Identification Numbers 0524-01-00-100-004, 0825-16-00-100-004, 0825-16-00-300-002, 0825-16-00-300-003, 0825-16-00-200-002) v. IEPA</u> – No action taken.	T-C
PCB 05-4	<u>Holland Energy, L.L.C.-Beecher City (Property Identification Numbers 0524-01-00-100-004, 0825-16-00-100-004, 0825-16-00-300-002, 0825-16-00-300-003, 0825-16-00-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that effluent discharge facilities of Holland Energy, L.L.C. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the negative recommendation for the river intake structure.	5-0 T-C
PCB 05-5	<u>Holland Energy, L.L.C.-Beecher City (Property Identification Numbers 0524-01-00-100-004, 0825-16-00-100-004, 0825-16-00-300-002, 0825-16-00-300-003, 0825-16-00-200-002) v. IEPA</u> – No action taken.	T-C

PCB 05-6 Holland Energy, L.L.C.-Beecher City (Property Identification Numbers 0524-01-00-100-004, 0825-16-00-100-004, 0825-16-00-300-002, 0825-16-00-300-003, 0825-16-00-200-002) v. IEPA – No action taken. T-C

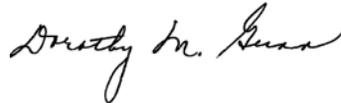
PCB 05-7 For C Pork Farm (Property Identification Number 14-F1-36-35-100-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of For C Pork Farm located in Iroquois County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). 5-0
T-C

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned at 11:40 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 5, 2004, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board