

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



MARCH 17, 2005 CHICAGO, ILLINOIS
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.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the March 3, 2005 meeting were approved by a vote of 5-0.

RULEMAKINGS

R03-9	<u>In the Matter of: Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910 – The Board adopted a first notice opinion and order proposing to amend the Board’s noise regulations.</u>	5-0 R, Noise
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R05-1	<u>In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2004 through June 30, 2004) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s municipal solid waste landfill regulations.</u>	5-0 R, Land
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R05-19	<u>In the Matter of: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146)</u> – The Board accepted for hearing the Illinois Environmental Protection Agency and Illinois Environmental Regulatory Group February 22, 2005 proposal to amend the Board’s air regulations.	5-0 R, Air
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ADJUSTED STANDARDS

AS 04-2	<u>In the Matter of: Petition of Jo'lyn Corporation and Falcon Waste and Recycling, Inc. for an Adjusted Standard from Portions of 35 Ill. Adm. Code 807.103 and 35 Ill. Adm. Code 810.103 or in the Alternative a Finding of Inapplicability</u> – No action taken.	Land
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AS 05-2	<u>In the Matter of: Petition of the Village of Bensenville for an Adjusted Standard from 35 Ill. Adm. Code 620-410 Regarding Chloride and Lead</u> – The Board accepted for hearing petitioner’s amended petition and granted the motion to file reduced copied of the amended petition.	5-0 PWS
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AS 05-3	<u>In the Matter of: Waste Management of Illinois, Inc. for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122 for Solid Treatment Residual from CID Recycling and Disposal Facility Biological Liquid Treatment Center</u> – The Board dismissed this petition for an adjusted standard for petitioner’s failure provide proof of service on the Illinois Environmental protection Agency, a statement in the petition indicating whether the petitioner requests or waives hearing, and to timely publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected, as required by Section 28.1 of the Environmental Protection Act (415 ILCS 5/28.1(d)(1) (2002)).	5-0 Land
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AS 05-5	<u>In the Matter of: Petition of Ford Motor Company for an Adjusted Standard from 35 Ill. Adm. Code 218.586</u> – The Board accepted for hearing this request for adjusted standard on behalf of this Cook County petitioner.	5-0 Air
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ADMINISTRATIVE CITATIONS

AC 05-47	<u>IEPA v. Stacy Hess</u> – The Board accepted for hearing respondent’s	5-0
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amended petition for review of an administrative citation against this Tazewell County respondent.

AC 05-48	<u>County of Jackson v. Southern Illinois Regional Landfill, Inc., Doug Ticer, and George Browning</u> – The Board found that these Jackson County respondents violated Sections 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2002)), and ordered respondents to pay a civil penalty of \$1,000.	5-0
AC 05-50	<u>IEPA v. Knox County Landfill Committee and Greg Ingle</u> – The Board found that these Jackson County respondents violated Sections 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (2002)), and ordered respondents to pay a civil penalty of \$500.	5-0
AC 05-51	<u>County of Sangamon v. Patrick O’Keefe</u> – The Board accepted for hearing this petition for review of an administrative citation against this Sangamon County respondent.	5-0
AC 05-54	<u>IEPA v. Ray Logsdon Estate, Logsdon Sand and Gravel Company, and M.K. O’Hara Construction, Inc.</u> – No action taken.	
AC 05-57	<u>IEPA v. Leonard Harris</u> – The Board accepted an administrative citation against this Boone County respondent.	
AC 05-58	<u>IEPA v. Knox County Landfill Committee</u> – The Board accepted an administrative citation against this Knox County respondent.	
AC 05-59	<u>IEPA v. Dale and Carol Hartley</u> – The Board accepted an administrative citation against these Edgar County respondents.	

Decisions

PCB 03-101	<u>People of the State of Illinois v. Werner, Co.</u> – In this air enforcement action concerning a Cook County facility, the Board	5-0
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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 \$32,000, to operate and maintain all equipment and systems relating to a Supplemental Environmental Project at its Franklin Park facility, and to cease and desist from further violations.

A-E

ADJUDICATORY CASES

Motions and Other Matters

PCB 93-17 Phibro-Tech f/k/a Southern Chemical Company v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a McHenry County facility. 5-0
P-A,
RCRA

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Inc., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc. – No action taken. W-E

PCB 00-104 People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc. – No action taken. A-E

PCB 02-207 Wallace Pharmaceuticals v. IEPA – No action taken. A-V

PCB 04-19 Paul and Donna Fredrickson v. Jeff Grelyak – No action taken. Citizens
A&N-E

PCB 04-68 Martin Oil Marketing, Ltd. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility. 5-0
UST

Appeal

PCB 04-88	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – No action taken.	P-A, NPDES
PCB 04-93	<u>Martin Oil Marketing, Ltd. V. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a McLean County facility.	5-0 UST Appeal
PCB 04-128	<u>WEWS, L.P. (the Boye Needle Facility) 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 UST Appeal
PCB 04-162	<u>People of the State of Illinois v. Asbestos Control and Environmental Services</u> – No action taken.	A-E
PCB 04-190	<u>Johnson Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Champaign County facility.	5-0 UST Appeal
PCB 04-207 PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc. and People of the State of Illinois v. Edward Pruum an individual, and Robert Pruum, an individual</u> – The Board granted complainant’s motion to strike the second affirmative defense.	5-0 W-E

PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u>	T-S
PCB 04-216 (not cons.)	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	Appeal
PCB 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	Citizens L-E
PCB 05-48	<u>Illinois Ayers Oil Company v. IEPA</u> – The Board denied petitioner’s motion for reconsideration of the Board’s January 6, 2005 order, dismissing the petition as untimely filed.	5-0 UST Appeal
PCB 05-60	<u>People of the State of Illinois v. Youssi Real Estate and Development, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Boone County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 05-96	<u>People of the State of Illinois v. Village of North City, Lawrence A. Lipe & Associates, Inc., Altman-Charter Company, and Furlong Excavating, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Franklin County facility, the Board ordered publication of the required newspaper notice as to Village of North City. The Board also granted complainant’s motion for modification of the Board’s March 3, 2005 order regarding the Altman-Charter Company proposed stipulation and settlement agreement. The modified order requires respondent to pay a civil penalty of \$500 and to perform a supplemental environmental project by donation of \$2,000 to the Benton School District Greening Program.	5-0 PWS-E
PCB 05-100	<u>Estate of Irene Steinheimer 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 Morgan County facility.	5-0 UST Appeal

PCB 05-157	<u>Grand Pier Center L.L.C. and American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C. v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Kerr-McGee Chemical L.L.C.</u> – The Board held for a later duplicative/frivolous determination this citizens’ land enforcement action involving a Cook County facility.	Citizens L-E
PCB 05-159	<u>Fruendt Crop Services, Inc. (Property Identification Number 11-26-03-300-010) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Fruendt Crop Services, Inc. located in Kankakee 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 Land
PCB 05-160	<u>Precision Pork, L.L.C. (Property Identification Number 12-14-29-200-003) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Precision Pork, L.L.C. 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 Land
PCB 05-161	<u>Crest Automotive 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 05-162	<u>Ye Olde Glass Shoppe 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 Clark County facility.	5-0 UST Appeal 90-Day Ext.

PCB 05-163	<u>People of the State of Illinois v. Pekin Paperboard Company, L.P.</u> – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.	5-0 W-E
PCB 05-164	<u>Rohm and Haas Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Kankakee County facility.	5-0 P-A, Air
PCB 05-165	<u>Century Chevy 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 McLean County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-166	<u>Clinton County Oil Company, 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 Madison County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-167	<u>Clinton County Oil Company, 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 Madison County facility.	5-0 UST Appeal 90-Day Ext.

CASES PENDING DECISION

R04-21	<u>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 302.307 and 302.525</u> – Proposed Rule, Second First Notice, Opinion and Order	R, Water
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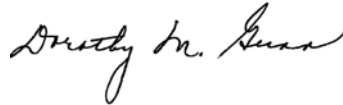
R04-26 In the Matter of: Interim Phosphorus Effluent Standard, Proposed R, Water
35 Ill. Adm. Code 304.123(g-k) – Proposed Rule, First Notice,
Opinion and Order

R05-8 In the Matter of: Mercury Wastes Under PA 93-0964: R, Land
Amendments to Standards for Universal Waste Management (35
Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733) –
Adopted Rule, Final Order, Opinion and Order (due 4/7)

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:25 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 7, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board