

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 6, 2005
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.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the December 16, 2004 meeting were approved by a vote of 5-0.

RULEMAKINGS

R05-1	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 2004 through June 30, 2004)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s municipal solid waste landfill regulations.	5-0 R, Land
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ADJUSTED STANDARDS

AS 04-3 In the Matter of: Petition by Hayden Wrecking Corporation for an Adjusted Standard from 35 Ill. Adm. Code 620.410(a) – The Board granted this St. Clair County petitioner an adjusted standard, with conditions, from Class I groundwater quality standards for arsenic, iron, lead, and manganese. 5-0
Water

AS 05-1 In the Matter of: Petition of SCA Tissue North America, L.L.C. for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c) – The Board dismissed this petition for an adjusted standard for petitioner’s failure 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
Air

AS 05-2 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 – Pending receipt of the certificate of publication, the Board held this DuPage County facility’s petition for an adjusted standard from the Board’s groundwater quality standards. Water

ADMINISTRATIVE CITATIONS

AC 04-84 IEPA v. City of Salem, Roger Kinney, Dick Brown and Jason Bruce – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Marion County facility, the Board found respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2002)) and ordered respondent to pay a civil penalty of \$500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review and the alleged violation of 415 ILCS 21(o)(12) (2002). 5-0

AC 05-31 IEPA v. Guiffre II, L.L.C. – The Board found that this Winnebago County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$6,000, as these offense were subsequent to a previous finding of violation. 5-0

AC 05-35	<u>IEPA v. Knox County Landfill Committee and Greg Ingle</u> – The Board found that these Knox County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2002)), and ordered respondents to pay a civil penalty of \$500.	5-0
AC 05-36	<u>County of Sangamon v. Leland Cole</u> – The Board found that this Sangamon County respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 05-37	<u>City of Chicago Department of Environment v. AAA Dollar Disposal, Inc.</u> – The Board found that this Cook County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 05-39	<u>County of Macon, Illinois v. Richard Webb and Theresa Webb</u> – The Board found that these Macon County respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 05-40	<u>IEPA v. Northern Illinois Service Company</u> – The Board directed respondent to file an amended petition for review accompanied by an attorney’s appearance and specifying the grounds for appeal within 30 days from the date of this order, or the Board will dismiss this matter.	5-0
AC 05-44	<u>IEPA v. Donald Eichen</u> – The Board accepted an administrative citation against this Winnebago County respondent.	

ADJUDICATORY CASES

Decisions

PCB 04-136	<u>People of the State of Illinois v. Cromwell-Phoenix, 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$60,000 and to cease and desist from further violations.	5-0 A-E
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Motions and Other Matters

PCB 97-2	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	L&W-E
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PCB 00-104	<u>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.</u> – No action taken.	A-E
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PCB 01-28	<u>People of the State of Illinois v. Plastic Decorators, 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 Kane County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
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PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – No action taken.	Johnson L-E
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PCB 01-46 PCB 01-51	<u>XCTC Limited Partnership v. IEPA; Georgia-Pacific Tissue, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of <u>XCTC Limited Partnership v. IEPA</u> PCB 01-46, a permit appeal involving a Cook County facility. The remaining case <u>Georgia-Pacific Tissue, L.L.C. v. IEPA</u> PCB 01-51 is not dismissed and remains pending before the Board.	5-0 P-A, Air
PCB 03-59	<u>Midwest Petroleum Company d/b/a Godfrey Sunoco 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 04-5	<u>Lincoln Land FS, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Menard 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 04-183 PCB 04-190 (not cons.)	<u>Johnson Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of PCB 04-183, an underground storage tank appeal involving a Madison County facility. This decision renders moot petitioner’s pending motion to consolidate and the respondent’s pending motion to reconsider and dismiss in PCB 04-183. The remaining case PCB 04-190 is not dismissed, respondents motion to reconsider and dismiss remain pending before the Board.	5-0 UST Appeal
PCB 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-215 PCB 04-216 (not cons.)	<u>Commonwealth Edison Company v. IEPA</u> <u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
PCB 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters</u>	Citizens

Association, Inc. – No action taken.

Land-E

PCB 05-48	<u>Illinois Ayers Oil Co. v. IEPA</u> – The Board dismissed this petition for review for lack of jurisdiction, as it was not timely filed.	5-0 UST Appeal
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
PCB 05-51	<u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health and Safety</u> – The Board accepted complainant’s amended petition in this enforcement action. Because this action dismissed respondent Oldenberger, respondent’s motion to dismiss is moot.	5-0 A-E
PCB 05-57	<u>Wayne Swanson & Dennis Swanson 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 Kane County facility.	5-0 UST Appeal
PCB 05-61	<u>Harold Hart Service v. IEPA</u> – The Board directed respondent to file an amended petition for review specifying the grounds for appeal within 30 days from the date of this order, or the Board will dismiss this matter.	5-0 UST Appeal
PCB 05-66	<u>People of the State of Illinois v. Petco Petroleum Corporation</u> – No action taken.	Citizens W-E
PCB 05-78	<u>People of the State of Illinois v. Ralph Stone, Mayor of the Village of Gorham</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 Jackson County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 05-93	<u>York High Neighborhood Committee (a voluntary organization)</u>	5-0

	<u>Janet and Fred Hodge, Patricia and David Bennett, Sheila and Mike Trant, Joe Vosicky, Jean and Peter Conroy, Frank Soldano, Joseph Reamer, Elizabeth and Charles Laliberte v. Elmhurst Public Schools, District 205</u> – The Board found that the alleged violations in the complaint were neither duplicative nor frivolous and accepted for hearing this matter involving a DuPage County facility.	Citizens N-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 as to Furlong Excavating, Inc. only, 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.	5-0 PWS-E
PCB 05-105	<u>Burroughs AG Service, Inc.-Lostant (Property Identification Number 31-27-307-000) v. IEPA</u> – No action taken.	T-C
PCB 05-107	<u>Burroughs AG Service, Inc.-Wyoming (Property Identification Number 05-29-300-007) v. IEPA</u> – No action taken.	T-C
PCB 05-111	<u>Mac’s Convenience Stores, L.L.C. 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 Will County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-112	<u>Adair AF, L.L.C. (Adair) (Property Identification Number 14-000-131-05) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Adair AF, L.L.C. located in McDonough 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 05-113	<u>Spoon River FS, Inc. d/b/a Riverland FS, Inc. (Ellisville) (Property</u>	5-0

Identification Number 06-05-01-200-01) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Spoon River FS, Inc. d/b/a Riverland FS, 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)).

T-C

PCB 05-114 Spoon River FS, Inc. d/b/a Riverland FS, Inc. (Williamsfield) (Property Identification Number 1223451001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Spoon River FS, Inc. d/b/a Riverland FS, Inc. located in Knox 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 05-115 Reed’s Service 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 White County facility.

5-0
UST
Appeal
90-Day
Ext.

PCB 05-116 Beckman Service 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 Marion County facility.

5-0
UST
Appeal
90-Day
Ext.

PCB 05-117 People of the State of Illinois v. City of Cairo – The Board accepted for hearing this water enforcement action involving a site located in Alexander County.

5-0
L-E

PCB 05-118	<u>Illinois State Toll Highway Authority (Belvidere North Reimb.) 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 Boone County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-119	<u>Southern Illinois Power Cooperative (Low Sulfur Dioxide Emission Coal Fueled Device) (Property Identification Number 10-26-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Southern Illinois Power Cooperative located in Williamson 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 05-120	<u>Marathon Ashland Petroleum, L.L.C. (Selective Catalytic Reduction Unit) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford 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 05-121	<u>Marathon Ashland Petroleum, L.L.C. (FCCU Flue Gas Wet Scrubber System) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford 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 05-122 Exxon Mobil Corporation (Ultra Low Sulfur Diesel Project) (Property Identification Number 1022-100-006-0010) v. IEPA - 5-0
Upon receipt of the Illinois Environmental Protection Agency's T-C
recommendation, the Board found and certified that specified
facilities of Exxon Mobil Corporation 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
(2002)).

CASES PENDING DECISION

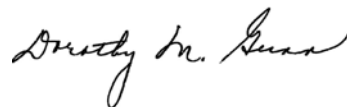
R04-22 In the Matter of: Proposed Amendments to Regulation of Girard
R04-23 Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code R, Land
(Cons.) 732); In the Matter of: Regulation of Petroleum Leaking
Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734)
– Proposed Rule

R05-6 In the Matter of: SDWA Update, USEPA Amendments (January 1, Johnson
2004 through June 30, 2004) – Adopted Rule, Final Order, Opinion R, PWS
and Order

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 January 20, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board