

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

---



**October 21, 2004 CHICAGO OFFICE**  
**100 W. Randolph Street**  
**Conference Room 2-025**  
**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 except Member Moore who was absent.

### **APPROVAL OF MINUTES**

---

Minutes of the October 7, 2004 meeting were approved by a vote of 4-0. Member Moore abstained.

### **ADJUSTED STANDARDS**

---

<b>AS 04-4</b>	<u>In the Matter of: Johns Manville for an Adjusted Standard from 35 Ill. Adm. Code Part 814, 811.310, 811.311, 811.318, 811.320</u> – No action taken.	Land
<b>AS 05-1</b>	<u>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)</u> – No action taken.	Air

---

## ADMINISTRATIVE CITATIONS

---

<b>AC 04-32</b>	<u>IEPA v. Rosemary Pehm</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Adams County facility, the Board found respondent violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (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 and the alleged violations of Sections (p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1) and (p)(7) (2002)).	5-0
<b>AC 05-20</b>	<u>IEPA v. John Groff and Robert Groff</u> – The Board granted complainant’s motion to dismiss the administrative citation against Robert Groff only.	5-0
<b>AC 05-23</b>	<u>IEPA v. Phillip Hamann</u> – The Board found that this Mason County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
<b>AC 05-28</b>	<u>County of Vermilion, Illinois v. Bill Wernigk</u> – The Board accepted for hearing this petition for review of an administrative citation against this Vermilion County respondent.	5-0
<b>AC 05-30</b>	<u>IEPA v. Doug and Theresa Christison</u> – The Board accepted an administrative citation against these Pike County respondents.	
<b>AC 05-31</b>	<u>IEPA v. Guiffre II, L.L.C.</u> – The Board accepted an administrative citation against this Winnebago County respondent.	

---

## ADJUDICATORY CASES

---

### Decisions

**PCB 96-10**      Vogue Tyre & Rubber Company v. IEPA – The Board affirmed the Illinois Environmental Protection Agency’s (Agency) decision that the Vogue Tyre & Rubber Company site at 1401 Golf Road, Skokie, Cook County is not subject to 35 Ill. Adm. Code 731 and 732. Further, the Board affirmed the Agency’s denial of a 20-day report, at 45-day report, a site classification report and corrective action plan submitted for the site.      5-0  
UST  
Appeal

---

**PCB 04-15**      People of the State of Illinois v. Atkinson Grain & Fertilizer, Inc. – In this water enforcement action concerning a Henry 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 \$20,000 and to cease and desist from further violations.      5-0  
W-E

---

**PCB 04-164**      People of the State of Illinois v. The Fields of Long Grove Homeowner’s Association – In this water 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 \$3,000 and to cease and desist from further violations.      5-0  
PWS-E

---

Motions and Other Matters

<b>PCB 96-98</b>	<u>People of the State of Illinois v. Skokie Valley Asphalt, Co., 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.</u> – The Board granted in part respondents’ motion to stay and/or extend time to respond to complainant’s petition for attorney fees and cost. The Board stayed the time for payment of the \$153,000 in penalties ordered in the Board’s September 2, 2004 order, pending resolution of respondents’ appeal in <u>Skokie Valley et al. v. Illinois Pollution Control Board, et al.</u> , No. 04-0977. But the Board denied the additional relief requested by respondents.	5-0 W-E
<b>PCB 97-2</b>	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	L&W-E
<b>PCB 99-120</b>	<u>People of the State of Illinois v. Wood River Refining Company</u> – The Board granted respondent’s motion to modify the September 16, 2004 Board Order.	5-0 A-E
<b>PCB 00-104</b>	<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
<b>PCB 00-163</b>	<u>David and Jacquelyn McDonough v. Gary Robke</u> – The Board denied complainants’ motion to apply sanctions, and ended stay of the remedy portion (paragraph 3) of the Board’s order of February 6, 2003.	5-0 Citizens N-E
<b>PCB 01-102</b>	<u>Cassen and Sons, Inc. v. IEPA</u> – No action taken.	Johnson UST Appeal

<b>PCB 04-183</b>	<u>Johnson Oil Company v. IEPA</u> – No action taken.	UST
<b>PCB 04-190</b>		Appeal
<b>PCB 04-185</b>	<u>Midwest Generation EME, Inc. v. IEPA</u> – No action taken.	T-S
		Appeal
<b>PCB 04-207</b>	<u>People of the State of Illinois v. Edward Pruim, an individual, and Robert Pruim, an individual</u> – No action taken.	L-E
<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S
<b>PCB 04-216</b>		Appeal
<b>PCB 05-9</b>	<u>People of the State of Illinois v. Danny Wiegel d/b/a Wiegel’s Tree Service</u> – The Board granted complainant’s motion for voluntary dismissal of this air enforcement action involving a Marion County facility.	5-0 A-E
<b>PCB 05-27</b>	<u>Heritage FS, Inc. (Property Identification #06-10-06-400-005) v. IEPA</u> –The Board did not receive any petition for review of the Agency’s recommendation to deny certification. Consistent with the Agency’s recommendation, the Board declined to certify a portion of Heritage FS, Inc.’s building over the minibulk/package agrichemical secondary containment structure as a pollution control facility and dismissed this matter.	5-0 T-C
<b>PCB 05-29</b>	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	Citizens Land-E
<b>PCB 05-49</b>	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
<b>PCB 05-51</b>	<u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health &amp; Safety</u> – No action taken.	A-E

<b>PCB 05-64</b>	<u>People of the State of Illinois v. Auto Recyclers – C&amp;D Enterprises, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Sangamon County.	5-0 L-E
<b>PCB 05-65</b>	<u>Russ Taylor 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 Champaign County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 05-66</b>	<u>People of the State of Illinois v. Petco Petroleum Corporation</u> – The Board accepted for hearing this land enforcement action involving a site located in Fayette County.	5-0 W-E
<b>PCB 05-67</b>	<u>John F. Nocita v. Application of Greenwood Transfer, L.L.C. for Transfer Station Local Siting Approval in Village of Maywood, Illinois</u> – The Board held for a later duplicative/frivolous determination this third party pollution control facility siting review involving a Cook County facility.	P-C-F-S-R 3rd party
<b>PCB 05-68</b>	<u>Illinois State Toll Highway Authority (Lake Forest East CAP/B) 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 Lake County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 05-69</b>	<u>Illinois State Toll Highway Authority (Lake Forest West CACR) 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 Lake County facility.	5-0 UST Appeal 90-Day Ext.

**PCB 05-70**      Illinois State Toll Highway Authority (Lake Forest West CAP/B) 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 Lake County facility.

5-0  
UST  
Appeal  
90-Day  
Ext.

---

**PCB 05-71**      Illinois State Toll Highway Authority (Lake Forest East CACR) 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 Lake County facility.

5-0  
UST  
Appeal  
90-Day  
Ext.

---

**CASES PENDING DECISION**

---

**AS 02-5**      In the Matter of: Petition of Noveon, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.122      Water

---

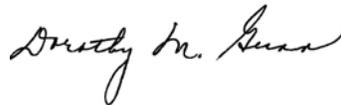
**OTHER ITEMS**

---

**ADJOURNMENT**

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:20 a.m.

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



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board