

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 7, 2004 CHICAGO OFFICE
Union League Club of Chicago
65 West Jackson Boulevard, 5th Floor Parlor
10:00 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 September 16, 2004 meeting were approved by a vote of 4-0.

RULEMAKINGS

R05-6	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2004 through June 30, 2004, August 25, 2004)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s public water supply regulations.	4-0 R, PWS
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ADJUSTED STANDARDS

AS 04-2	<u>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</u> – The Board accepted petitioners' amended petition for hearing and denied petitioner's motion for expedited decision.	4-0 Land
AS 04-3	<u>In the Matter of : Petition by Hayden Wrecking Corporation for an Adjusted Standard from 35 Ill. Adm. Code 620.410(a)</u> – The Board accepted petitioner's amended petition, but issued no order in this case.	Water
AS 04-4	<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

ADMINISTRATIVE CITATIONS

AC 04-41	<u>IEPA v. Cheryl Clayton</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)(1) of the Environmental Protection 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.	4-0
AC 05-14	<u>City of Chicago Department of Environment v. Bovis Lend Lease, Inc.</u> – The Board found that this Cook County respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 05-15	<u>IEPA v. C. John Blickhan</u> – The Board accepted for hearing this petition for review of an administrative citation against this Adams County respondent.	4-0

AC 05-16	<u>IEPA v. Richard Groff</u> – The Board found that this Cook County respondent violated Sections 21(p)(1), (p)(3), (p)(5), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(5), and (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$6,000.	4-0
AC 05-18	<u>IEPA v. William Shrum</u> – The Board accepted for hearing this petition for review of an administrative citation against this Perry County respondent.	4-0
AC 05-19	<u>IEPA v. David and Shelby Hill and N.E. Finch Co.</u> – The Board accepted for hearing respondents David & Shelby Hill’s and N.E. Finch Co.’s petitions for review of an administrative citation against these Filton County respondents.	4-0
AC 05-20	<u>IEPA v. John Groff and Robert Groff</u> – The Board accepted for hearing respondent John Groff’s petition for review of an administrative citation against this Marion County respondent.	4-0
AC 05-26	<u>County of Montgomery v. Michael Schwab</u> – The Board accepted an administrative citation against this Montgomery County respondent.	Novak
AC 05-27	<u>IEPA v. Lee County Landfill SC, L.L.C. and Dave Geier</u> – The Board accepted for hearing this petition for review of an administrative citation against these Lee County respondents.	Novak
AC 05-28	<u>County of Vermilion, Illinois v. Bill Wernigk</u> – The Board accepted an administrative citation against this Vermilion County respondent.	Novak
AC 05-29	<u>IEPA v. Charles L. Riggins</u> – The Board accepted an administrative citation against this Mason County respondent.	Novak

ADJUDICATORY CASES

Decisions

PCB 01-7 People of the State of Illinois v. QC Finishers, 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, and ordered the respondent to pay a total civil penalty of \$149,000 and to cease and desist from further violations. 4-0
A-E

PCB 02-115 People of the State of Illinois v. Blue Ridge Construction Corporation – The Board found that respondent violated Section 9(a), 9.1(d)(1), 12(d), 21(a), (e), (p)(1), and (p)(2) of the Environmental Protection Act (415 ILCS 5/9(a), 9.1(d)(1), 12(d), 21(a), (e), (p)(1), (p)(2) (2000)); Section 201.141 of the Board’s regulations (35 Ill. Adm. Code 201.141); and 40 C.F.R. 61.145(a), 40 C.F.R. 145(c)(1), 40 C.F.R. 145(c)(6), 40 C.F.R. 145 (c)(8), 40 C.F.R. 61.145(b)(1), and 40 C.F.R. 61.150(a)(1). This order also incorporates the Board’s August 7, 2003 decision, which found that respondent had violated Sections 9(a), 9.1(d)(1), 12(d), 21(a), (e), (p)(1), and (p)(2) of the Act; Section 201.141 of the Board’s regulations; and 40 C.F.R. 61.145(a) and 40 C.F.R. 61.145(b)(1). Respondent were ordered to pay a total civil penalty of \$66,000 and to cease and desist from further violations. 4-0
A&W-E

PCB 05-26 People of the State of Illinois v. CFM U.S. Corporation f/k/a The Vermont Castings Majestic Products Company – 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 \$46,000 and to cease and desist from further violations. 4-0
A-E

Motions and Other Matters

PCB 96-98	<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> – No action taken.	Johnson W-E
PCB 97-2	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	Melas L&W-E
PCB 97-119	<u>People of the State of Illinois v. G & M Total, Inc. and George Papas, individually and as President of G & M Total, Inc.</u> – In this land enforcement action concerning a Lake County facility, the Board found that respondents violated 35 Ill. Adm. Code 731.160, 731.162, and 731.163, ordering the respondents to pay a total civil penalty of \$15,000 and to cease and desist from further violations.	4-0 L-E
PCB 00-163	<u>David and Jacquelyn McDonough v. Gary Robke</u> – No action taken.	Johnson Citizens N-E
PCB 01-102	<u>Cassen and Sons, Inc. v. IEPA</u> – No action taken.	Johnson UST Appeal
PCB 03-75	<u>Clinton County Oil Company, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	4-0 UST Appeal

PCB 03-107	<u>Willaredt Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Macon County facility.	4-0 UST Appeal
PCB 03-121	<u>Freedom Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Sangamon County facility.	4-0 UST Appeal
PCB 03-122	<u>Chronister Oil Company d/b/a Quik-N-EZ v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Christian County facility.	4-0 UST Appeal
PCB 03-214	<u>Illinois Ayers Oil Company v. IEPA</u> – The Board denied respondent’s motion for reconsideration of the August 5, 2004 Board Order.	4-0 UST Appeal
PCB 03-222	<u>People of the State of Illinois v. Mecalux Illinois, Inc.</u> – Referred to the hearing officer for disposition.	A-E
PCB 04-75	<u>Mate Technologies, Inc. v. F.I.C. America Corporation</u> – The Board granted complainant’s motion for voluntary dismissal of this citizen land enforcement action involving a Sangamon County facility.	4-0 L-E
PCB 04-79	<u>Bonita Saxbury and Richard Saxbury v. Archer Daniels Midland Company</u> – The Board reserved ruling on the joint motion for site visit until after the record has been fully developed at hearing.	4-0 N-E
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> – The Board denied complainant’s motion for summary judgment as to respondents Thomas Gray, Gladys Gray, and Steve Whyte.	4-0 L-E

PCB 04-113	<u>Ethyl Petroleum Additives, Inc. v. IEPA</u> – The Board granted petitioner’s motion to amend caption, which in the future will be “ <u>Afton Chemical Corp. v. IEPA</u> ”.	4-0 P-A, Air
PCB 04-157	<u>Joe’s Mobil v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Montgomery County facility.	4-0 UST Appeal
PCB 04-183 PCB 04-190	<u>Johnson Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 04-185	<u>Midwest Generation EME, Inc. v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-198	<u>Glen’s 66 v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Montgomery County facility.	4-0 UST Appeal
PCB 04-207	<u>People of the State of Illinois v. Edward Pruum, an individual, and Robert Pruum, an individual</u> – No action taken.	Girard L-E
PCB 04-215 PCB 04-216	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	Moore T-S Appeal
PCB 04-223	<u>SG Supply 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 Cook County facility.	4-0 UST Appeal

PCB 04-227	<u>People of the State of Illinois v. Rogers Development 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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 05-1	<u>Janis Rosauer and Batavia Illinois Residents Opposed to Siting of Waste Transfer Station v. City of Batavia and Onyx Waste Services Midwest, Inc.</u> – The Board granted summary judgment to respondent Onyx Waste Services Midwest, Inc. (Onyx), finding that the third-party petitioners lack standing to appeal the City of Batavia’s decision granting siting approval to Onyx for a waste transfer station. The Board denied as moot Onyx’s alternative motion to reconsider the Board’s July 22, 2004 order.	4-0 P-C-F-S-R 3 rd Party
PCB 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	Citizens Land-E
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – The Board held for a later duplicative/frivolous determination this citizen’s enforcement action involving a Champaign County facility.	A&L-E
PCB 05-52	<u>People of the State of Illinois v. Safe Lock Self Storage, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in St. Clair County.	4-0 W-E
PCB 05-53	<u>People of the State of Illinois v. Clean Harbors Environmental Services, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Madison County.	4-0 L-E
PCB 05-54	<u>Rock Road Companies, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Winnebago County facility.	4-0 P-A, Air

PCB 05-55	<u>Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club, Beth Wentzel, and Cynthia Skrukrud v. IEPA and Village of Wauconda</u> – The Board accepted for hearing this third-party permit appeal involving a Lake County facility and on its own motion consolidated this matter with PCB 05-58 and PCB 05-59.	4-0 P-A, NPDES 3 rd Party
PCB 05-56	<u>People of the State of Illinois v. Omron Automotive Electronics, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Kane County.	4-0 A-E
PCB 05-57	<u>Wayne Swanson & Dennis Swanson 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 Kane County facility.	4-0 UST Appeal 90-Day Ext.
PCB 05-58	<u>Slocum Lake Drainage District of Lake County, Illinois v. IEPA and Village of Wauconda, Illinois</u> – The Board accepted for hearing this third-party permit appeal involving a Lake County facility and on its own motion consolidated this matter with PCB 05-55 and PCB 05-59.	4-0 P-A, NPDES 3 rd Party
PCB 05-59	<u>Al Phillips, Vern Meyer, Gayle DeMarco, Gabrielle Meyer, Lisa O’Dell, Joan Leslie, Michael Davey, Nancy Dobner, Mike olito, Williams Park Improvement Association, Mat Schlueter, Mylith Park Lot Owners Association, Donald Krebs, Don Berkshire, Judy Brumme, Twin Pond Farms Homeowners Association, Julia Tudor, and Christine Deviney v. IEPA and Village of Wauconda</u> – The Board accepted for hearing this third-party permit appeal involving a Lake County facility and on its own motion consolidated this matter with PCB 05-55 and PCB 05-58.	4-0 P-A, NPDES 3 rd Party
PCB 05-60	<u>People of the State of Illinois v. Youssi Real Estate and Development, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Boone County.	4-0 W-E

PCB 05-61	<u>Harold Hart Service 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.	4-0 UST Appeal 90-Day Ext.
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PCB 05-62	<u>Keller Oil Company (Moweaqua) v. IEPA</u> – The Board accepted for hearing and this underground storage tank appeal involving a Shelby County facility.	4-0 UST Appeal
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PCB 05-63	<u>People of the State of Illinois v. North Rockwell, L.L.C.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
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CASES PENDING DECISION

AS 02-5	<u>In the Matter of: Petition of Noveon, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.122</u>	Water
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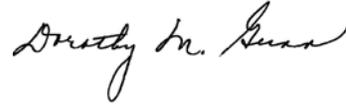
PCB 96-10	<u>Vogue Tyre & Rubber Company v. IEPA</u> (open waiver)	UST Appeal
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Novak adjourned the meeting at 10:35 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 21, 2004, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board