

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



November 18, 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.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the November 4, 2004 meeting were approved by a vote of 5-0.

RULEMAKINGS

R05-9	<u>In the Matter of: Setback Zone for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618</u> – No action taken.	R, PWS
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R05-10	<u>In the Matter of: Bacteria (E-Coli) Water Quality Standard for Lake Michigan and Mississippi River, Proposed Amendments to 35 Ill. Adm. Code 302 and 303</u> – No action taken.	R, Water
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ADJUSTED STANDARDS

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) – No action taken. Air

ADMINISTRATIVE CITATIONS

AC 05-29 IEPA v. Charles L. Riggins – The Board accepted for hearing this petition for review of an administrative citation against this Mason County respondent. 5-0

AC 05-30 IEPA v. Doug and Theresa Christison – The Board found that these Pike County respondents 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

AC 05-35 IEPA v. Knox County Landfill Committee and Greg Ingle – The Board accepted an administrative citation against these Knox County respondents.

AC 05-36 County of Sangamon v. Leland Cole - The Board accepted an administrative citation against this Sangamon County respondent.

ADJUDICATORY CASES

Motions and Other Matters

PCB 97-2 People of the State of Illinois v. Jersey Sanitation Corporation – No action taken. L&W-E

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
PCB 01-102	<u>Cassen and Sons, Inc. v. IEPA</u> – The Board denied petitioner’s motion for summary judgment. The Board granted respondent’s motion for summary judgment, affirming the November 29, 2000 decision denying reimbursement.	5-0 UST Appeal
PCB 02-104	<u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility.	5-0 P-A, NPDES
PCB 04-48	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – The Board denied the Village of Robbins’ motion to reconsider its September 16, 2004 Board Order.	5-0 P-A, Land
PCB 04-81	<u>People of the State of Illinois v. Emmett Utilities, Inc. and Russell D. Thorell, individually and as president of Emmett Utilities, Inc.</u> – The Board granted complainant’s motion for voluntary dismissal of this public water supply enforcement action involving a McDonough County facility.	5-0 PWS-E
PCB 04-155	<u>Elston/Webster, L.P. and Renaissance Realty Group L.L.C. v. IEPA</u> – The Board granted petitioners’ motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 04-183	<u>Johnson Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 04-190 (not cons.)		
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 05-17	<u>Union County Oil Company v. IEPA</u> – Having previously granted a	5-0

request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Union County facility.

UST
Appeal

PCB 05-18

Ted Harrison Oil Company v. IEPA – 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 Cass County facility.

5-0
UST
Appeal

PCB 05-19

Hall’s Automotive (SICR) v. IEPA – 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 Hardin County facility.

5-0
UST
Appeal

PCB 05-20

Hall’s Automotive (SIPB) v. IEPA – 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 Hardin County facility.

5-0
UST
Appeal

PCB 05-21

Randy’s Shell v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Piatt County facility.

5-0
UST
Appeal

PCB 05-22

L. Keller Oil Properties, Inc. (Downtown Shell) v. IEPA – The Board accepted for hearing this underground storage tank appeal involving an Effingham County facility.

5-0
UST
Appeal

PCB 05-23	<u>Keller Oil (Edgewood) 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 Effingham County facility.	5-0 UST Appeal
PCB 05-24	<u>Premcor Refining Group, Inc. (Streator) 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 LaSalle County facility.	5-0 UST Appeal
PCB 05-25	<u>Premcor Refining Group, 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 Tazewell County facility.	5-0 UST Appeal
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 denied complainant’s motion to accept the complaint for hearing and granted complainant’s motion to his withdraw motion to join the Illinois Environmental Protection Agency as Party in Interest. The Board reserved ruling on the motion for expedited discovery pending the resolution of respondent’s motion to dismiss the complaint.	5-0 A&L-E
PCB 05-51	<u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health & Safety</u> – No action taken.	A-E
PCB 05-54	<u>Rock Road Companies, Inc. v. IEPA</u> – No action taken.	P-A, Air
PCB 05-74	<u>Hartford Working Group v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of the contested CAAPP Permit condition pending decision of this appeal.	5-0 P-A, Air

PCB 05-78	<u>People of the State of Illinois v. Ralph Stone, Mayor of the Village of Gorham</u> – The Board accepted for hearing this air enforcement action involving a site located in Jackson County.	5-0 A-E
PCB 05-79	<u>Geneseo Pork, Inc. (Property Identification Number 09-03-200-001-0011) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Geneseo Pork, Inc. located in Henry 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 05-80	<u>McLean Properties, L.L.C. (Property Identification Number 16-27-34-200-003) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of McLean Properties, L.L.C. located in McLean 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 05-81	<u>Kathryn Bradley and Brian Bradley (Property Identification Number 06-022-007-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kathryn Bradley and Brian Bradley located in Brown 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 05-82	<u>Bradley Mobil 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.	5-0 UST Appeal 90-Day Ext.

PCB 05-83	<u>Bowman Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Franklin County facility.	5-0 UST Appeal
PCB 05-84	<u>Gateway FS, 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 Randolph County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-85	<u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – The Board accepted for hearing this petition requesting a variance involving a Will County facility.	5-0 W-V
PCB 05-86	<u>People of the State of Illinois v. Fairacres Subdivision Association</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Rock Island County.	5-0 PWS-E
PCB 05-87	<u>Johnathan Troyer (Property Identification Number 10-0-0044-000-00) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jonathan Troyer located in Adams 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 05-88	<u>For C Pork Farm (Property Identification Number 14-F1-36-35-100-001) v. IEPA</u> - 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

PCB 05-89	<u>People of the State of Illinois v. Redfearn Earthmoving, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.	5-0 W-E
PCB 05-90	<u>Harper Oil Company v. IEPA</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Jefferson County.	5-0 UST Appeal 90-Day Ext.
PCB 05-91	<u>People of the State of Illinois v. Clean Harbors Services, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E
PCB 05-92	<u>People of the State of Illinois v. Specialty Promotions, Inc. d/b/a Specialty Printing Company</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E
PCB 05-93	<u>York High Neighborhood Committee (a voluntary organization) 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 held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a DuPage County facility.	Citizens N-E

CASES PENDING DECISION

R04-24	<u>In the Matter of: Amendments to the Board’s Procedural Rules to Accommodate New Statutory Provisions: 35 Ill. Adm. Code 101-130</u> – Proposed Rule, Second Notice, Opinion and Order	R, Proc. Rules
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:30 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 2, 2004, by a vote of 5-0.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board