

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



February 3, 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, Member Girard welcomed members of the public and staff.

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present except for Chairman Novak who was absent.

APPROVAL OF MINUTES

Minutes of the January 20, 2005 meeting were approved by a vote of 4-0.

RULEMAKINGS

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| R05-4 | <u>In the Matter of: Wastewater Pretreatment Update, USEPA</u> | 4-0 |
| R05-15 | <u>Amendments (January 1, 2004 through June 30, 2004); In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2004 through December 31, 2004 and February 1, 2005) – The Board on its own motion consolidated these “identical-in-substance” rulemaking dockets and adopted a proposal for public comment to amend the Board’s wastewater pretreatment regulations.</u> | R, Water |

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| R05-8 | <u>In the Matter of: Mercury Wastes Under PA 93-0964: Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s land pollution control regulations. | 4-0 R, Land |
| R05-12 | <u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 2004 through December 31, 2004)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations regulations during the update period of July 1, 2004 through December 31, 2004. | 4-0 R, Land |
| R05-13 | <u>In the Matter of: RCRA Subtitle C Update, USEPA Regulations (July 1, 2004 through December 31, 2004)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its hazardous waste regulations during the update period of July 1, 2004 through December 31, 2004. | 4-0 R, Land |
| R05-14 | <u>In the Matter of: UST Update, USEPA Regulations (July 1, 2004 through December 31, 2004)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of July 1, 2004 through December 31, 2004. | 4-0 R, Land |
| R05-17 | <u>In the Matter of: SDWA Update, USEPA Amendments (July 1, 2004 through December 31, 2004)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its public water supply regulations during the update period of July 1, 2004 through December 31, 2004. | 4-0 R, PWS |

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| R05-18 | <u>In the Matter of: UIC Update, USEPA Regulations (July 1, 2004 through December 31, 2004)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2004 through December 31, 2004. | 4-0 R, Land |
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ADJUSTED STANDARDS

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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> – Pending receipt of the certificate of publication, the Board held this DuPage County facility’s petition for an adjusted standard from the Board’s hazardous waste regulations. |
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ADMINISTRATIVE CITATIONS

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| AC 04-22 | <u>County of Vermilion, Illinois v. Village of Tilton</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the County of Vermilion and the Board in the amount of \$330.50 and a civil penalty of \$1,500. This order follows the Board's interim order of December 16, 2004, which found that this respondent had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3)). | 4-0 |
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| AC 05-32 | <u>IEPA v. James A. Haas, Jr.</u> – The Board granted parties’ joint motion to vacate the December 16, 2004 Board Order. The Board accepted the parties’ settlement agreement and granted the motion for voluntary withdrawal of the administrative citation. | 4-0 |
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| AC 05-44 | <u>IEPA v. Donald Eichen</u> – The Board accepted for hearing this petition for review of an administrative citation against this Macoupin County respondent. | 4-0 |
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| AC 05-47 | <u>IEPA v. Stacy Hess</u> – The Board accepted an administrative citation against this Tazewell County respondent. |
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AC 05-48 County of Jackson v. Southern Illinois Regional Landfill, Inc., Doug Ticer, and George Browning – The Board accepted an administrative citation against these Jackson County respondents.

AC 05-49 IEPA v. Landers’ Children Family, L.L.C. and Ray Landers – The Board accepted an administrative citation against these Sangamon County respondents.

AC 05-50 IEPA v. Knox County Landfill Committee and Greg Ingle –The Board accepted an administrative citation against these Knox County respondents.

ADJUDICATORY CASES

Decisions

PCB 97-2 People of the State of Illinois v. Jersey Sanitation Corporation –The Board found that respondent violated various sections Environmental Protection Act and the Board regulations over a 13 year period. The Board ordered the respondent to pay a total civil penalty of \$65,000 and \$24,100 to the Office of the Attorney General. The Board also denied complainant’s motion for sanctions and upheld the hearing officer’s rulings at hearing. 4-0
L&W-E

PCB 01-28 People of the State of Illinois v. Plastic Decorators, Inc. – In this air enforcement action concerning a Kane 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 \$75,000 and to cease and desist from further violations. 4-0
A-E

PCB 04-79 Bonita Saxbury and Richard Saxbury v. Archer Daniels Midland – The Board found that respondent did not violate Section 24 of the Environmental Protection Act (415 ILCS 24 (2002) and 35 Ill. Adm. Code 900.102 of the Board’s regulations. 4-0
Citizens
N-E

Motions and Other Matters

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| PCB 99-187 | <u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – No action taken. | A&N-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 00-141 | <u>E.G. Vogt 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 04-50 | <u>People of the State of Illinois v. MacMurray College</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 Morgan County facility, the Board ordered publication of the required newspaper notice. | 4-0 A-E |
| PCB 04-94 | <u>People of the State of Illinois v. Hauck Homes, Inc. d/b/a Rock River Estates Mobile Home Park</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 Lee County facility, the Board ordered publication of the required newspaper notice. | 4-0 W-E |
| 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> – No action taken. | UST Appeal |

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| PCB 04-207 PCB 97-193 | <u>People of the State of Illinois v. Edward Pruum an individual, and Robert Pruum, an individual; People v. Community Landfill Company, Inc.</u> – No action taken. | L-E |
| 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 05-8 | <u>People of the State of Illinois v. Village of Capron</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 Boone County facility, the Board ordered publication of the required newspaper notice. | 4-0 PWS-E |
| PCB 05-29 | <u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken. | Citizens Land-E |
| PCB 05-32 | <u>People of the State of Illinois v. GTC, International</u> – No action taken. | A-E |
| PCB 05-49 | <u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – The Board denied respondent’s motion to dismiss and accepted this citizen enforcement action involving a Champaign County for hearing. | 4-0 Citizens A&L-E |
| PCB 05-55 PCB 05-58 PCB 05-59 (Cons.) | <u>Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club, Beth Wentzel, and Cynthia Skrukud v. IEPA and Village of Wauconda; Slocum Lake Drainage District of Lake County, Illinois v. IEPA and Village of Wauconda, Illinois; Al Phillips et al. v. IEPA and Village of Wauconda, Illinois</u> – The Board declined to accept the stipulation and proposal for settlement and dismissal of PCB 05-55. The consolidated cases must proceed to hearing on February 10, 2005 as scheduled. | 4-0 P-A, NPDES |

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| PCB 05-66 | <u>People of the State of Illinois v. Petco Petroleum Corporation</u> – The Board denied respondent’s motion to dismiss this enforcement action involving a Fayette County. | 4-0 Citizens W-E |
| PCB 05-73 | <u>City of Sullivan v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Moultrie County facility. | 4-0 UST Appeal |
| PCB 05-76 | <u>Kramer’s Service Station 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 Vermilion County facility. | 4-0 UST Appeal |
| PCB 05-84 | <u>Gateway FS, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Randolph County facility. | 4-0 UST Appeal |
| PCB 05-127 | <u>Richard Karlock v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Vermilion County facility. | 4-0 UST Appeal |
| PCB 05-128 | <u>A&R, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. | 4-0 UST Appeal |
| PCB 05-129 | <u>Ken Maschoff-Bath (Property Identification Number 22-16-200-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ken Maschoff located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). | 4-0 T-C |

PCB 05-130 Saluki Farms, L.L.C. (Property Identification Number 06-08-08-300-004) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Saluki Farms, L.L.C. located in Washington County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

4-0
T-C

PCB 05-131 Mach III Farms, L.L.C. (Property Identification Number 23-03-200-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mach II Farms, L.L.C. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

4-0
T-C

PCB 05-132 Laning Properties, L.L.C. (Property Identification Number 01-004-008-00) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Laning Properties, L.L.C. 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)).

4-0
T-C

PCB 05-133 Spoon River FS, Inc. d/b/a Riverland FS, Inc. (Maquon) (Property Identification Number 1903126001) 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)).

4-0
T-C

PCB 05-134 Lewis Properties, L.L.C. (Property Identification Number 03-08-200-005) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Lewis Properties, L.L.C. located in Clay County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

4-0
T-C

PCB 05-135 Spoon River FS, Inc. d/b/a Riverland FS, Inc. (Wataga) (Property Identification Number 0616205001) 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)).

4-0
T-C

PCB 05-136 Mach III Farms, L.L.C. (Property Identification Number 16-21-400-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mach III Farms, L.L.C. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

4-0
T-C

PCB 05-137 Mach III Farms, L.L.C. (Property Identification Number 22-16-200-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mach III Farms, L.L.C. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

4-0
T-C

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| PCB 05-138 | <u>BP Products North America, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a Resource Conservation and Recovery Act appeal on behalf of this Madison County facility. | 4-0 UST Appeal 90-Day Ext. |
| PCB 05-139 | <u>People of the State of Illinois v. Bath, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Mason County. | 4-0 L-E |
| PCB 05-140 | <u>McLean Properties, L.L.C. (Property Identification Number 34-05-200-005) 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)). | 4-0 T-C |
| PCB 05-141 | <u>McLean Properties, L.L.C. (Property Identification Number 07-16-01-00-300-005) 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 Clark County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). | 4-0 T-C |
| PCB 05-142 | <u>McLean Properties, L.L.C. (Property Identification Number 09-003-002-60) 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 Logan County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). | 4-0 T-C |

PCB 05-143 Bay Creek 1 Investments, L.L.C. (Property Identification Numbers 46-064-02 and 46-064-03) v. IEPA - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Bay Creek 1 Investments, L.L.C. located in Pike County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

4-0
T-C

PCB 05-144 Bay Creek 3 Investments, L.L.C. (Property Identification Number 73-002-09A) v. IEPA - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Bay Creek 3 Investments, L.L.C. located in Pike County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

4-0
T-C

PCB 05-145 Bay Creek 2 Investments, L.L.C. (Property Identification Number 73-001-04A) v. IEPA - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Bay Creek 2 Investments, L.L.C. located in Pike County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

4-0
T-C

PCB 05-146 McLean Properties, L.L.C. (Property Identification Number 34-11-100-001) v. IEPA - 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)).

4-0
T-C

CASES PENDING DECISION

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| R04-22 | <u>In the Matter of: Proposed Amendments to Regulation of</u> | Girard |
| R04-23 | <u>Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code</u> | R, UST |
| (Cons.) | <u>732); In the Matter of: Regulation of Petroleum Leaking</u> | |
| | <u>Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734)</u> | |
| | – Proposed Rule, First Notice, Opinion and Order | |

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

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Novak adjourned the meeting at 11:45 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 17, 2005, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board