

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



July 8, 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 to the meeting.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the June 17, 2004 meeting were approved by a vote of 5-0.

RULEMAKINGS

R04-18	<u>In the Matter of: Pretreatment Update, USEPA Amendments (July 1, 2003 through December 31, 2003)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s wastewater pretreatment regulations.	5-0 R, Water
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R04-21	<u>In the Matter of: Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s water quality standards regulations. The Board also granted WRT Environmental (Illinois) L.L.C. motion for an additional merit hearing.	5-0 R, Water
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ADJUSTED STANDARDS

AS 04-1	<u>In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 215.301</u> – No action taken.	Air
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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> – No action taken.	Land
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AS 04-4	<u>In the Matter of: Petition of Johns Manville for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Sections 811.310, 811.311, 811.318</u> – No action taken.	Land
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ADMINISTRATIVE CITATIONS

AC 03-13	<u>IEPA v. Dan Cadwallader</u> – The Board entered a final opinion and order requiring respondent to pay the Board hearing costs in the amount of \$384.29 and a civil penalty of \$1,500. This order follows the Board's interim order of April 1, 2004, which found that this respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)) at his Putnam County facility.	5-0
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AC 03-21	<u>IEPA v. John Smith and Twilla Williams Smith</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Union County facility, the Board found respondents violated Section 21(p)(1) of the Environmental Protection Act (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 and the alleged violation of 415 ILCS 5/21(p)(7) (2002).	5-0
AC 03-33	<u>IEPA v. Olen G. Parkhill, Jr.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violations of 415 ILCS 5/21(p)(3), (p)(7) (2002).	5-0
AC 03-34	<u>IEPA v. Olen G. Parkhill, Jr.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found respondent violated Section 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(7) (2002)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violations of 415 ILCS 5/21(p)(1), (p)(3) (2002).	5-0
AC 04-56	<u>County of Vermilion, Illinois v. Jerry Hathaway and Darrell Cripe</u> – The Board denied respondent Jerry Hathaway’s motion to reconsider or to vacate May 6, 2004 Opinion and Order, but granted respondents an additional 30 days in which to pay the penalty.	5-0
AC 04-60	<u>IEPA v. Sharyn Fuller and Carl Benedict d/b/a Benedict Auto Sales</u> – The Board granted complainant’s motion to dismiss this administrative citation against these Peoria County respondent, and also dismissed Benedict’s petition for review.	5-0

AC 04-64	<u>County of Jackson v. Egon Kamarasy</u> – The Board accepted for hearing respondent’s amended petition to contest the administrative citation.	5-0
AC 04-75	<u>IEPA v. Charles L. Parker</u> – The Board accepted for hearing this petition for review of an administrative citation against this Logan County respondent.	5-0
AC 04-76	<u>IEPA v. Landfill, L.L.C., West End Disposal Facility, and Danny Bowman</u> – The Board found that these Saline County respondents violated Section 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(12) (2002)), and ordered respondents to pay a civil penalty of \$500.	5-0
AC 04-77	<u>IEPA v. Frank Bencie</u> – The Board accepted for hearing this petition for review of an administrative citation against this Franklin County respondent.	5-0
AC 04-78	<u>IEPA v. Daniel Pauley</u> – The Board accepted for hearing this petition for review of an administrative citation against this St. Clair County respondent.	5-0
AC 04-79	<u>City of Chicago Department of Environment v. National Material Limited Partnership</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cook County respondent.	5-0
AC 04-80	<u>IEPA v. Joseph Luparell and Troy Curley</u> – The Board accepted for hearing respondent Joseph Luparell’s petition for review of an administrative citation against this Sangamon County respondent. Complainant was directed to address whether respondent Troy Curley had been properly served on or before July 29, 2004.	5-0

AC 04-88 City of Chicago Department of Environment v. Gene Evans – The Board accepted an administrative citation against this Cook County respondent.

AC 04-89 IEPA v. Earl and Norma Martin – The Board accepted an administrative citation against these Knox County respondents.

AC 04-90 IEPA v. Earl and Norma Martin – The Board accepted an administrative citation against these Knox County respondents.

AC 04-91 IEPA v. Earl and Norma Martin – The Board accepted an administrative citation against these Knox County respondents.

AC 05-1 IEPA v. Michael E. Boone – The Board accepted an administrative citation against this Mason County respondent.

AC 05-2 IEPA v. Lester Smith - The Board accepted an administrative citation against this Massac County respondent.

ADJUDICATORY CASES

Motions and Other Matters

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Company, Inc., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Company, Inc., and Richard J. Frederick individually and as owner and Vice-President of Skokie Valley Asphalt Company, Inc. – No action taken. W-E

PCB 99-187 Gina Pattermann v. Boughton Trucking and Materials, Inc. – No action taken. A&N-E

PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – The Board granted in part and denied in part the complainant’s motion to strike affirmative defenses.	5-0 A-E
PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – No action taken.	RCRA-E
PCB 01-102	<u>Cassen and Sons, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 02-55	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Rock Island facility.	5-0 P-A, Land
PCB 02-106	<u>City of Quincy v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Adams facility.	5-0 P-A, NPDES
PCB 02-177	<u>People of the State of Illinois v. John Prior d/b/a Prior Oil Company and James Mezo d/b/a Mezo Oil Company</u> – The Board denied respondent John Prior’s and James Mezo motions for reconsideration of the May 6, 2004 Board opinion and order.	5-0 L&W-E
PCB 03-38	<u>Morry Gabel, Myra Gabel, Don Foreman, Marsha Foreman, Keith Pineseault, and Tracy Pineseault v. The Wealshire, Inc.</u> – No action taken.	Citizens N-E
PCB 03-51	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc., American Drapery Cleaners & Flameproofers, Inc. and Richard Zell</u> – No action taken.	A-E
PCB 03-106	<u>Village of South Elgin v. Waste Management of Illinois, Inc.</u> – No action taken.	L-E

PCB 03-185	<u>Swif-T Food Mart v. IEPA</u> – No action taken.	UST Appeal
PCB 03-214	<u>Illinois Ayers Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 03-223	<u>People of the State of Illinois v. Elysium Energy</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this special waste hauling enforcement action involving a Jasper County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 04-48	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – No action taken.	P-A, Land
PCB 04-69	<u>Republic Bank of Chicago as Trustee of Trust #2234, Aristotle Halikias, Lena Halikias, Michael Halikias, Nikolas Halikias, Noula Halikias, and Patricia Halikias as beneficiaries of Trust #2234 v. Sunoco, Inc. (R&M)</u> – The Board granted parties’ joint motion for voluntary dismissal of this enforcement action involving a Cook County facility.	4-0 NJM abstain L-E
PCB 04-112	<u>Swif-T Food Mart v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	5-0 UST Appeal
PCB 04-163	<u>Eaves Auto Repair 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 Ford County facility.	5-0 UST Appeal
PCB 04-166	<u>Red Carpet Car Wash 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 Macon County facility.	5-0 UST Appeal
PCB 04-169	<u>Craig’s Service Station v. IEPA</u> – The Board accepted for hearing	5-0

	this underground storage tank appeal involving a McLean County facility.	UST Appeal
PCB 04-170	<u>Chemrex 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.	5-0 UST Appeal
PCB 04-173	<u>City of Sullivan 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 Moultrie County facility.	5-0 UST Appeal
PCB 04-176	<u>Three Square Feeds v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Morgan County facility.	5-0 UST Appeal
PCB 04-185	<u>Midwest Generation EME, Inc. v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee</u> – No action taken.	P-C-F-S-R
PCB 04-187	<u>Sutter Sanitation, Inc. and Lavonne Haker v. IEPA</u> – No action taken.	P-A, Land
PCB 04-204	<u>Daniel J. Beers v. Dave Calhoun (Let It Shine Car Wash)</u> – No action taken.	Citizens N-E
PCB 04-213	<u>The Village of Lombard, Illinois v. Bill’s Auto Center, Bill’s Standard Service and William Kovar</u> – No action taken.	Citizens UST-E

PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-223	<u>SG Supply Company 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 Cook County facility.	5-0 UST Appeal
PCB 04-224	<u>People of the State of Illinois v. Heritage FS, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Kankakee County.	5-0 W-E
PCB 04-225	<u>People of the State of Illinois v. Prairie Lane Development, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Boone County.	5-0 W-E
PCB 04-226	<u>People of the State of Illinois v. P&J Super Auto Body Shop, Inc. and Julio Gallegos</u> – The Board accepted for hearing this land enforcement action involving a site located in Cook County.	5-0 L-E
PCB 04-227	<u>People of the State of Illinois v. Rogers Development Company</u> – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	5-0 W-E

OTHER ITEMS

The Board granted Chairman's motion to change the July 22 Chicago Meeting and the August 5 Springfield Meeting to Video-Conference Meetings in Springfield and Chicago.

The Board granted Chairman's motion for approval of 2005 Board Meeting Locations and Deliberative Session Dates as listed below:

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 2005

January 6 *	July 7 *
January 20	July 21
February 3 *	August 4 **
February 17	August 18
March 3 **	September 1 *
March 17	September 15
April 7 *	October 6 **
April 21	October 20
May 5 **	November 3 *
May 19	November 17
June 2 *	December 1 *
June 17	December 15

* **These Board meetings will be via Videoconference both in Chicago, 100 W. Randolph Street, Videoconference Room 11-512, and Springfield, 1021 N. Grand Avenue East, Oliver Holmes Conference Room 2012 N, Second Floor**

** **These Board meetings will be in the Board's Springfield Office, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor**

Deliberative Sessions:

January 13
January 27

July 14
July 28

February 10
February 24

August 11
August 25

March 10
March 24

September 8
September 22

April 14
April 28

October 13
October 27

May 12
May 26

November 10
November 23 (Wednesday)

June 9
June 23
June 30

December 8
December 22
December 29

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned 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 July 22, 2004, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board