

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



MARCH 3, 2005 SPRINGFIELD OFFICE
1021 N. Grand Avenue East
Conference Room 1244 N, First 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 February 17, 2005 meeting were approved by a vote of 4-0. Chairman Novak abstained.

RULEMAKINGS

R05-2	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2004 through June 30, 2004 and October 25, 2004) –</u> The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s hazardous waste regulations.	5-0 R, Land
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R05-16 In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2004 through December 31, 2004) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s volatile organic material regulations. 5-0
R, Air

R05-19 In the Matter of: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146) – No action taken. R, Air

ADJUSTED STANDARDS

AS 04-2 In the Matter of: Petition of Jo'lyn Corporation and Falcon Waste and Recycling, Inc. for an Adjusted Standard from Portions of 35 Ill. Adm. Code 807.103 and 35 Ill. Adm. Code 810.103 or in the Alternative a Finding of Inapplicability – No action taken. Land

AS 05-3 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 – 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. Land

AS 05-4 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) – The Board granted petitioner’s motion to incorporate the record from *In re* Petition of SCA Tissue of North American, L.L. C. for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c), AS 05-1 into this proceeding and accepted this matter for hearing. 5-0
Air

AS 05-5

In the Matter of: Petition of Ford Motor Company for an Adjusted Standard from 35 Ill. Adm. Code 218.586 – Pending receipt of the certificate of publication, the Board held this Cook County facility’s petition for an adjusted standard from the Board’s volatile organic material emission standards and limitations for the Chicago area.

Air

ADMINISTRATIVE CITATIONS

AC 05-43 County of Macon, Illinois v. David Beck – The Board found that this Macon County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000. 5-0

AC 05-46 IEPA v. Lawrence Krueger - The Board found that this Cook County respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2002)), and ordered respondent to pay a civil penalty of \$3,000. 5-0

AC 05-49 IEPA v. Landers’ Children Family, L.L.C. and Ray Landers – The Board granted complainant’s motion to dismiss the administrative citation for lack of timely service. 5-0

AC 05-52 IEPA v. Robert Daniel Spears – The Board accepted for hearing this petition for review of an administrative citation against this Cass County respondent. 5-0

AC 05-54 IEPA v. Ray Logsdon Estate, Logsdon Sand and Gravel and M.K. O’Hara Construction, Inc. – The Board accepted for hearing a petition for review on behalf of M.K. O’Hara Construction, Inc. in this administrative citation against these Cass County respondents. The Board directed respondent M.K. O’Hara Construction, Inc. to file an amended petition for review accompanied by an attorney’s appearance within 30 days from the date of this order, or the Board will dismiss this petition. 5-0

Decisions

PCB 04-50 People of the State of Illinois v. MacMurray College – In this air enforcement action concerning a Morgan 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 implement and complete a supplemental environmental project (SEP) in lieu of paying a civil penalty and to cease and desist from further violations. Under the SEP, respondent agrees to collect used computers and computer monitors from the community, donate the usable equipment to charitable organizations for use or resale, and dispose of the non-usable equipment in an environmentally acceptable manner.

5-0
A-E

PCB 04-94 People of the State of Illinois v. Hauck Homes, Inc. d/b/a Rock River Estates Mobile Home Park – In this water enforcement action concerning a Lee 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 \$12,000 and to cease and desist from further violations.

5-0
W-E

PCB 05-8 People of the State of Illinois v. Village of Capron – In this public water supply enforcement action concerning a Boone 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 \$1,000 and to cease and desist from further violations.

5-0
PWS-E

PCB 05-78 People of the State of Illinois v. Ralph Stone, Mayor of the Village of Gorham – In this air enforcement action concerning a Jackson 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 \$500 and to cease and desist from further violations.

5-0
A-E

PCB 05-92 People of the State of Illinois v. Specialty Promotions, Inc. d/b/a Specialty Printing 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 \$75,000 and to cease and desist from further violations. 5-0
A-E

PCB 05-96 People of the State of Illinois v. Village of North City, Lawrence A. Lipe & Associates, Inc., Altman-Charter Company, and Furlong Excavating, Inc. – In this public water supply enforcement action concerning a Boone 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 three stipulation and settlement agreements as to Lawrence A. Lipe & Associates, Inc., Furlong Excavating, Inc. and Altman-Charter Company. Lawrence A. Lipe & Associates, Inc. was ordered to pay a civil penalty of \$5,000. Furlong Excavating, Inc. was ordered to pay a civil penalty of \$500 and to perform a supplemental environmental project by donation of \$2,000 to the Benton School District Greening Program. Altman-Charter Company was ordered to pay a civil penalty of \$2,000. The respondents also were ordered to cease and desist from further violations. This case remains open as to the sole remaining respondent, the Village of North City. 5-0
PWS-E

ADJUDICATORY CASES

Motions and Other Matters

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, 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. – No action taken. W-E

PCB 00-104 People of the State of Illinois v. The Highlands, L.L.C., Murphy A-E

Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc. – No action taken.

PCB 04-1 PCB 04-3 (Cons.)	<u>SCI Illinois Services, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated underground storage tank appeals involving a Cook County facility.	5-0 UST Appeal
PCB 04-88	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – No action taken.	P-A, NPDES
PCB 04-138	<u>People of the State of Illinois v. Pinnacle Corporation d/b/a Town & Country Homes</u> – The Board granted complainant’s motion for leave to amend complaint and accepted the first amended complaint. 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 Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 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 04-178	<u>People of the State of Illinois v. Ned Mandich d/b/a H.B.M. Electrochemical</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 Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 04-190	<u>Johnson Oil Company v. IEPA</u> – No action taken.	UST Appeal

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 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – The Board granted the parties’ agreed motion for an additional 90 days in which to file an answer, now due on or before May 17, 2005.	5-0 Citizens L-E
PCB 05-32	<u>People of the State of Illinois v. GTC, International</u> – The Board granted complainant’s motions to deem facts admitted and for summary judgment on all ten counts of the complaint. The Board directed the parties to hearing on the issue of remedy.	5-0 A-E
PCB 05-48	<u>Illinois Ayers Oil Company v. IEPA</u> – No action taken.	UST Appeal
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 o Lake County, Illinois v. IEPA and Village of Wauconda; Al Phillips et al. v. IEPA and Village of Wauconda</u> – No action taken.	P-A, NPDES
PCB 05-102	<u>Village of Crainville 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 Williamson County facility.	5-0 UST Appeal

PCB 05-108	<u>William Breuer v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Washington County facility.	5-0 UST Appeal
PCB 05-155	<u>Midwest Petroleum Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	5-0 UST Appeal
PCB 05-156	<u>Vision Properties Blue Island, L.L.C. 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 P-A, RCRA 90-Day Ext.
PCB 05-157	<u>Grand Pier Center L.L.C. and American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C. v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Kerr-McGee Chemical L.L.C.</u> – The Board held for a later duplicative/frivolous determination this citizens’ land enforcement action involving a Cook County facility.	L-E
PCB 05-158	<u>Wilson Sporting Goods 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 90-Day Ext.

CASES PENDING DECISION

R03-9	<u>In the Matter of: Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910</u> – Proposed Rule, Second First Notice, Opinion and Order	R, Noise
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R04-21 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 302.307 and 302.525 – Proposed Rule, Second Notice, Opinion and Order R, Water

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

R05-1 In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2004 through June 30, 2004) R, Land

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:28 a.m.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board