

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



AUGUST 5, 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 except Member Johnson who was absent.

APPROVAL OF MINUTES

Minutes of the July 22, 2004 meeting were approved by a vote of 4-0.

RULEMAKINGS

R04-25

In the Matter of: Proposed Amendments to Dissolved Oxygen
Standard 35 Ill. Adm. Code 302.206 – No action taken.

R, PWS

ADJUSTED STANDARDS

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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 |
| 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> – No action taken. | Water |
| 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> – The Board ordered petitioner to file an amended petition curing deficiencies. | 4-0 Land |

ADMINISTRATIVE CITATIONS

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| AC 04-18 | <u>IEPA v. Luther Coleman</u> – The Board entered a final order requiring respondent to pay the Board hearing costs in the amount of \$323.29 and a civil penalty of \$3,000. This order follows the Board's interim order of June 17, 2004, which found that this respondent had violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)) at his Saline County facility. | 4-0 |
| AC 04-57 | <u>IEPA v. Arlyn Ray d/b/a Arlyn Ray Construction, Tom Romero d/b/a Arlyn Ray Exteriors, Robert J. Adams and Rita M. Adams</u> – The Board granted complainant's motion to dismiss respondent Tom Romero. The Board found that the remaining Woodford County respondents violated Sections 21(p)(1),(3),(4) and (7) of the Illinois Environmental Protection Act (415 ILCS 5/21(p)(1),(3),(4) and (7) (2002)), and ordered respondents to pay a civil penalty of \$6,000. | 4-0 |
| AC 04-80 | <u>IEPA v. Joseph Luparell and Troy Curley</u> – No action taken. | |

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| AC 04-83 | <u>IEPA v. Giuffre II, L.L.C. and Reload, Inc.</u> – The Board found that these Winnebago County respondents violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondents to pay a civil penalty of \$3,000. | 4-0 |
| AC 04-89 | <u>IEPA v. Earl and Norma Martin</u> – The Board accepted for hearing this petition for review of an administrative citation against these Knox County respondents. | 4-0 |
| AC 04-90 | <u>IEPA v. Earl and Norma Martin</u> – The Board accepted for hearing this petition for review of an administrative citation against these Knox County respondents. | 4-0 |
| AC 04-91 | <u>IEPA v. Earl and Norma Martin</u> – The Board accepted for hearing this petition for review of an administrative citation against these Knox County respondents. | 4-0 |
| AC 05-9 | <u>IEPA v. Bill Collins</u> – The Board accepted an administrative citation against this Franklin County respondent. | |
| AC 05-10 | <u>IEPA v. Lawrence P. and Jacqueline L. Koch</u> – The Board accepted an administrative citation against these Bond County respondents. | |
| AC 05-11 | <u>IEPA v. Environmental Reclamation Company and Gene Stacey</u> – The Board accepted an administrative citation against these Coles County respondents. | |
| AC 05-12 | <u>County of Sangamon v. James Withers</u> – The Board accepted an administrative citation against this Sangamon County respondent. | |

ADJUDICATORY CASES

Motions and Other Matters

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| PCB 96-98 | <u>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.</u> – No action taken. | W-E |
| PCB 99-120 | <u>People of the State of Illinois v. Wood River Refining Company</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 Madison County facility, the Board ordered publication of the required newspaper notice. | 4-0 A&L-E |
| PCB 99-187 | <u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – No action taken. | A&N-E |
| PCB 01-1 | <u>People of the State of Illinois v. Metals Technology Corporation</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 DuPage County facility, the Board ordered publication of the required newspaper notice. | 4-0 A-E |
| PCB 01-43 | <u>People of the State of Illinois v. Michael Stringini</u> – The Board denied complainant’s motion for interlocutory appeal of hearing officer’s order of June 21, 2004 extending briefing dates and affirmed the hearing officer order of June 21, 2004 granting extension of time to file briefs. | 4-0 RCRA-E |
| PCB 01-102 | <u>Cassen and Sons, Inc. v. IEPA</u> – No action taken. | UST Appeal |

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| PCB 03-24 PCB 03-25 (Cons.) | <u>Hannel Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these underground storage tank appeals involving a Scott County facility. | 4-0 UST Appeal |
| 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> – The Board entered a final order granting petitioner’s motion for of payment by Illinois Environmental Protection Agency of attorney’s fees as costs of corrective action. The Board also granted the motions to file a reply and surreply but denied the motion to file an amended response. | 4-0 UST Appeal |
| PCB 04-31 | <u>Broadus Oil v. IEPA</u> – No action taken. | UST Appeal |
| PCB 04-48 | <u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – No action taken. | P-A, Land |
| PCB 04-67 | <u>People of the State of Illinois v. Royal Trucking Company</u> – No action taken. | W-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> – No action taken. | L-E |
| PCB 04-185 | <u>Midwest Generation EME, Inc. v. IEPA</u> – No action taken. | T-S Appeal |

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| 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 04-188 | <u>Paul Phelan 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 Macoupin County facility. | 4-0 UST Appeal |
| PCB 04-189 | <u>Wabash Valley Service 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 Lawrence County facility. | 4-0 UST Appeal |
| PCB 04-190 | <u>Johnson Oil Company, L.L.C. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility. | 4-0 UST Appeal |
| PCB 04-215 | <u>Commonwealth Edison Company v. IEPA</u> – No action taken. | T-S Appeal |
| PCB 05-8 | <u>People of the State of Illinois v. Village of Capron</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Boone County. | 4-0 PWS-E |
| PCB 05-9 | <u>People of the State of Illinois v. Danny Wiegel d/b/a Wiegel’s Tree Service</u> – The Board accepted for hearing this air enforcement action involving a site located in Marion County. | 4-0 A-E |

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| PCB 05-10 | <u>Dennis Eugene Batty – Davis Junction (Property Identification Number 11-13-400-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dennis Eugene Batty located in Ogle 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 05-11 | <u>UAP Richter – Dixon (Property Identification Number 02-15-07-100-020) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that certain agrichemical secondary containment facilities of UAP Richter located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the negative recommendation for the certain portion of the building over the minibulk/package agrichemical secondary containment structure at the site. | 4-0 T-C |
| PCB 05-12 | <u>Lake in the Hills Sanitary District v. IEPA</u> – The Board accepted for hearing this permit appeal involving a McHenry County facility. | 4-0 P-A, Water |
| PCB 05-13 | <u>People of the State of Illinois v. Paul DiFranco, Sr. and Mark’s Construction, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County. | 4-0 A-E |
| PCB 05-14 | <u>People of the State of Illinois v. Michael Collins d/b/a C&R Construction</u> – The Board accepted for hearing this air enforcement action involving a site located in St. Clair County. | 4-0 A-E |
| PCB 05-15 | <u>Bill Carter d/b/a Carter Convenience Store 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 White County facility. | 4-0 UST Appeal 90-Day Ext. |
| PCB 05-16 | <u>Royer Oil (Sorento Garage) v. IEPA</u> – The Board granted this | 4-0 |

request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Bond County facility.

UST
Appeal
90-Day
Ext.

CASES PENDING DECISION

R04-13 In the Matter of: SDWA Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – Adopted Rule, Final Order, Opinion and Order R, PWS

OTHER ITEMS

The Board granted the Chairman's motion to convene the August 12, 2004 Closed Deliberative Session at 11:00 a.m. instead of 10:00 a.m.

The Board granted the Chairman's motion to change the October 7, 2004 Meeting location from Springfield to Chicago at the Union League Club of Chicago, 65 W. Jackson Boulevard, and to convene at 10:00 a.m. instead of 11:00 a.m.

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Novak adjourned 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 August 19, 2004, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board