

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**AUGUST 19, 2004**  
**100 W. Randolph Street**  
**Conference Room 9-040**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Novak welcomed members of the public and staff to the meeting.

### **ROLL CALL**

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The Clerk of the Board called the roll. All Board Members answered present except Member Melas who was absent.

### **APPROVAL OF MINUTES**

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Minutes of the August 5, 2004 meeting were approved by a vote of 3-0. Member Johnson abstained.

### **RULEMAKINGS**

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<b>R04-13</b>	<u>In the Matter of: SDWA 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 to amend the Board’s public water supply regulations.	4-0 R, PWS
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<b>R04-25</b>	<u>In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206</u> – No action taken.	R, PWS
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## ADJUSTED STANDARDS

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**AS 04-2**      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 – No action taken.      Land

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**AS 04-3**      In the Matter of : Petition by Hayden Wrecking Corporation for an Adjusted Standard from 35 Ill. Adm. Code 620.410(a) – No action taken.      Water

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## ADMINISTRATIVE CITATIONS

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**AC 04-80**      IEPA v. Joseph Luparell and Troy Curley – No action taken.

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**AC 04-88**      City of Chicago Department of Environment v. Gene Evans – The Board found that this Cook County respondent 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.      4-0

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**AC 05-1**      IEPA v. Michael E. Boone – The Board found that this Mason County respondent 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.      N4-0

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**AC 05-2**      IEPA v. Lester Smith – The Board accepted for hearing this petition for review of an administrative citation against this Massac County respondent.      4-0

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**AC 05-4**      IEPA v. G.T. & L., Inc. – The Board found the petition for review deficient in this administrative citation involving a Cook County facility. The Board ordered respondent to file an amended petition curing deficiencies and accompanied by an attorney's appearance, within 30 days, or the petition would be subject to dismissal.      4-0

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**AC 05-7**      IEPA v. Edward and Betty Jo Cain and Edward Cain d/b/a Cain Roofing Company – The Board accepted for hearing this petition for review of an administrative citation against these Champaign County respondents.      4-0

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**AC 05-13**      IEPA v. Roy Bruce – The Board accepted an administrative citation against this Jefferson County respondent.

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## **ADJUDICATORY CASES**

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### Decisions

**PCB 03-223**      People of the State of Illinois v. Elysium Energy – In this water, land and air enforcement action concerning a Lake 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 respondents to pay a total civil penalty of \$25,000 and to cease and desist from further violations.      4-0  
L-E

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**PCB 04-98**      People of the State of Illinois v. Onyx Environmental Services, L.L.C. and Aura II Inc. – In this land and air enforcement action concerning a Jasper 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 \$125,000 and to cease and desist from further violations.      4-0  
A,L,W-E

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**PCB 04-218**      People of the State of Illinois v. Brickyard Disposal and Recycling, Inc. – In this land enforcement action concerning a DeWitt 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 engage in a supplemental environmental project (SEP) involving disposal of waste to the value of \$40,000, and to cease and desist from further violations.      4-0  
L-E

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Motions and Other Matters

<b>PCB 96-98</b>	<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
<b>PCB 97-119</b>	<u>People of the State of Illinois v. G &amp; M Total, Inc. and George Papas, individually and as President of G &amp; M Total, Inc.</u> – No action taken.	L-E
<b>PCB 99-187</b>	<u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – No action taken.	A&N-E
<b>PCB 01-102</b>	<u>Cassen and Sons, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 01-147</b>	<u>North Safety Products, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this appeal involving a DuPage County facility.	4-0 P-A, Air
<b>PCB 03-51</b>	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc., American Drapery Cleaners &amp; Flameproofers, Inc. and Richard Zell</u> – The Board granted complainant’s motion for partial summary judgment. The Board directed this matter to hearing as expeditiously as practicable on the remainder of the contested counts of the complaint, appropriate penalty amount, and remedy.	4-0 A-E
<b>PCB 03-98</b>	<u>Nielsen &amp; Bainbridge, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this appeal involving a Cook County facility.	4-0 P-A, Air
<b>PCB 03-106</b>	<u>Village of South Elgin v. Waste Management of Illinois, Inc.</u> – No action taken.	L-E

<b>PCB 03-125</b>	<u>City of Kankakee v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Merlin Karlock v. County Board of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Michael Watson v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Keith Runyon v. County of Kankakee, County Board of Kankakee and Waste Management of Illinois, Inc.; Waste Management of Illinois, Inc. v. County of Kankakee</u> – No action taken.	P-C-F-S-R
<b>PCB 03-133</b>		
<b>PCB 03-134</b>		
<b>PCB 03-135</b>		
<b>PCB 03-144</b> (Cons.)		
<b>PCB 03-185</b>	<u>Swif-T Food Mart v. IEPA</u> – The Board granted petitioner’s motion for authorization of payment of attorney fees as costs of corrective action and directed that \$11,291.37 in legal fees be reimbursed. The Board remanded the case to the Illinois Environmental Protection Agency to issue the requested reimbursement.	4-0 UST Appeal
<b>PCB 04-31</b>	<u>Broadus Oil v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 04-48</b>	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 04-67</b>	<u>People of the State of Illinois v. Royal Trucking Company</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 Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
<b>PCB 04-106</b>	<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
<b>PCB 04-185</b>	<u>Midwest Generation EME, Inc. v. IEPA</u> – No action taken.	T-S Appeal

<b>PCB 04-186</b>	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee</u> – The Board denied Keith Runyon’s motion to intervene.	4-0 P-C-F-S-R
<b>PCB 04-187</b>	<u>Sutter Sanitation, Inc. and Lavonne Haker v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 04-191</b>	<u>Clark Oil Station #848 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 Marion County facility.	4-0 UST Appeal
<b>PCB 04-195</b>	<u>Andover/Casey’s General Stores 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 Henry County facility.	4-0 UST Appeal
<b>PCB 04-196</b>	<u>Robert Mezo 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 Franklin County facility.	4-0 UST Appeal
<b>PCB 04-197</b>	<u>Brock Oil Company (Letter dated March 31, 2004) 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 McLean County facility.	4-0 UST Appeal
<b>PCB 04-199</b>	<u>Hicks Bulk Distribution 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 Jackson County facility.	4-0 UST Appeal
<b>PCB 04-200</b>	<u>Clark Oil Station #271 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 Madison County facility.	4-0 UST Appeal

<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S
<b>PCB 04-216</b>		Appeal
<b>PCB 05-17</b>	<u>Union County Oil 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 Union County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 05-18</b>	<u>Ted Harrison Oil 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 Cass County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 05-19</b>	<u>Hall’s Automotive (SICR) 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 Hardin County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 05-20</b>	<u>Hall’s Automotive (SIPB) 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 Hardin County facility	4-0 UST Appeal 90-Day Ext.
<b>PCB 05-21</b>	<u>Randy’s Shell 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 Piatt County facility.	4-0 UST Appeal 90-Day Ext.

<b>PCB 05-22</b>	<u>L. Keller Oil Properties (Downtown Shell) 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 Effingham County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 05-23</b>	<u>Keller Oil 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 Effingham County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 05-24</b>	<u>Premcor Refining Group, 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 LaSalle County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 05-25</b>	<u>Premcor Refining Group, 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 Tazewell County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 05-26</b>	<u>People of the State of Illinois v. CFM U.S. Corporation f/k/a The Vermont Casting Majestic Products Company, a Delaware corporation</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.	4-0 Air-E
<b>PCB 05-27</b>	<u>Hertiage FS, Inc. (Property Identification Numbers 06-10-06-400-005) v. IEPA</u> – No action taken.	T-C

**PCB 05-28**      People of the State of Illinois v. Color Communication, Inc., an Illinois corporation – The Board accepted for hearing this air enforcement action involving a two sites located in Cook County.      4-0  
Air-E

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**CASES PENDING DECISION**

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**AC 04-27**      IEPA v. Douglas S. Carrico, d/b/a Carricos Auto Heap      Moore

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**PCB 02-164**      Barbara and Ronald Stuart v. Franklin Fisher      Girard  
Citizens  
N-E

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**OTHER ITEMS**

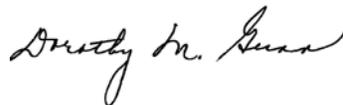
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**ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Novak adjourned at 11:25 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 2, 2004, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board