

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



April 7, 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, Chairman Novak welcomed members of the public and staff.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the March 17, 2005 meeting were approved by a vote of 4-0.

RULEMAKINGS

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 302.307 and 302.525</u> – The Board adopted a second first notice opinion and order in this “identical-in-substance” rulemaking to amend the Board’s water quality standards regulations.	4-0 R, Water
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R04-26 In the Matter of: Interim Phosphorus Effluent Standard, Proposed 35 Ill. Adm. Code 304.123(g-k) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s water quality standards regulations. 4-0
R, Water

R05-8 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) – The Board adopted a final opinion and order in this rulemaking amending the Board’s hazardous waste regulations. 4-0
R, Land

R05-10 In the Matter of: Bacteria (E-coli) Water Quality Standard for Lake Michigan and the Mississippi River, Proposed Amendments to 35 Ill. Adm. Code 302 – No action taken. R, Water

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 35 Ill. Adm. Code Part 807 or in the Alternative a Finding of Inapplicability – Based on case law interpreting the Environmental Protection Act, the Board determined that the granulate bituminous shingle material that the petitioners use to produce Eclipse Dust Control at their Woodstock facility is not a waste covered by the Board’s solid waste regulations. The Board denied the petitioners’ alternative request for an adjusted standard. 4-0
Land

AS 05-6 In the Matter of: Petition of Schaeffer Enterprises of Wolf Lake, Inc. for an Adjusted Standard from Tire Storage Rules at 35 Ill. Adm. Code 848.202(b)(5) and 848.404 – Pending receipt of the certificate of publication, the Board held this DuPage County facility’s petition for an adjusted standard from the Board’s regulations for the management of used and waste tires. Land

ADMINISTRATIVE CITATIONS

AC 05-53 IEPA v. Judy Cornelison – The Board granted complainant’s motion to dismiss the administrative citation for lack of timely service. 4-0

AC 05-54 IEPA v. Ray Logsdon Estate, Logsdon Sand and Gravel Company, and M.K. O’Hara Construction, Inc. – No action taken.

AC 05-55 IEPA v. Harold Bruley – The Board dismissed respondent’s late - filed petition for review. The Board found that this Macoupin County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$4,500. 4-0

AC 05-56 IEPA v. Christopher A. and Jenny L. Good – The Board found that these Douglas County respondents violated Sections 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 05-60 IEPA v. Ken Edwards – The Board accepted an administrative citation against this Macoupin County respondent.

AC 05-61 IEPA v. Timothy Pearce – The Board accepted an administrative citation against this Clay County respondent.

ADJUDICATORY CASES

Decisions

(No action taken)

Motions and Other Matters

PCB 96-98	<u>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.</u> – The Board granted respondents’ motion for extension of time and authorized respondents to conduct discovery on the attorney fee issue, which will be then set for hearing. Respondents’ were directed to file the discovery requests with the Board on or before April 25, 2005; the People’s response must be filed on respondents and served with the Board on or before May 25, 2005. The stay of the \$153,000 civil penalty imposed in the Board’s September 2, 2004 order remains in effect. The hearing officer was directed to proceed to hearing as expeditiously as possible.	4-0 W-E
PCB 97-2	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	A&W-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 01-56	<u>Bluff’s/Scott-Morgan C.U.S.D. #2 v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Scott County facility.	4-0 UST Fund
PCB 02-207	<u>Wallace Pharmaceuticals v. IEPA</u> –In response to the parties’ joint motion “to withdraw variance”, effective April 7, 2005, the Board terminated the September 19, 2002 variance granted in this docket from 35 Ill. Adm. Code Section 218.482(a) for five dryers at the Wallace Pharmaceuticals (n/k/a MedPointe Pharmaceuticals) facility in Decatur, Macon County.	4-0 A-V

PCB 03-51	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc., American Drapery Cleaners & Flameproofers, Inc.</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 A-E
PCB 03-54	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST
PCB 03-56		Appeal
PCB 03-105		
PCB 03-179		
PCB 04-2		
(cons.)		
PCB 04-19	<u>Paul and Donna Fredrickson v. Jeff Grelyak</u> – No action taken.	Citizens A&N-E
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 04-135	<u>People of the State of Illinois v. GF Office Furniture, Ltd., L.P., Office Suites, Inc., and GF Furniture Holding, Inc.</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 A-E
PCB 04-149	<u>Hortense Singer v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.	4-0 UST Appeal
PCB 04-156	<u>L. Keller Oil Company (Centralia) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.	4-0 UST Appeal

PCB 04-162	<u>People of the State of Illinois v. Asbestos Control and Environmental Services</u> – No action taken.	A-E
PCB 04-168	<u>L. Keller Oil Properties, Inc. (Salem) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.	4-0 UST Appeal
PCB 04-187	<u>Sutter Sanitation, Inc. and LaVonne Haker v. IEPA</u> – The Board granted petitioners’ motion for voluntary dismissal of this permit appeal involving an Effingham County facility.	4-0 P-A, Land
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u>	T-S
PCB 04-216 (not cons.)	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	Appeal
PCB 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	Citizens L-E
PCB 05-31	<u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility.	4-0 P-A, NPDES
PCB 05-64	<u>People of the State of Illinois v. Auto Recyclers – C&D, Enterprises, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Sangamon County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E

PCB 05-86	<u>People of the State of Illinois v. Fairacres Subdivision Association</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 Rock Island County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 05-111	<u>Mac’s Convenience Stores, L.L.C. 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 Will County facility.	4-0 UST Appeal
PCB 05-115	<u>Reed’s 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 White County facility.	4-0 UST Appeal
PCB 05-116	<u>Beckman 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 Marion County facility.	4-0 UST Appeal
PCB 05-118	<u>Illinois State Toll Highway Authority (Belvidere North Reimb.) 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 Boone County facility.	4-0 UST Appeal
PCB 05-123	<u>People of the State of Illinois v. Cunat, Inc.</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 McHenry County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

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> – No action taken.	L-E
PCB 05-168	<u>People of the State of Illinois v. Home Depot U.S.A., Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.	4-0 PWS-E
PCB 05-169	<u>Geneseo Pork, Inc. (Livestock Waste Management Facilities) (Property Identification Number 09-03-200-001-0011) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Geneseo Pork, Inc. located in Henry 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 Water
PCB 05-170	<u>Dumoulin Farms-Hampshire (Waste Management Facilities) (Property Identification Number 1-20-300-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dumoulin Farms-Hampshire located in Kane 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 Water
PCB 05-171	<u>Vincent Berghower (Livestock Waste Management Facilities) (Property Identification Number 90-13-06-200-008) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Vincent Berghower located in Jasper 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 Water

PCB 05-172	<u>Paul B. Finley (Livestock Waste Management Facilities) (Property Identification Number 90-07-21-400-006) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Paul B. Finley located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	Novak T-C Water
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PCB 05-173	<u>Lane Pork Corp. (Livestock Waste Management Facilities) (Property Identification Number 01-21-300-011 and 01-28-100-011) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Lane Pork Corp. located in DeKalb 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 Water
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PCB 05-174	<u>Charles Schelkopf Finishing Operation (Livestock Waste Management Facilities (Property Identification Number 25-01-400-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Charles Schelkopf Finishing Operation located in DeKalb 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 Water
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PCB 05-175	<u>County Line Pork (Livestock Waste Management Facilities) (Property Identification Number 25-01-400-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of County Line Pork 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 Water
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PCB 05-176	<u>Luke Brummer (Livestock Waste Management Facilities (Property Identification Number 06-13-020-018) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Luke Brummer located in Effingham 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 Water
PCB 05-177	<u>Nancy Doterer (Livestock Waste Management Facilities) (Property Identification Number 11-33-200) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Nancy Doterer 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 Water
PCB 05-178	<u>Keith Richardson (Livestock Waste Management Facilities) (Property Identification Number 12-12-20-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of <u>Keith Richardson</u> located in Mercer 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 Water
PCB 05-179	<u>Arthur Keller-Willow Hill (Livestock Waste Management Facilities) (Property Identification Number (94-15-18-300-007) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that the livestock waste management facilities of Arthur Keller-Willow Hill located in Jasper 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 dead animal compost bin facilities, pending receipt of any petition for review by April 24, 2005.	4-0 T-C Water
PCB 05-180	<u>People of the State of Illinois v. ACI Environmental Corporation, an Illinois corporation, and Asbestos Control, Inc., an Illinois corporation</u> – No action taken.	A-E

PCB 05-181	<u>People of the State of Illinois v. Pattison Associates L.L.C. and 5701 South Calumet L.L.C.</u> – The Board accepted for hearing this air enforcement action involving a site located in Tazewell County.	4-0 A-E
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CASES PENDING DECISION

R04-12	<u>In the Matter of: Technical Corrections to Formulas in 35 Ill. Adm. Code 214;</u>	R, Air
R04-20	<u>In the Matter of: Clean-Up Part III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219</u> – Proposed Rule, First	
(cons.)	Notice, Opinion and Order	

R05-4	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2004 through June 30, 2004)</u> – Adopted	Water
R05-15	Rule, Opinion and Order	
(cons.)		

PCB 05-55	<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; Al Phillips et al. v. IEPA and Village of Wauconda, Illinois</u> – (due 4/21)	P-A, NPDES 3rd party
PCB 05-58		
PCB 05-59		
(cons.)		

PCB 05-85	<u>Citgo Petroleum Corporation and PDV Midwest Refining, LLC. v. IEPA</u> – (due 4/21)	UST Appeal
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ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Novak adjourned the meeting at 11:35 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 21, 2005, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board