

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 2, 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.

APPROVAL OF MINUTES

Minutes of the May 19, 2005 meeting were approved by a vote of 5-0,

RULEMAKINGS

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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 granted the City of Joliet’s motion for extension of the public comment period until August 15, 2005. | 5-0
R, Water |
| R05-11 | <u>In the Matter of: Amendments to Emissions Reduction Market Systems, 35 Ill. Adm. Code 205 and 211</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s air regulations. | 5-0
R, Air |
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ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 03-5	<u>IEPA v. Loxley, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cass County facility, the Board found that respondent had 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. 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), (4), (7) (2002).	5-0
AC 05-51	<u>County of Sangamon v. Patrick O’Keefe</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.	5-0
AC 05-61	<u>IEPA v. Timothy Pearce</u> – The Board accepted for hearing a petition for review of an administrative citation against this Clay County respondent.	5-0
AC 05-64	<u>IEPA v. Charles Bellemey and Willie Doucher</u> – The Board accepted for hearing , respondent, Charles Bellemey’s petition for review of an administrative citation. Because Willie Doucher (Doucher) failed to timely file a petition for review, the Board found that this Champaign County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered Doucher to pay a civil penalty of \$3,000.	5-0
AC 05-65	<u>County of Montgomery v. Michael Schwab</u> – The Board found that this Montgomery County respondent violated Section 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 05-67 IEPA v. Donald E. and Mary A. Jennings – The Board found that these Brown County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500. 5-0

AC 05-70 IEPA v. James Stutsman – The Board accepted an administrative citation against this Mason County respondent.

AC 05-71 IEPA v. Gene Breeden – The Board accepted an administrative citation against this Iroquois County respondent.

AC 05-72 IEPA v. Gary Clover d//a Clover Concrete – The Board accepted an administrative citation against this Williamson County respondent.

AC 05-73 County of LaSalle v. Harriet Baugher and John Baugher – The Board accepted an administrative citation against these LaSalle County respondents.

AC 05-74 IEPA v. Richard Holmes d/b/a/ Rich’s Towing and Linda Holmes – The Board accepted an administrative citation against these Jackson County respondents.

AC 05-75 County of Montgomery v. Lawrence and Tina Dickenson – The Board accepted an administrative citation against these Montgomery County respondents.

ADJUDICATORY CASES

Decisions

PCB 05-89	<u>People of the State of Illinois v. Redfearn Earthmoving, Inc.</u> – In this water enforcement action concerning a Jo Daviess 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 \$2,000, and to cease and desist from further violations.	5-0 W-E
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Motions and Other Matters

PCB 97-2	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	A&W-E
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PCB 02-105	<u>Board of Trustees of Southern Illinois University Governing Southern Illinois University, Edwardsville v. IEPA</u> – No action taken.	P-A, NPDES
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PCB 03-54	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST
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PCB 03-56		Appeal
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PCB 03-105		
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PCB 03-179		
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PCB 04-2		
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(cons.)		
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PCB 03-214	<u>Illinois Ayers Oil Company v. IEPA</u> – No action taken.	UST
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PCB 05-48		Appeal
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(not cons.)		
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PCB 03-222	<u>People of the State of Illinois v. Mecalux Illinois, 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.	5-0 A-E
PCB 04-49	<u>Jo'Lyn Corporation v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a McHenry County facility.	5-0 P-A, Land
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 04-162	<u>People of the State of Illinois v. Asbestos Control and Environmental Services</u> – No action taken.	Johnson A-E
PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County</u> – No action taken.	P-C-F-S-R
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 05-13	<u>People of the State of Illinois v. Paul DiFranco, Sr. and Mark's Construction, 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.	5-0 A-E
PCB 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	L-E

PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
PCB 05-127	<u>Richard Karlock v. IEPA</u> – No action taken.	UST Appeal
PCB 05-158	<u>Wilson Sporting Goods 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.	UST Appeal
PCB 05-193	<u>Vernon and Elaine Zohfeld v. Bob Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton, and Steve Kinder</u> – The Board held for a later duplicative/frivolous determination this citizens’ air enforcement action involving a Hamilton County site.	Citizens A-E
PCB 05-196	<u>Kapp, Inc. v. Hartley Carlton individually and d/b/a One Hour Cleaners</u> – The Board held for a later duplicative/frivolous determination this citizen land enforcement action involving a Macon County facility.	Citizens L-E
PCB 05-197	<u>Pete’s Marathon 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 Marion County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-198	<u>Basic Wire & Cable 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.

PCB 05-199 People of the State of Illinois v. Champion Environmental Services, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Rock Island County. 5-0
A-E

PCB 05-200 People of the State of Illinois v. Greg Rudeen individually and d/b/a Rock River Townhomes and d/b/a Rudeen and Associates – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County. 5-0
W-E

CASES PENDING DECISION

AC 04-63 County of Jackson v. Egon Kamarasy
AC 04-64
(cons.)

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting 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 June 16, 2005, by a vote of

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board