

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**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**

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

### **ROLL CALL**

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The Clerk of the Board called the roll. All Board Members answered present.

### **APPROVAL OF MINUTES**

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

### **RULEMAKINGS**

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| <b>R04-21</b> | <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<br>R, Water |
| <b>R05-11</b> | <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<br>R, Air   |
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## **ADJUSTED STANDARDS**

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None

## **ADMINISTRATIVE CITATIONS**

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<b>AC 03-5</b>	<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
<b>AC 05-51</b>	<u>County of Sangamon v. Patrick O’Keefe</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.	5-0
<b>AC 05-61</b>	<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
<b>AC 05-64</b>	<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
<b>AC 05-65</b>	<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

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**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

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

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

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

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

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**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.

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

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## ADJUDICATORY CASES

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### Decisions

<b>PCB 05-89</b>	<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

<b>PCB 97-2</b>	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	A&W-E
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<b>PCB 02-105</b>	<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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<b>PCB 03-54</b>	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST
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**PCB 03-56**

**PCB 03-105**

**PCB 03-179**

**PCB 04-2**

**(cons.)**

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<b>PCB 03-214</b>	<u>Illinois Ayers Oil Company v. IEPA</u> – No action taken.	UST
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**PCB 05-48**

**(not cons.)**

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<b>PCB 03-222</b>	<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
<b>PCB 04-49</b>	<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
<b>PCB 04-88</b>	<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
<b>PCB 04-162</b>	<u>People of the State of Illinois v. Asbestos Control and Environmental Services</u> – No action taken.	Johnson A-E
<b>PCB 04-186</b>	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County</u> – No action taken.	P-C-F-S-R
<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u>	T-S
<b>PCB 04-216</b> (not cons.)	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	Appeal
<b>PCB 05-13</b>	<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
<b>PCB 05-29</b>	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	L-E

<b>PCB 05-49</b>	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
<b>PCB 05-127</b>	<u>Richard Karlock v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 05-158</b>	<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
<b>PCB 05-193</b>	<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
<b>PCB 05-196</b>	<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
<b>PCB 05-197</b>	<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.
<b>PCB 05-198</b>	<u>Basic Wire &amp; 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

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**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

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**CASES PENDING DECISION**

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

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**ADJOURNMENT**

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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