

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



APRIL 4, 2002
CHICAGO OFFICE-100 WEST RANDOLPH
CONFERENCE ROOM 2-025
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Board Member Flemal 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 for Chairman Manning who was absent.

APPROVAL OF MINUTES

Minutes of the March 21, 2002 meeting were approved by a vote of 6-0.

ADMINISTRATIVE CITATIONS

AC 02-39 IEPA v. Jerel Childers – No action taken.

AC 02-46 County of Sangamon v. Kevin Biggs – The Board accepted an administrative citation against this Sangamon County respondent.

AC 02-47 IEPA v. James H. Hendricks, Joseph L. Hendricks, Jeffrey Hendricks, and Hendricks Home Furnishing, Inc. – The Board accepted an administrative citation against these Macoupin County respondents.

AC 02-48 IEPA v. Tony Luttrell – The Board accepted an administrative citation against this Clay County respondent.

AC 02-49 Ogle County Solid Waste Management Department v. Loren and Mary Hart d/b/a Rolling Meadows Mobile Home Park and Jeff Hart – The Board accepted an administrative citation against these Ogle County respondents.

AC 02-50 IEPA v. Gordon Romine d/b/a Romine Disposal – The Board accepted an administrative citation against this Fulton County respondent.

Decisions

PCB 97-168 People of the State of Illinois v. Old World Industries, Inc. and Specialty Sealant Tapes, Inc. – In this land enforcement action concerning a Cook County facility, the Board granted complainant’s motion to dismiss Specialty Sealant Tapes, Inc. as a respondent. The Board also granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement as to respondent Old World Industries, Inc. (Old World), ordered Old World to pay a total civil penalty of \$65,000, and to cease and desist from further violations.

PCB 01-62 ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA – The Board affirmed the Illinois Environmental Protection Agency’s refusal to release any existing financial assurance tendered by ESG Watts for the facilities owned by ESG Watts.

PCB 01-63 ESG Watts, Inc. (Viola Landfill) v. IEPA; ESG Watts, Inc. (Taylor Ridge Andalusia Landfill) v. IEPA – The Board affirmed the Illinois Environmental Protection Agency’s decision refusing to accept the substitute financial assurance offered by ESG Watts for the Taylor Ridge/Andalusia landfill and the Viola landfill.

PCB 01-64
Cons.

PCB 01-139 ESG Watts, Inc. (Sangamon Valley Landfill, Taylor Ridge Landfill, and Viola Landfill) v. IEPA – The Board affirmed the Illinois Environmental Protection Agency’s decision refusing to release any existing financial assurance tendered by ESG Watts for the facilities owned by ESG Watts.

PCB 02-42	<u>City of Canton v. IEPA</u> – The Board granted petitioner a variance, subject to conditions from 35 Ill. Adm. Code 611.743(a)(1), 611.744 and 611.745, which relate to installing and collecting data from turbidity monitors for its water purification plant located in Fulton County, Illinois.	6-0 Lawton and Tristano concurring PWS-V
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ADJUDICATORY CASES

Motions and Other Matters

PCB 97-2	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – The Board granted respondent’s motion for summary judgment, relating to contested permit conditions. The Board found that respondent did not violate Sections 415 ILCS 5/21(d)(1), 5/21(d)(2), 5/22.17(a) and 5/22.17(b) (2000) of the Environmental Protection Act and 35 Ill. Adm. Code 745.181 and 745.201 of the Board’s regulations. This matter was ordered to hearing in order to adjudicate the remaining allegations.	6-0 A,W&L-E
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PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, f/d/b/a S & S Petroleum Products, Peter Anest, f/d/b/a S & S Petroleum Products, Charles Abraham, Josephine Abraham, and Millstream Service, Inc.; Charles Abraham, Josephine Abraham, and Millstream Services, Inc., Cross-Complainants v. William Anest and Peter Anest, Cross-Respondents</u> – The Board denied respondent’s Anests’ motion for summary judgment against the Abrahams on their cross-complaint, but struck count II of the cross-complaint and any portion of the cross-complaint that seeks reimbursement of penalties. The Board granted complainant’s motion for partial summary judgment against respondents State Oil and Anests. The Board granted complainant’s motion for summary judgment against the Abrahams and Millstream in part and denied it in part. Specifically, the motion for summary judgment was granted as to count I of the complainant’s complaint that alleged a violation of Section 12(a) of the Act (415 ILCS 5/12(a) (2000)), but denied as to count II of the complainant’s complaint seeking reimbursement for costs incurred by the State pursuant to Section 57.12 of the Act. 415 ILCS 5/57.12 (2000). Finally, the Board denied the motion for summary judgment filed by the Abrahams and Millstream against the complainant on count II of the complainant’s complaint. This matter was ordered to hearing in order to adjudicate the remaining allegations and penalty issues.	6-0 L&W-E
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PCB 97-145	<u>Pekin Energy Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this variance request involving a Tazewell County facility.	6-0 W-V, NPDES
PCB 98-55	<u>Donald McCarrell and Ann McCarrell v. Air Distribution Associates, Inc.</u> – No action taken.	Citizens L-E
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – No action taken.	W-E
PCB 00-111	<u>People of the State of Illinois v. R. Frietsch & Company, Inc.</u> – No action taken.	A-E
PCB 00-181	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties and the Board of Education of Belvidere District 100</u> – No action taken.	Citizens UST-E
PCB 01-135	<u>People of the State of Illinois v. Patrick Robert Land Trust</u> – The Board granted complainant’s motion for summary judgment. The Board finds that the respondent violated Sections 12(a), 21(a), (d), and (p)(1) of the Environmental Protection Act (415 ILCS 5/12(a), 21(a), (d), (p)(1) (2000)), and 35 Ill. Adm. Code 812.101(a). The Board directed this matter to hearing as expeditiously as practicable on the specific issues of the appropriate penalty amount, costs, and attorney fees.	6-0 L-E
PCB 01-144	<u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, PrairieLand Construction, Inc., and Rich Williams d/b/a C.R. Williams & Associates, Architects; PrairieLand Construction, Inc. Cross-Complainant v. City of Pana, Housing Authority of Christian County, and Rich Williams d/b/a C.R. Williams & Associates Architects Cross-Respondents</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 Christian County facility, the Board ordered publication of the required newspaper notice.	6-0 PWS-E
PCB 02-41	<u>Milton and Virginia Kamholz v. Lawrence and Marianne Sporleder</u>	Citizens

– No action taken.

A&N-E

PCB 02-53	<u>E&L Trucking Company v. IEPA</u> – No action taken.	UST Appeal
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PCB 02-56	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – No action taken.	W-E
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PCB 02-89	<u>Sandra Stanton v. Mrs. Jessie Oyston, Mayor (Village of Buckner)</u> – The Board found that this complaint was frivolous. This matter was dismissed and the docket was closed.	6-0 Citizens A-E
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PCB 02-101	<u>E&L Trucking Company v. IEPA</u> – No action taken.	UST Fund
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PCB 02-108	<u>Saline County Landfill, Inc. v. IEPA</u> – No action taken.	P-A, Land
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PCB 02-111	<u>J&L Oil, Inc. (Lake Villa) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	6-0 UST Fund
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PCB 02-112	<u>J&L Oil, Inc. (Fox Lake) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	6-0 UST Fund
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PCB 02-157	<u>David L. Weber and Rachel B. Weber v. Cisco United Methodist Church</u> – The Board held for a later duplicitous/frivolous determination this citizen’s noise enforcement action involving a Piatt County facility.	Citizens N-E
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PCB 02-158	<u>Village of Findlay v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Shelby County facility.	6-0 P-A, NPDES
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PCB 02-159	<u>The Ensign Bickford Company v. IEPA</u> – The Board accepted this Union County facility’s petition for a variance from the Board’s	6-0 A-V
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regulation at 35 Ill. Adm. Code 237.103, and will decide the case upon receipt of the Illinois Environmental Protection Agency recommendation, since hearing was waived.

Open
Burning

PCB 02-160 Rockford Stop-N-Go, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Boone County facility.

6-0
UST Fund

PCB 02-161 People of the State of Illinois v. Home Depot U.S.A., Inc. – Upon receipt of the complaint, 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 Lake County facility, the Board ordered publication of the required newspaper notice.

6-0
W-E

CASES PENDING DECISION

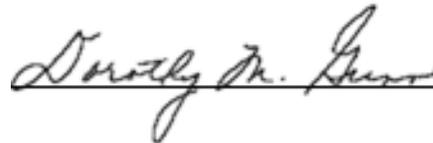
R02-1 In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2001 through June 30, 2001); RCRA Subtitle C Update, USEPA Amendments (July 1, 2001 through December 31, 2001 and January 22, 2002); UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001) – Proposed Rule, Proposal for Public Comment, Opinion and Order

R, Land

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Board Member Flemal adjourned the meeting 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 April 18, 2002 by a vote of 5-0. Chairman Manning abstained.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board