

# DRAFT ILLINOIS POLLUTION CONTROL BOARD MEETING MINUTES



**MAY 2, 2002**  
**CHICAGO OFFICE-100 West Randolph**  
**VIDEO CONFERENCE ROOM 11-512**  
**and**  
**SPRINGFIELD OFFICE-600 South Second Street**  
**VIDEO CONFERENCE ROOM 402**  
**11:00 A.M.**

## **ANNOUNCEMENTS**

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

## **ROLL CALL**

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The Clerk of the Board called the roll and all Board Members answered present.

## **APPROVAL OF MINUTES**

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Minutes of the April 18, 2002 meeting were approved by a vote of 6-0. Member Girard abstained.

## **RULEMAKINGS**

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<b>R02-21</b>	<u>In the Matter of: Petition of Central Illinois Light Company for a Site Specific Air Rule: 35 Ill. Adm. Code 214.141</u> – The Board opened a new regulatory docket to amend the Board’s air pollution control regulations. The Board accepted the proposal to amend air pollution control regulations for hearing and granted petitioner’s motions to waive the 200 signature requirement and to incorporate the record in PCB 99-80 (see AS 02-4 below).	6-0 R, Land
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## **ADJUSTED STANDARDS**

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<b>AS 02-2</b>	<u>In the Matter of: Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u> – The Board granted this Winnebago County facility an adjusted standard from the definition of solid waste, pursuant to 35	7-0 Land
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Ill Adm. Code 720.131(c), subject to conditions.

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<b>AS 02-4 R02-21</b>	<u>In the Matter of: Petition of Central Illinois Light Company for an Adjusted Standard from 35 Ill. Adm. Code 214.141</u> – The Board dismissed this Peoria County facility’s petition for an adjusted standard. The Board opened a new regulatory docket to amend the Board’s air pollution control regulations. The Board accepted the proposal to amend air pollution control regulations for hearing and granted petitioner’s motions to waive the 200 signature requirement and to incorporate the record in PCB 99-80.	7-0 Air
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### **ADMINISTRATIVE CITATIONS**

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<b>AC 02-43</b>	<u>IEPA v. James Potter</u> – The Board accepted for hearing this petition for review of an administrative citation against this Edgar County respondent.	7-0
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<b>AC 02-44</b>	<u>County of Jackson v. Robert L. Morgan</u> – The Board found that this Jackson County respondent violated Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2000)), and ordered respondent to pay a civil penalty of \$1,500.	7-0
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<b>AC 02-45</b>	<u>IEPA v. Roeco Enterprises, Inc.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent.	7-0
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<b>AC 02-46</b>	<u>Sangamon County v. Kevin Biggs</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Sangamon County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss the alleged violation of Section 21(p)(7) of the Act. 415 ILCS 5/21(p)(7) (2000).	7-0
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<b>AC 02-47</b>	<u>IEPA v. James H. Hendricks, Joseph L. Hendricks, Jeffrey Hendricks, and Hendricks Home Furnishing, Inc.</u> – The Board found that these Macoupin County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondents to pay a civil penalty of \$1,500.	7-0
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<b>AC 02-48</b>	<u>IEPA v. Tony Luttrell</u> – The Board found that this Clay County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000)), and ordered respondent to pay a civil penalty of \$3,000.	6-1 Girard dissented
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**Decisions**

<b>PCB 01-144</b>	<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 &amp; Associates Architects</u> – In this public water supply enforcement action concerning a Christian County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement for the City of Pana (Pana), the Housing Authority of Christian County (HACC), PrairieLand Construction, Inc. (PrairieLand) only. HACC was ordered to pay a civil penalty of \$4,000. Pana was ordered to fund a \$7,500 Supplemental Environmental Project and to pay a civil penalty of \$2,140. PrairieLand was ordered to pay a civil penalty of \$5,000. HACC, Pana, and PrairieLand were ordered to cease and desist from further violations. This matter shall proceed to hearing as to the remaining respondent, Rich Williams d/b/a C.R. Williams & Associates Architects.	7-0 PWS-E
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<b>PCB 02-161</b>	<u>People of the State of Illinois v. Home Depot U.S.A., Inc.</u> – In this water 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) (2000)), accepted a final stipulation and settlement agreement, ordered this respondent to pay a total civil penalty of \$50,000 and a payment of \$30,000 to the Lake County Health Department and Community Health Center, and to cease and desist from further violations.	7-0 W-E
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**ADJUDICATORY CASES**

**Motions and Other Matters**

<b>PCB 97-103</b>	<u>People of the State of Illinois v. State Oil Company, William Anest f/d/b/a S&amp;S Petroleum Products, Peter Anest f/d/b/a S&amp;S Petroleum Products, Charles Abraham, Josephine Abraham, and Millstream Service, Inc.; Charles Abraham, Josephine Abraham, and Millstream Services, Inc., Cross-Complainants v. William</u>	L&W-E
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Anest and Peter Anest, Cross-Respondents – No action taken.

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<b>PCB 97-113</b>	<u>People of the State of Illinois v. Homin Lee d/b/a Meisel Plating</u> – No action taken.	RCRA-E
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<b>PCB 98-55</b>	<u>Donald McCarrell and Ann McCarrell v. Air Distribution Associates, Inc.</u> – The Board denied complainants motion for summary judgment and directed this citizens’ cost recovery action involving a DuPage County facility to hearing.	7-0 Citizens L-E
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<b>PCB 99-134</b>	<u>People of the State of Illinois v. Peabody Coal Company</u> – No action taken.	W-E
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<b>PCB 00-67</b>	<u>People of the State of Illinois v. American Disposal Company</u> – The Board granted complainant’s motion to voluntarily dismiss the remaining respondent from this Resource Conservation and Recovery Act enforcement action involving a Cook County facility, closing this docket.	7-0 RCRA-E
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<b>PCB 00-110</b>	<u>People of the State of Illinois v. Joe Decicco Demolition, Inc.</u> – No action taken.	A-E
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<b>PCB 00-111</b>	<u>People of the State of Illinois v. R. Frietsch &amp; Company, Inc.</u> – No action taken.	A-E
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<b>PCB 00-181</b>	<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> – The Board granted the motion to strike complainant’s affidavit and denied the motions for summary judgment, directing this citizen’s cost recovery action to hearing.	7-0 Citizens UST-E
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<b>PCB 01-72</b>	<u>Stepan Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Will County facility.	7-0 P-A, Air
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<b>PCB 02-21</b>	<u>People of the State of Illinois v. J&amp;F Hauling, Inc.</u> – No action taken.	RCRA-E
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<b>PCB 02-41</b>	<u>Milton and Virginia Kamholz v. Lawrence and Marianne Sporleder</u> – No action taken.	Citizens A&N-E
<b>PCB 02-84</b>	<u>People of the State of Illinois v. Bill Palmer d/b/a Commercial Group, Frank Glosky, d/b/a Glosky Realty, and R.A.S. Development, Inc.</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 Kendall County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
<b>PCB 02-96</b>	<u>Estate of Edmund F. Radkiewicz v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 02-97</b>	<u>Midwest Illinois Auto/Truck Plaza, Inc. 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 Bond County facility.	7-0 UST Fund
<b>PCB 02-100</b>	<u>Principia College v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Jersey County facility.	7-0 P-A
<b>PCB 02-157</b>	<u>David L. Weber and Rachel B. Weber v. Cisco United Methodist Church</u> – In this citizens’ noise enforcement action involving a Piatt County facility, the Board struck as frivolous the alleged violation of Section 901.104 of the Board’s noise regulation (35 Ill. Adm. Code 900.104). The Board found that the remaining alleged violation of the Board’s regulations is neither duplicitous nor frivolous, and accepted it for hearing.	7-0 Citizens N-E
<b>PCB 02-164</b>	<u>Barbara and Ronald Stuart v. Franklin Fisher</u> – The Board held for a later duplicitous/frivolous determination this citizens’ noise enforcement action involving a Will County facility.	Citizens N-E
<b>PCB 02-173</b>	<u>City of Waukegan, Waukegan City Council, and Richard H. Hyde, Mayor of the City of Waukegan et al. v. IEPA and North Shore Sanitary District</u> – The Board dismissed this third-party permit	7-0 P-A, Land, Air

appeal involving a Lake County facility for lack of jurisdiction.

3rd-Party

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<b>PCB 02-174</b>	<u>Alfred Uffelmann, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Alfred Uffelmann, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
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<b>PCB 02-175</b>	<u>David Billington v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of David Billington located in Wayne County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
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<b>PCB 02-176</b>	<u>Engelman Farms v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Englelman Farms located in Perry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
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<b>PCB 02-177</b>	<u>People of the State of Illinois v. John Prior d/b/a Prior Oil Company and James Mezo d/b/a Mezo Oil Company</u> – The Board accepted for hearing this Resource Conservation and Recovery Act and water enforcement action involving a Washington County facility.	7-0 RCRA, W-E
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<b>PCB 02-178</b>	<u>Davis H. and Dennis K. Biddle v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Davis H. and Dennis K. Biddle 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 (2000)).	7-0 T-C
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<b>PCB 02-179</b>	<u>Davis H. and Dennis K. Biddle v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Davis H. and Dennis K. Biddle located in Mercer County are pollution control facilities for the purpose of preferential tax treatment under the	7-0 T-C
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Property Tax Code (35 ILCS 200/11-10 (2000)).

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<b>PCB 02-180</b>	<u>Loren and Micah Anderson Partnership v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Loren and Micah Anderson 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 (2000)).	7-0 T-C
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<b>PCB 02-181</b>	<u>William and Linda Michl Farms v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of William and Linda Michl 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 (2000)).	7-0 T-C
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<b>PCB 02-182</b>	<u>UAP Richter Company (McDonough County) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of UAP Richter Company located in McDonough County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
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<b>PCB 02-183</b>	<u>Shearon, 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 McHenry County facility.	7-0 UST Appeal 90-Day Ext.
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<b>PCB 02-184</b>	<u>UAP Richter Company (McDonough County) v. IEPA</u> – The Board opened a docket to address recommended denial of petitioner’s request for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)) for its facility located in McDonough County. Petitioner must file a petition to contest with the Clerk of the Board within 35 days after the respondent served the recommendation. If petitioner fails to timely file a petition, the Board may deny tax certification for the noise pollution abatement control facility based solely on respondent’s recommendation.	7-0 T-C

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<b>PCB 02-185</b>	<u>People of the State of Illinois v. Ferrara Pan Candy Company, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Cook County facility.	7-0 A-E
<b>PCB 02-186</b>	<u>People of the State of Illinois v. Van Melle U.S.A., Inc.</u> – The Board accepted for hearing this air enforcement action involving a Lake County facility.	7-0 A-E
<b>PCB 02-187</b>	<u>UOP L.L.C. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	7-0 P-A, Air
<b>PCB 02-188</b>	<u>Smithfield Properties IV, L.L.C. 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.	7-0 UST Appeal 90-Day Ext.
<b>PCB 02-189</b>	<u>Wareco Service, 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 Knox County facility.	7-0 UST Fund 90-Day Ext.
<b>PCB 02-190</b>	<u>Mark IV Realty, 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 Cook County facility.	6-0 Melas abstained UST Appeal 90-Day Ext.

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**CASES PENDING DECISION**

<b>PCB 02-108</b>	<u>Saline County Landfill, Inc. v. IEPA</u> (due 6/4)	P-A, Land
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**ADJOURNMENT**

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Moved and seconded, by a vote of 7-0, Chairman Manning 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 May 16, 2002 by a vote of.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board