

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**JUNE 16, 2005 CHICAGO OFFICE**  
**100 W. Randolph Street**  
**Conference Room 9-040**  
**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 June 2, 2005 meeting were approved by a vote of 5-0,

### **RULEMAKINGS**

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| <b>R06-1</b> | <u>In the Matter of: UST Update, USEPA Amendments (January 1, 2005 through June 30, 2005)</u> – The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.                     | R, Land  |
| <b>R06-2</b> | <u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2005 through June 30, 2005)</u> - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005. | R, Water |
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**R06-3**            In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2005 through June 30, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.            R, Air

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**R06-4**            In the Matter of SDWA Update, USEPA Amendments (January 1, 2005 through June 30, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.            R, PWS

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**R06-5**            In the Matter of: UIC Update, USEPA Amendments (January 1, 2005 through June 30, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.            R, Land

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**R05-6**            In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2005 through June 30, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.            R, Land

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**R05-7**            In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2005 through June 30, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.            R, Land

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## **ADJUSTED STANDARDS**

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**AS 05-2**      In the Matter of: Petition of the Village of Bensenville for an Adjusted Standard from 35 Ill. Adm. Code 620.410 Regarding Chloride – The Board accepted for hearing petitioner’s second amended petition.      5-0  
Water

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**AS 05-7**      In the Matter of: Petition of Waste Management of Illinois, Inc. for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721 and for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122 for Treatment Residual of CID Recycling and Disposal Facility Biological Liquid Treatment Center – No action taken.      Land

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## **ADMINISTRATIVE CITATIONS**

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**AC 04-63**      County of Jackson v. Egon Kamarasy – The Board entered an interim opinion and order finding respondent violated Section 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2002)) and assessing a penalty of \$7,5000. The violations were alleged in two separate administrative citations, covering a different site. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. The Board will then issue a final order assessing hearing costs.      5-0

**AC 04-64**  
**(cons.)**

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**AC 05-66**      County of Kankakee v. Municipal Trust & Savings Bank Trust #1697 – The Board found that this Kankakee 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.      5-0

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**AC 05-73**      County of LaSalle v. Harriet Baugher and John Baugher – The Board on its own motion dismissed this administrative citation due to complainant’s failure to timely serve the administrative citation on the respondents and file it with the Board.      5-0

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**AC 05-76**      County of Jackson v. Gary Clover – The Board accepted an administrative citation against this Jackson County respondent.

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**AC 05-77**      IEPA v. Hunter Garrard – The Board accepted an administrative citation against this Crawford County respondent.

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## **ADJUDICATORY CASES**

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### **Decisions**

**PCB 04-100**      People of the State of Illinois v. Roberts Environmental Control, Inc. – In this air enforcement action concerning a Cook 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 \$7,500, and to cease and desist from further violations.      5-0  
A-E

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**PCB 04-225**      People of the State of Illinois v. Prairie Lane Development, L.L.C. – In this water enforcement action concerning a Boone 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 \$11,000, and to cease and desist from further violations.      5-0  
W-E

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**PCB 05-63**      People of the State of Illinois v. North Rockwell, L.L.C. – In this air enforcement action concerning a Cook 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 \$37,000, and to cease and desist from further violations.      5-0  
A-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> – The Board granted respondent’s motion for reconsideration of its February 3, 2005 Board Order, but denied the request to modify the final opinion and order. The February 3 order found t respondent violated various sections of the Environmental Protection Act and the Board regulations over a 13 year period. The Board ordered the respondent to pay a total civil penalty of \$65,000 and \$24,100 to the Office of the Attorney General.	5-0 A&W-E
<b>PCB 97-11</b>	<u>People of the State of Illinois v. White and Brewer Trucking</u> – No action taken.	L-E
<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
<b>PCB 03-54</b> <b>PCB 03-56</b> <b>PCB 03-105</b> <b>PCB 03-179</b> <b>PCB 04-2</b> <b>(cons.)</b>	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 03-214</b> <b>PCB 05-48</b> <b>(not cons.)</b>	<u>Illinois Ayers Oil Company v. IEPA</u> – The Board denied petitioners request for supplemental attorney fees.	5-0 UST Appeal
<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 04-103</b> <b>PCB 04-119</b> <b>(cons.)</b>	<u>Illinois State Toll Highway Authority (Des Plaines South) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated underground storage tank appeals involving a Cook County facility.	5-0 UST Appeal

<b>PCB 04-106</b>	<u>People of the State of Illinois v. Thomas Gray, an individual, Steve Whyte, an individual, Gladys Whyte, an individual, Leona Childress, an individual, and William McCoy, an individual</u> – The Board granted complainant’s motion to voluntarily dismiss respondents Leona Childress and William McCoy from this enforcement action.	5-0 LE
<b>PCB 04-162</b>	<u>People of the State of Illinois v. Asbestos Control and Environmental Services Corporation</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 04-177</b>	<u>Illinois State Toll Highway Authority (Des Plaines Oasis North) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
<b>PCB 04-186</b>	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County, Illinois</u> – The Board denied parties’ joint motion for remand.	5-0 P-C-F-S-R
<b>PCB 04-194</b>	<u>People of the State of Illinois v. Dur-O-Wal, 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 Kane County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u>	Moore
<b>PCB 04-216</b> (not cons.)	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
<b>PCB 05-29</b>	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	Citizens L-E
<b>PCB 05-32</b>	<u>People of the State of Illinois v. GTC, International</u> – The Board	5-0

granted complainant's motion to voluntarily dismiss this air enforcement action involving a site located in Cook County. A-E

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<b>PCB 05-49</b>	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
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<b>PCB 05-101</b>	<u>Mac's Convenience Stores L.L.C. v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Will County facility.	5-0 UST Appeal
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<b>PCB 05-125</b> <b>PCB 05-126</b>	<u>Red Rooster Corporation f/k/a Clark Retail Enterprises, Inc. (Clark Oil #2086) v. IEPA</u> – The Board granted petitioner's motion to consolidate these underground storage tank appeals involving a Peoria County facility.	5-0 P-A, Land
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<b>PCB 05-127</b>	<u>Richard Karlock v. IEPA</u> – No action taken.	UST Appeal
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<b>PCB 05-156</b>	<u>Vision Properties Blue Island, 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 Cook County facility.	5-0 UST Appeal
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<b>PCB 05-157</b>	<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
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<b>PCB 05-161</b>	<u>Crest Automotive 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.	5-0 UST Appeal
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<b>PCB 05-162</b>	<u>Ye Olde Glass Shoppe 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 Clark County facility.	5-0 UST Appeal
<b>PCB 05-166</b>	<u>Clinton County Oil Company, Inc. (Petitioner’s Letter Dated February 8, 2005) 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 Madison County facility.	5-0 UST Appeal
<b>PCB 05-167</b>	<u>Clinton Oil Company, Inc. (Petitioner’s Letter Dated March 2, 2005) 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 Madison County facility.	5-0 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> – No action taken.	Citizens A-E
<b>PCB 05-196</b>	<u>Kapp, Inc. v. Hartley Carlton individually and d/b/a One Hour Cleaners</u> – No action taken.	Citizens L-E
<b>PCB 05-201</b>	<u>People of the State of Illinois v. Illinois Tool Works, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E
<b>PCB 05-202</b>	<u>People of the State of Illinois v. Phoenix Finishing, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.	5-0 A-E
<b>PCB 05-203</b>	<u>People of the State of Illinois v. Homewood Disposal Service, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Cook County.	5-0 L-E



<b>PCB 05-204</b>	<u>People of the State of Illinois v. Lake Street Development L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Lake County.	5-0 W-E
<b>PCB 05-205</b>	<u>Young Farms-Summer (Property Identification Number 08-000-852-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Young Farms located in Lawrence County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C
<b>PCB 05-206</b>	<u>Probst Grain and Livestock, Inc. (Property Identification Numbers 58-06-05-400-010; 58-06-08-200-005; 58-06-09-400-02) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Probst Grain and Livestock, Inc. 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)).	5-0 T-C
<b>PCB 05-207</b>	<u>People of the State of Illinois v. Precision Twist Drill Co.</u> – The Board accepted for hearing this air enforcement action involving a site located in McHenry County.	5-0 A-E
<b>PCB 05-208</b>	<u>Robert Bennett 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 Lake County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 05-209</b>	<u>Larry’s Automotive Service 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 Madison County facility.	5-0 UST Appeal 90-Day Ext.

<b>PCB 05-210</b>	<u>Borgic Enterprises, Inc.-Newton (Property Identification Number 29-13-35-300-008) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Borgic Enterprises, Inc. 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)).	5-0 T-C
<b>PCB 05-211</b>	<u>Richard Ver Heecke (Property Identification Number 07-21-100-002) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Richard Ver Heecke 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)).	5-0 T-C
<b>PCB 05-212</b>	<u>John &amp; Linda Maracic v. TNT Logistics</u> – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Will County facility.	Citizens N-E
<b>PCB 05-213</b>	<u>Vincent &amp; Jennifer Neri v. TNT Logistics</u> - The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Will County facility.	Citizens N-E
<b>PCB 05-214</b>	<u>People of the State of Illinois v. Barry Hayden d/b/a Hayden Properties</u> – The Board accepted for hearing this water enforcement action involving a site located in St. Clair County.	5-0 W-E

## 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