

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JULY 21, 2005 CHICAGO OFFICE
100 W. Randolph Street
Conference Room 9-040
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 July 7, 2005 meeting were approved by a vote of 4-0. Member Girard abstained.

RULEMAKINGS

None.

ADJUSTED STANDARDS

AS 05-7	<u>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.</u>	Land
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ADMINISTRATIVE CITATIONS

AC 05-28 County of Vermilion, Illinois v. Bill Wernigk – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Vermilion County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2004)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties' joint motion to dismiss respondent's petition for review and the alleged violation of 415 ILCS 5/21(p)(7) (2004). 5-0

AC 05-78 County of Kankakee v. Municipal Trust & Savings Bank Trust #1605 – No action taken.

AC 06-1 County of Vermilion, Illinois v. Phil Rouse – The Board accepted for hearing this petition for review of an administrative citation against this Vermilion County respondent.

ADJUDICATORY CASES

Decisions

PCB 03-222 People of the State of Illinois v. Mecalux Illinois, Inc. – In this air enforcement action concerning a Kane 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$45,000 and to cease and desist from further violations. 5-0
A-E

PCB 04-162 People of the State of Illinois v. Asbestos Control and Environmental Service Corporation – 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$20,000 and to cease and desist from further violations. 5-0
A-E

PCB 05-13 People of the State of Illinois v. Paul DiFranco, Sr. and Mark’s Construction, Inc. – In this air enforcement action concerning a Kane 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) (2004)), accepted a stipulation and settlement agreement and ordered the respondent to pay a total civil penalty of \$22,000, and to cease and desist from further violations. 5-0
A-E

Motions and Other Matters

PCB 00-104 People of the State of Illinois v. The Highlands, L.L.C. and Murphy Farms, Inc. – No action taken. A-E

PCB 01-51 Georgia-Pacific Tissue, L.L.C. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility. 5-0
P-A, Air

PCB 02-11 Doris Glave v. Brent Harris, Patty Harris, and Winds Chant Kennel, Inc.;
PCB 02-32 Village of Grayslake v. Winds Chant Kennel, Inc. – No action taken. Citizens
N-E
(Cons.)

PCB 02-105 Board of Trustees of Southern Illinois University Governing Southern Illinois University, Edwardsville v. IEPA – No action taken. P-A,
NPDES

PCB 03-54	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST
PCB 03-56		Appeal
PCB 03-105		
PCB 03-179		
PCB 04-2		
(cons.)		
PCB 03-70	<u>Illinois Ayers Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cass County facility.	5-0 UST Appeal
PCB 04-72	<u>Willaredt Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Macon County facility.	5-0 UST Appeal
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 04-139	<u>People of the State of Illinois v. Decatur Foundry, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Macon County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County</u> – The Board denied Keith L. Runyon’s motions to intervene, and then denied petitioner’s motion to strike those motions as moot.	5-0 P-C-F-S-R
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> - No action taken.	T-S Appeal
PCB 04-216	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal

PCB 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Sangamon County site. The Board denied the motion for stay and directed the hearing officer to proceed expeditiously to hearing.	5-0 Citizens L-E
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
PCB 05-109	<u>Paul Johnson, Inc. v. IEPA and City of Waterman, Illinois</u> – The Board granted petitioner’s motion to file certificate of acceptance instanter and accepted the signed certificate of acceptance of conditions contained in the Board’s May 19, 2005 opinion and order, granting the requested water well setback exception.	5-0 WWS
PCB 05-127	<u>Richard Karlock v. IEPA</u> – The Board denied petitioner’s motion for summary judgment. The Board granted respondent’s motion for summary judgment and affirmed the Agency’s December 10, 2004 decision denying reimbursement for cost associated with site investigation due to a lack of supporting documentation.	5-0 UST Appeal
PCB 05-157	<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> – The Board accepted respondent Kerr-McGee’s counter-complaint for hearing.	5-0 L-E
PCB 05-165	<u>Century Chevy 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 McLean County facility.	5-0 UST Appeal
PCB 05-181	<u>People of the State of Illinois v. Pattison Associates, L.L.C. and 5701 South Calumet L.L.C.</u> – No action taken.	A-E

PCB 05-185	<u>Johnson Oil Company (Arcola) 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 Douglas County facility.	5-0 UST Appeal
PCB 05-193	<u>Vernon and Elaine Zohfeld v. Robert Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton and Steve Kinder</u> – No action taken.	Citizens A-E
PCB 05-212	<u>John & 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
PCB 05-213	<u>Vincent & 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
PCB 05-216	<u>Wayne Haser 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
PCB 05-217	<u>Ken Blouin 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
PCB 05-220	<u>Kenneth E. Medema, Jr. 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
PCB 06-1	<u>Robert F. Kasella, Jr. v. Kellie R. Kasella 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

PCB 06-2	<u>People of the State of Illinois v. Laidlaw Corporation</u> – The Board accepted for hearing this land enforcement action involving a site located in Massac County.	5-0 L-E
PCB 06-3	<u>People of the State of Illinois v. Lake Egypt Water and Wastewater District</u> – The Board accepted for hearing this water enforcement action involving a site located in Williamson County.	5-0 W-E
PCB 06-4	<u>People of the State of Illinois v. Leonard Foster d/b/a Rivercrest Mobile Home Park</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Kankakee County.	5-0 PWS-E
PCB 06-5	<u>People of the State of Illinois v. GKN Aerospace North America, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	5-0 RCRA-E
PCB 06-6	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies within 30 days, or the matter would subject to dismissal.	5-0 P-A, Land
PCB 06-7	<u>Lawrence Keith Padgett and Charlotte Ann Padgett v. Attorney’s Title Guaranty Fund, Inc.</u> – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Champaign County facility.	Citizens N-E
PCB 06-8	<u>People of the State of Illinois v. Bridgeport Grain, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Lawrence County.	5-0 A-E

CASES PENDING DECISION

AS 05-4 In the Matter of: Petition of SCA Tissue North America, L.L.C. for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c) Land

OTHER ITEMS

The Board granted Chairman's motion to keep Confidential Minutes for all Closed Deliberative Sessions from January 1, 2005 to June 30, 2005 (see Open Meetings Act (5 ILCS-120/2.6(d))).

The Board granted Chairman's motion for approval of 2006 Board Meeting Locations and Deliberative Session Dates as listed below:

Regular Board Meeting Schedule for Calendar Year 2006

<i>January 5 *</i>	<i>July 6 *</i>
<i>January 19</i>	<i>July 20</i>
<i>February 2 *</i>	<i>August 3 **</i>
<i>February 16</i>	<i>August 17</i>
<i>March 2 **</i>	<i>September 7 *</i>
<i>March 16</i>	<i>September 21</i>
<i>April 6 *</i>	<i>October 5 **</i>
<i>April 20</i>	<i>October 19</i>

*May 4 ***

*November 2 **

May 18

November 16

*June 1 **

*December 7 **

June 15

December 21

Unless otherwise noted below, Board meetings will be held at the James R. Thompson Center, 100 W. Randolph Street, Chicago. Exact room locations will be provided later.

*** The Board meetings will be via videoconference both in Chicago, 100 W. Randolph Street, Videoconference Room 11-512, and Springfield, 1021 N. Grand Avenue East, Oliver Holmes Conference Room 2012 N, Second Floor**

**** The Board meetings will be held in the Board's Springfield Office, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor**

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 August 4, 2005, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board