

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JUNE 20, 2002 CHICAGO OFFICE
100 West Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Chairman Manning then introduced and welcomed new staff members, Amy Antonioli and Cynthia Collier Laudeman. The Chairman then thanked Member Lawton for his valuable contributions to the Board, wishing him well in future endeavors.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the June 6, 2002 meeting were approved by a vote of 7-0.

RULEMAKINGS

R02-11	<u>In the Matter of: Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157</u> – The Board adopted a first notice opinion and order in this matter to amend the Board’s water regulations.	7-0 R, Water
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ADJUSTED STANDARDS

AS 02-5	<u>In the Matter of Petition of Noveon, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.122</u> – The Board accepted this Marshall County facility’s petition for an adjusted standard.	7-0 Water, NPDES
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ADMINISTRATIVE CITATIONS

AC 01-39	<u>IEPA v. Ivan R. Smith</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Schuyler County facility, the Board found respondent violated	7-0
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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 motions to dismiss the alleged violations of Section 21(p)(3), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(3), (p)(4), (p)(7) (2000)), to dismiss Lois Smith as a respondent, and dismiss the petition for review.

AC 02-45	<u>IEPA v. Roeco Enterprises, Inc.</u> – The Board granted respondent's motions to dismiss its petition for review. The Board found that this Champaign County respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2000)), and ordered respondent to pay a civil penalty of \$4,500.	6-1 Girard dissented
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AC 02-60	<u>IEPA v. Little Dozing Service, Inc.</u> – The Board accepted an administrative citation against this Edgar County respondent.
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Decisions

PCB 00-90	<u>Roger L. Young and Roman K. Young v. Gilster-Mary Lee Corporation</u> – Having previously found that respondent violated Section 24 of the Environmental Protection Act (Act) (415 ILCS 5/24 (2000)) and 35 Ill. Adm. Code 900.102, the Board evaluated respondent's newly filed noise abatement program. The Board ordered respondent to cease desist from further violation of the Act.	7-0 Citizens N-E
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PCB 00-227	<u>People of the State of Illinois v. Goelitz Confectionery Company and Goelitz Confectionery Export Company, Inc.</u> – In this air 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 the respondents to pay a total civil penalty of \$175,000, and to cease and desist from further violations.	7-0 A-E
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PCB 02-120	<u>People of the State of Illinois v. Entler Excavating Company</u> – In this air enforcement action concerning a Macon 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,	7-0 A-E
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ordered the respondent to pay a total civil penalty of \$15,000, and to cease and desist from further violations.

PCB 02-159	<u>The Ensign-Bickford Company v. IEPA</u> – The Board granted this Union County facility a one year variance, subject to conditions, from the air regulation which prohibits open burning found at 35 Ill. Adm. Code 237.102.	7-0 A-V Open Burning
PCB 02-199	<u>People of the State of Illinois v. Great Lakes Terminal & Transport Corporation</u> – In this Resource Conservation and Recovery Act 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$15,000, and to cease and desist from further violations.	7-0 RCRA-E

ADJUDICATORY CASES

Motions and Other Matters

PCB 92-167	<u>Noveon, Inc. f/k/a BF Goodrich Company (Henry Facility) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this request for a variance involving a Marshall County facility.	7-0 W-V NPDES
PCB 97-66	<u>People of the State of Illinois v. D’Angelo Enterprises, Inc.</u> – No action taken.	RCRA-E
PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – No action taken.	L-E
PCB 99-120	<u>People of the State of Illinois v. Wood River Refining Company</u> – No action taken.	A-E
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board granted in part and denied in part respondent’s motion to dismiss or strike the complaint.	7-0 W-E

PCB 99-192	<u>People of the State of Illinois v. Gulco Corporation a/k/a Gutmann Leather Company, 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.	7-0 A-E
PCB 00-111	<u>People of the State of Illinois v. R. Frietsch & Company, Inc.</u> – No action taken.	A-E
PCB 00-141	<u>E.G. Vogt Oil Company, Inc. v. IEPA</u> – The Board referred petitioner’s motion for stay to the hearing officer for deposition.	UST Fund
PCB 02-91 PCB 02-116	<u>Rezmar Corporation v. IEPA</u> – No action taken.	UST Fund
PCB 02-96	<u>Estate of Edmund F. Radkiewicz v. IEPA</u> – No action taken.	UST Appeal
PCB 02-108	<u>Saline County Landfill, Inc. v. IEPA; Saline County, intervenor</u> – No action taken.	P-A, Land
PCB 02-117	<u>Marlena Mackie 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 Marion County facility.	7-0 UST Fund
PCB 02-129	<u>Sports Aircraft, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a DuPage County facility.	7-0 UST Fund
PCB 02-205 PCB 02-206	<u>Home Oil Company v. IEPA</u> – The Board accepted for hearing the amended petition in these consolidated underground storage tank appeals involving a St. Clair County facility.	7-0 UST Fund

PCB 02-208	<u>Brian Finley, Local 3315 of the American Federation of State, County, and Municipal Employees (Cook County Public Defenders Association) and named others v. Acme Barrel Company, Inc. a/k/a Acme Barrel Company, a/k/a IFCO Systems Chicago, Inc. and others</u> – The Board held for a later duplicitous/frivolous determination this citizens’ air enforcement action involving a Cook County facility.	Citizens A-E
PCB 02-215	<u>Perfetti Van Melle USA, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Lake County facility.	7-0 P-A, Air 90-Day Ext.
PCB 02-216	<u>Prime Time Citgo, 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 Kane County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-217	<u>Charles Stanford 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 Clay County facility.	7-0 UST Appeal 90-Day Ext.
PCB 02-218	<u>Ampco Pittsburgh Corporation 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.
PCB 02-219	<u>Illinois State Toll Highway Authority (Alsip/Tri State Tollway) 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 Fund 90-Day Ext.
PCB 02-220	<u>Newton Community High School v. IEPA</u> – The Board granted this	7-0

request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jasper County facility.

UST
Appeal
90-Day
Ext.

PCB 02-221 Crazy D's Peru, 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 LaSalle County facility.

7-0
UST Fund
90-Day
Ext.

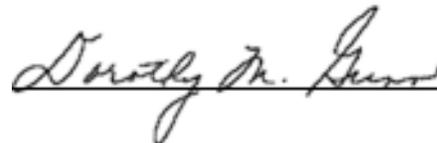
PCB 02-222 Warren Oil Company, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

7-0
UST Fund
90-Day
Ext.

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning 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 July 11, 2002 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board