

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



OCTOBER 6, 2005 SPRINGFIELD OFFICE
1021 N. Grand Avenue East
Conference Room 1244 N, First Floor
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Member Girard welcomed members of the public and staff.

ROLL CALL

The Clerk of the Board, by her designee Connie Newman, called the roll. All Board Members answered present except for Chairman Novak who was absent.

APPROVAL OF MINUTES

Minutes of the September 15, 2005 meeting were approved by a vote of 4-0.

RULEMAKINGS

R06-10	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) – No action taken.</u>	R, Land
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ADJUSTED STANDARDS

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

AS 06-1 In the Matter of: Petition of Lafarge Midwest, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 739.161 Pursuant to 35 Ill. Adm. Code 720.132 and 720.133 – No action taken. Land

ADMINISTRATIVE CITATIONS

AC 04-78 IEPA v. Daniel Pauley – In response to a joint stipulation and settlement agreement in this administrative citation action involving a St. Clair County facility, the Board found that respondent had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2004)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties' joint motion to dismiss respondent's petition for review and the alleged violations of 415 ILCS 5/21(p) (1), (p)(4) (2004). 4-0

AC 05-2 IEPA v. Lester Smith – The Board granted respondent's motion to withdraw his August 17, 2004 petition for review. The Board found that this Massac County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500. 4-0

AC 05-29 IEPA v. Charles L. Riggins – The Board granted respondent's motion to withdraw his November 3, 2004 petition for review. The Board found that this Mason County respondent violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500. 4-0

AC 05-74 IEPA v. Linda Holmes – The Board granted complainant's motion 4-0

for voluntary dismissal of this administrative citation.

AC 06-4	<u>County of Perry v. Charles Tilley</u> – The Board found that this Perry County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 06-5	<u>County of Perry v. Debbie Melvin</u> – The Board found that this Perry County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 06-6	<u>County of Perry v. Joseph Gassell</u> – The Board found that this Perry County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 06-7	<u>County of Perry v. William Campbell, Jr.</u> – The Board found that this Perry County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0

ADJUDICATORY CASES

Decisions

PCB 04-84	<u>People of the State of Illinois v. Paramount Developers, Inc.</u> – In this water enforcement action concerning a DuPage 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 \$12,000, and to cease and desist from further violations.	4-0 W-E
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PCB 05-149 People of the State of Illinois v. Truserv Corporation d/b/a True Value Manufacturing Company – 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 \$30,000, and to cease and desist from further violations. 4-0
A-E

PCB 05-221 People of the State of Illinois v. Ron Freeman individually and d/b/a Harbor Lites-Pistakee Fishing Club – In this public water supply 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$3,000, and to cease and desist from further violations. 4-0
PWS-E

PCB 06-5 People of the State of Illinois v. GKN Aerospace North America, Inc. – In this land enforcement action concerning a St. Clair 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. 4-0
L-E

Motions and Other Matters

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Inc., an Illinois corporation, Edwin L. Frederick, Jr., individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc. – No action taken. W-E

PCB 99-134 People of the State of Illinois v. Peabody Coal Company, L.L.C. – The Board granted respondent’s motion to substitute party. 4-0
W-E

PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C. and Murphy Farms, Inc.</u> – No action taken.	A-E
PCB 02-64	<u>McNeill Twins Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Whiteside County facility.	4-0 UST Appeal
PCB 02-105	<u>Board of Trustees of Southern Illinois University Governing Southern Illinois University, Edwardsville v. IEPA</u> – The Board denied respondent’s motion for reconsideration of its August 4, 2005 Board Order, ordering the Agency to issue an NPDES permit, subject to condition.	4-0 P-A, NPDES
PCB 02-158	<u>Village of Findlay v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Shelby County facility.	4-0 P-A, NPDES
PCB 03-54	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 03-56		
PCB 03-105		
PCB 03-179		
PCB 04-2 (cons.)		
PCB 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – No action taken.	L-E
PCB 04-10	<u>Illinois State Toll Highway Authority (Belvidere North CACR) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated underground storage tank appeals involving a Boone County facility.	4-0 UST Appeal
PCB 04-11 (cons.)		

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 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
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 05-28	<u>People of the State of Illinois v. Color Communications, 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.	4-0 A-E
PCB 05-36	<u>Bunker Hill Amoco v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Macouoin County facility.	4-0 UST Appeal
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
PCB 05-95	<u>People of the State of Illinois v. Wienmar, 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 Kane County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E

PCB 05-157	<u>Grand Pier Center L.L.C. 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.	Citizens L-E
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 05-208	<u>Robert Bennett 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 Lake County facility.	4-0 UST Appeal
PCB 05-209	<u>Larry’s Automotive Service 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.	4-0 UST Appeal
PCB 05-215	<u>People of the State of Illinois v. First Rockford Group, Inc., Village of Cherry Valley, Heritage Engineering, Ltd, and Schlichting & Sons Excavating, Inc.</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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 06-11	<u>Silbrico Corporation v. IEPA</u> – No action taken.	L-V
PCB 06-13	<u>St. Francis Pet Crematory & Kennels, Inc. v. IEPA</u> – The Agency September 15, 2005 Motion for Leave to Supplement Administrative Record and Administrative Record Index and Supplement was referred to the hearing officer for disposition.	P-A, Land

PCB 06-18	<u>Gold Star FS, Inc. (Lyndon Facility) (Property Identification No. 15-15-302-006) v. IEPA</u> – Because the Board did not receive any petition for review of the Agency’s recommendation to deny certification, consistent with the Agency’s recommendation, the Board declined to certify that certain Gold Star FS, Inc. facilities are pollution control facilities and dismissed this matter.	4-0 T-C
PCB 06-21	<u>Gold Star FS, Inc. (Erie Facility) (Property Identification No. 20-05-152-005) v. IEPA</u> – Because the Board did not receive any petition for review of the Agency’s recommendation to deny certification, consistent with the Agency’s recommendation, the Board declined to certify that certain Gold Star FS, Inc. facilities are pollution control facilities and dismissed this matter.	4-0 T-C
PCB 06-23	<u>Okawville Farmers Elevator Co. (Property Identification No. 12-06-20-478-013) v. IEPA</u> – Because the Board did not receive any petition for review of the Agency’s recommendation to deny certification, consistent with the Agency’s recommendation, the Board declined to certify that certain Okawville Farmers Elevator Co. facilities are pollution control facilities and dismissed this matter.	4-0 T-C
PCB 06-25	<u>William Breuer v. IEPA</u> – The Board granted petitioner’s motion to amend his petition for review of final Agency Leaking Underground Storage Tank Decision and accepted the amended petition.	4-0 UST Appeal
PCB 06-42	<u>People of the State of Illinois v. Waste Management of Illinois, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Lee County.	4-0 L-E
PCB 06-43	<u>Sangamon Valley Farm Supply v. IEPA and Village of Saybrook, Illinois</u> – The Board accepted for hearing this petition for water well setback exception involving a site located in McLean County.	4-0 WWS

PCB 06-44	<u>People of the State of Illinois v. Weis Builders, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.	4-0 PWS-E
PCB 06-45	<u>People of the State of Illinois v. Ecolab, Inc. and Charles A. Winslett</u> – The Board accepted for hearing this land and water enforcement action involving a site located in Tazewell County.	4-0 L&W-E
PCB 06-46	<u>People of the State of Illinois v. Osborne Homes, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Madison County.	4-0 W-E
PCB 06-47	<u>Eaves Auto Repair 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 Ford County facility.	4-0 UST Appeal 90-Day Ext.

CASES PENDING DECISION

R06-5	<u>In the Matter of: UIC Corrections, USEPA Amendments (January 1, 2005 through June 30, 2005); In the Matter of: RCRA Subtitle D Update, USEPA Amendments (January 1, 2005 through June 30, 2005); In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2005 through June 30, 2005) – Proposed Rule, Proposal for Public Comment, Opinion and Order</u>	Girard
R06-6		R, Land
R06-7		
(cons.)		

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Member Girard adjourned the meeting at 11:33 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 20, 2005, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board