

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



SEPTEMBER 19, 2002
Chicago/Springfield Videoconference
CHICAGO OFFICE – 100 W. Randolph Street
Video Conference Room 11-512
and
SPRINGFIELD OFFICE – 600 South Second Street
Video Conference Room 402
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 announced the death of former Board Member Emmett Dunham and a moment of silence was observed in his memory. Chairman Manning then introduced her new attorney assistant Garrett Boehm.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the September 5, 2002 meeting were approved by a vote of 7-0.

RULEMAKINGS

R03-8	<u>In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900-903</u> – The Board opened this docket to amend and update the Board’s noise pollution control regulations.	7-0 R, Noise
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ADMINISTRATIVE CITATIONS

AC 02-2	<u>IEPA v. Nordean and Susan Simons d/b/a Berman Auto Parts</u> – The Board denied respondents’ motion for reconsideration and their objection to hearing costs.	7-0
AC 02-17	<u>IEPA v. Charles Goodwin</u> – No action taken.	
AC 03-3	<u>IEPA v. Rayetta Thompson</u> – The Board granted complainant’s motion to withdraw this administrative citation involving a Union County facility.	7-0
AC 03-4	<u>City of Chicago Department of Environment v. Mannion Plumbing, Inc.</u> – The Board granted complainant’s motion to withdraw this administrative citation involving a Cook County facility.	7-0 Marovitz Concurred
AC 03-5	<u>IEPA v. Loxley, Inc.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cass County respondent.	7-0
AC 03-8	<u>IEPA v. Denny & Vicki Richey</u> – The Board granted complainant’s motion to withdraw this administrative citation involving a Clark County facility.	7-0

ADJUDICATORY CASES

Decisions

PCB 97-113	People of the State of Illinois v. Homin Lee d/b/a Meisel Plating – 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) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,500 and to cease and desist from further violations.	7-0 RCRA-E
PCB 00-163	<u>David and Jacquelyn McDonough v. Gary Robke</u> – No action taken.	Citizens N-E

PCB 01-135	<u>People of the State of Illinois v. Patrick Robert Land Trust</u> – Having previously found that respondent violated Sections 12(a) and 21(a), (d), and (p) of the Act (415 ILCS 5/12(a), 21(a), (d), (p) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and 35 Ill. Adm. Code 812.101(a). The Board ordered the respondent to pay a total civil penalty of \$12,000 and to cease and desist from further violations. Complainant must file an affidavit in support of their request for fees by November 1, 2002, and respondent may file a response to the affidavit by November 15, 2002.	6-1 Marovitz dissented L-E
PCB 02-207	<u>Wallace Pharmaceuticals v. IEPA</u> – The Board granted petitioner a variance, subject to conditions, from 35 Ill. Adm. Code 215.482(a) to allow it to continue production of pharmaceutical tablets at its facility located in Decatur, Illinois.	7-0 A-V
PCB 03-17	<u>People of the State of Illinois v. Petroleum Fuel & Terminal Company</u> – No action taken.	A-E

Provisional Variances

PCB 03-29	<u>Seward Sanitary District v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Winnebago County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in its National Pollutant Discharge Elimination System permit number ILG580138.	7-0 W-V
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Motions and Other Matters

Additional motions on the following cases filed prior to this meeting may be included here.

PCB 95-78	<u>Vogue Tyre & Rubber Company v. Office of the State Fire Marshal</u> – No action taken.	UST Fund
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PCB 97-66	<u>People of the State of Illinois v. D'Angelo Enterprises, Inc.</u> – The Board found that respondent violated Sections 21(f)(1) and (f)(2) of the Environmental Protection Act (Act) (415 ILCS 5/21(f)(1) and (f)(2) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and 35 Ill. Adm. Code 703.121(a) and (b), 722.111, 728.107(a), 725.116(a) and (d), 725.135, 725.137, 725.151, 725.155, 725.274, 728.150(a)(1) and 809.301 of the Board's hazardous waste and special waste regulations. The Board concluded that respondent must pay a civil penalty of \$70,000 for violating the above hazardous waste and special waste provisions of the Act and the Board's regulations. Complainant must file an affidavit in support of its request for fees by October 3, 2002, and respondent has 14 days after being served with the affidavit to respond to the complainant's claimed costs and attorney fees.	6-1 Marovitz dissented RCRA-E
PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – No action taken.	L-E
PCB 98-80	<u>People of the State of Illinois v. Craig Linton and Randy Rowe</u> – The Board denied both complainant's motion for summary judgment and respondents' motion to strike and dismiss complainant's motion for summary judgment.	7-0 L-E Tires
PCB 99-192	<u>People of the State of Illinois v. Gulco Corporation a/k/a Gutmann Leather Company, Inc.</u> – The Board granted complainant's motion to dismiss Count III, and closed this docket.	7-0 A-E
PCB 00-228	<u>Riverdale Recycling, Inc. and Tri-State Disposal, Inc. v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Cook County facility.	7-0 P-A, Land
PCB 01-77	<u>Village of Park Forest v. Sears, Roebuck & Company</u> – The Board granted parties' joint motion for voluntary dismissal of this citizen underground storage tank enforcement action involving a Cook County facility.	7-0 Citizens UST-E

PCB 02-157	<u>David L. Weber and Rachel B. Weber v. Cisco United Methodist Church</u> – No action taken.	Citizens N-E
PCB 02-185	<u>People of the State of Illinois v. Ferrara Pan Candy 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 02-187	<u>UOP L.L.C. v. IEPA</u> – No action taken.	P-A, Air
PCB 02-189	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Knox County facility.	7-0 UST Fund
PCB 02-215	<u>Perfetti Van Melle USA, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Lake County facility.	7-0 P-A, Air
PCB 02-217	<u>Charles Stanford 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 Clay County facility.	7-0 UST Appeal
PCB 02-219	<u>Illinois State Toll Highway Authority (Alsip/Tri State Tollway) 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.	7-0 UST Fund
PCB 02-222	<u>Warren Oil Company, 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 Cook County facility.	7-0 UST Fund
PCB 03-21	<u>Clean The Uniform Company - Highland v. Aramark Uniform & Career Apparel, Inc.</u> – The Board held for a later duplicitous/frivolous determination this citizen’s land and water enforcement action involving a Madison County facility.	Citizens L&W-E

PCB 03-24	<u>Hannel Oil Company 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 Scott County facility.	7-0 UST Fund 90-Day Ext.
PCB 03-25	<u>Hannel Oil Company 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 Scott County facility.	7-0 UST Fund 90-Day Ext.
PCB 03-26	<u>Lake Shore National Bank Trust No. 2921 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.	7-0 UST Fund 90-Day Ext.
PCB 03-28	<u>Premcor Refining Group 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 Jackson County facility.	7-0 UST Fund 90-Day Ext.

CASES PENDING DECISION

R03-7	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</u> – Proposed Rule, Proposal for Public Comment, Opinion and Order	R, Land
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OTHER ITEMS

ADOPTION OF PROPOSED CALENDAR YEAR 2003 BOARD MEETING DATES

January 9	July 10
January 23	July 24
February 6	August 7
February 20	August 21
March 6	September 4

March 20	September 18
April 3	October 2
April 17	October 16
May 1	November 6
May 15	November 20
June 5	December 4
June 19	December 18

The Chairman's motion to approve the Calendar Year 2003 Board Meeting Dates was adopted by a vote of 7-0.

In conclusion, Chairman Manning announced the retirement of Board Member Ronald C. Flemal. Chairman Manning's motion to present Member Flemal a framed print of Allerton Park by William Crook, a Springfield, Illinois artist, was adopted by a vote of 6-0. Chairman Manning presented Member Flemal with the print and expressed appreciation for his invaluable service to the Board since 1985.

ADJOURNMENT

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 October 3, 2002 by a vote of.

Dorothy M. Gunn, Clerk