

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



OCTOBER 15, 1998 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the October 1, 1998 meeting were approved by a vote of 7-0.

RULEMAKINGS

- | | | |
|---------------|---|---|
| R98-27 | <u>In the Matter of: Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740) -</u>
The Board adopted a final opinion and order in this rulemaking to amend the Board's site remediation program regulations. | 7-0
R, Land |
| R99-8 | <u>In the Matter of: Permitting Procedures for the Lake Michigan Basin 35 Ill. Adm. Code 301 and 309.141 -</u> The Board reserved ruling on the Illinois Environmental Regulatory Group's motion to dismiss until after the December 8, 1998 hearing in this matter. The Illinois Attorney General's request for extension of time to respond to Illinois Environmental Regulatory Group's motion to dismiss was granted, the response is due on November 17, 1998. | 6-0
Hennessey
abstained
R, Water |
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ADJUSTED STANDARDS

AS 99-1	<u>In the Matter of: Petition of the City of Belleville for an Adjusted Standard from 35 Ill. Adm. Code 306.305</u> - The Board granted petitioner's motion for extension of time to file an amended petition. The amended petition is due November 2, 1998.	6-0 Hennessey abstained Water
AS 99-2	<u>In the Matter of: Petition of Sun Chemical Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218.626(b)</u> - The Board dismissed this matter involving a Cook County facility for failure to timely file a certificate of publication.	7-0 Air
AS 99-3	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c)</u> - The Board accepted for hearing this request for an adjusted standard involving a St. Clair County facility.	7-0 Land, RCRA

ADMINISTRATIVE CITATIONS

AC 99-9	<u>IEPA v. Terry Patrick</u> - The Board vacated its order of September 17, 1998, and accepted this administrative citation involving a Piatt County respondent for hearing.	7-0
AC 99-14	<u>County of Vermilion v. Douglas Adams</u> - The Board accepted an administrative citation against this Vermilion County respondent.	

ADJUDICATORY CASES

Decisions

PCB 98-170	<u>People of the State of Illinois v. Village of St. Libory</u> - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this public water supply enforcement action involving a St. Clair County facility, and ordered respondent to pay a civil penalty of \$6,000, and to cease and desist from further violations.	7-0 PWS-E
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ADJUDICATORY CASES (CONTINUED)
MOTIONS AND OTHER MATTERS (CONTINUED)

Motions and Other Matters

PCB 97-50	<u>Lionel P. Trepanier, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois</u> - The Board entered an order which granted respondents' motion for summary judgment in part and denied it in part. The remaining issues will be addressed at hearing.	7-0 A-E, Citizens
PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&S Petroleum Products, Peter Anest, an individual f/d/b/a S&S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Millstream Service, Inc.</u> - No action taken.	L&W-E
PCB 97-121	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - No action taken.	RCRA-E, Citizens
PCB 97-234	<u>Antonio D.H. Nam v. Kikon Suh</u> - The Board denied complainant's motion for summary judgment.	7-0 UST-E, Citizens
PCB 98-18	<u>James R. and Lucille J. Metz v. United States Postal Service</u> - The Board denied respondents' motion to dismiss and accepted complainants' amended complaint in this citizens' noise enforcement action against a Sangamon County facility.	7-0 N-E, Citizens
PCB 98-31	<u>Roy K. Johnson v. Archer Daniel Midland-Demeter Hoopston Division</u> - No action taken.	A&N-E, Citizens
PCB 98-80	<u>People of the State of Illinois v. Craig Linton an individual, and Randy Rowe, an individual</u> - No action taken.	L-E, Tires

ADJUDICATORY CASES (CONTINUED)
MOTIONS AND OTHER MATTERS (CONTINUED)

PCB 98-84	<u>Scott Behrmann and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - No action taken.	N-E, Citizens
PCB 98-156	<u>Dick's Phillips Service v. IEPA</u> - The Board granted petitioner's motion to amend caption.	7-0 UST-FRD
PCB 99-19	<u>Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> - No action taken.	A-E, Citizens
PCB 99-24	<u>Burlington Northern and Santa Fe Railway Company v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.	7-0 UST-Appeal 90-Day Ext.
PCB 99-25	<u>St. Anthony Bank v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.	7-0 UST-Appeal 90-Day Ext.
PCB 99-50	<u>Steven Tucker 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 a Cook County facility.	7-0 UST-Appeal 90-Day Ext.
PCB 99-51	<u>People of the State of Illinois v. Archer Daniels Midland Company</u> - The Board accepted for hearing this air enforcement action against a Macon County facility.	A-E

OTHER ITEMS

ADOPTION OF 1999 BOARD MEETING DATES

**January 7
January 21**

**July 8
July 22**

**February 4 *
February 18**

**August 5 *
August 19**

**March 4
March 18**

**September 9
September 23**

**April 1
April 15**

**October 7
October 21**

**May 6 *
May 20**

**November 4 *
November 18**

**June 3
June 17**

**December 2
December 16**

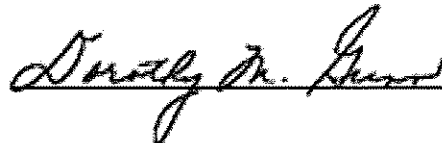
*** These meetings will be held in Springfield**

The Chairman's motion for adoption of the 1999 Board Meeting dates was granted by a vote of 7-0.

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 10:50 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 5th day of November 1998 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



OCTOBER 15, 1998 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board Members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.

Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Thank you for your interest.

ROLL CALL

APPROVAL OF MINUTES

October 1, 1998

RULEMAKINGS

R98-27	<u>In the Matter of: Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740) -</u> Adopted Rule, Final Order, Opinion and Order	Hennessey R, Land
R99-8	<u>In the Matter of: Permitting Procedures for the Lake Michigan Basin 35 Ill. Adm. Code 301 and 309.141 -</u> Illinois Environmental Regulatory Group's Motion to Dismiss (9/29), People's Request for Extension of Time to Respond to Illinois Environmental Regulatory Group's Motion to Dismiss (10/1)	Girard Manning Melas R, Water

ADJUSTED STANDARDS

AS 99-1	<u>In the Matter of: Petition of the City of Belleville for an Adjusted Standard from 35 Ill. Adm. Code 306.305 - Petitioner's Motion for Extension of Time to File Amended Petition in Response to September 17, 1998 Board Order (9/29)</u>	Girard Water
AS 99-2	<u>In the Matter of: Petition of Sun Chemical Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218.626(b) - Awaiting Certificate of Publication, Petitioner's Motion for Extension of Time to Publish Notice (10/8)</u>	Flemal Air
AS 99-3	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c) - Accept for Hearing Order</u>	Hennessey Land, RCRA

ADMINISTRATIVE CITATIONS

AC 99-9	<u>IEPA v. Terry Patrick - Accept for Hearing - Order</u>	Manning
AC 99-14	<u>County of Vermilion, Illinois v. Illinois Landfills, Inc. - Accept Case - No Order</u>	

ADJUDICATORY CASES

Decisions

PCB 98-170	<u>People of the State of Illinois v. Village of St. Libory - Stipulation</u>	McFawn PWS-E
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Provisional Variances

Since the Board must decide provisional variances within forty-eight hours of their filing, any provisional variances filed prior to this meeting will be included here.

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters

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

- | | | |
|-------------------|---|-------------------------------|
| PCB 97-50 | <u>Lionel P. Trepanier, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois</u> - Respondents' Joint Motion for Summary Judgment and Respondents' Memorandum in Support of Joint Motion for Summary Judgment (6/22), Complainants' Motion To Strike Respondents' Affidavits and Motion for Summary Judgment (7/13), Respondents' Joint Memorandum in Opposition to Certain Complainants' Motion to Strike (7/20), Complainants' Response to Respondents' Motion for Summary Judgment (8/17), Complainants' Motion for Correction of Typographical Error in August 14, 1998 Affidavit of Trepanier Opposing Summary Judgment Motion (8/17), Respondents' Reply Memorandum in Support of Their Joint Motion for Summary Judgment (8/21), Respondents' Joint Memorandum in Opposition to Petitioners' Motion for Leave to File Instante Petitioners' Response to Respondents' Reply Memorandum (9/9), Respondent Speedway Wrecking Company's Motion to Clarify Record (9/9), Complainants' Response to Respondents' Joint Memorandum regarding Complainants' Request to File Instante a Response to the Respondents Final brief in Support of their Motion for Summary Judgment (9/23) | Hennessey
A-E,
Citizens |
| PCB 97-103 | <u>People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&S Petroleum Products, Peter Anest, an individual f/d/b/a S&S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Millstream Service, Inc.</u> - Respondents William and Peter Anest's Motion to Dismiss Cross-Complaint filed by Respondents Charles Abraham., Josephine Abraham, and Millstream Service, Inc. (4/18), Respondents Charles Abraham, Josephine Abraham, and Millstream Service, Inc.'s Response to Motion to Dismiss Cross-Claim filed by William and Peter Anest (6/20), Respondents William and Peter Anest's Reply to the Response to Motion to Dismiss Cross-Claim filed by Respondents Charles Abraham, Josephine Abraham, and Millstream Service, Inc. (6/30) | Manning
L&W-E |
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ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 97-121	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - Complainant's Motion for Summary Judgment (7/2), Respondents' Response to Complainant's Motion for Summary Judgment (8/20), Complainant's Reply in Support of Motion for Summary Judgment (9/2)	McFawn RCRA-E, Citizens
PCB 97-234	<u>Antonio D.H. Nam v. Kikon Suh</u> - Complainant's Motion for Summary Judgment (7/16)	Manning UST-E, Citizens
PCB 98-18	<u>James R. and Lucille J. Metz v. United States Postal Service</u> - Complainants' Motion for Leave to File Amended Formal Complaint and Amended Complaint (8/5), Respondent's Motion to Dismiss Amended Complaint (8/20), Complainants' Motion to File Instant Answer to Respondent's Motion to Dismiss Amended Complaint (9/2), Motion to File Instant Motion to Dismiss by Bradley Real Estate (9/3), Complainants' Answer to Bradley Real Estate's Motion to Dismiss (9/10)	Girard N-E, Citizens
PCB 98-31	<u>Roy K. Johnson v. Archer Daniel Midland-Demeter Hoopeston Division</u> - Respondent's Memorandum in Support of its Motion for Summary Judgment and Motion for Summary Judgment (9/18), Complainant's Memorandum in Opposition to Respondent's Motion for Summary Judgment (10/8)	Hennessey A&N-E, Citizens
PCB 98-80	<u>People of the State of Illinois v. Craig Linton an individual, and Randy Rowe, an individual</u> - Complainant's Motion for Summary Judgment (9/29)	McFawn L-E, Tires
PCB 98-84	<u>Scott Behrmann and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - Respondent's Motion to Strike/Dismiss Complainants' Third Amended Complaint (9/28), Complainants' Response to Respondent's Motion to Strike/Dismiss Third Amended Complaint (10/6)	Yi N-E, Citizens

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-156	<u>Dick's Phillips Service v. IEPA</u> - Petitioner's Motion to Amend Caption (10/8)	Yi UST-FRD
PCB 99-19	<u>Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> - Respondent's Motion to Dismiss Portions of Complaint or for Partial Summary Judgment (10/1)	Melas A-E
PCB 99-24	<u>Burlington Northern and Santa Fe Railway Company v. IEPA</u> - Dismissal Order	Manning UST-Appeal 90-Day Ext.
PCB 99-25	<u>St. Anthony Bank v. IEPA</u> - Dismissal Order	Manning UST-Appeal 90-Day Ext.
PCB 99-50	<u>Steven Tucker v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (9/30) - Order	Manning UST-Appeal 90-Day Ext.
PCB 99-51	<u>People of the State of Illinois v. Archer Daniels Midland Company</u> - Hearing Mandatory - No Order	A-E

CASES PENDING DECISION

CASES PENDING DECISION (CONTINUED)

OTHER ITEMS

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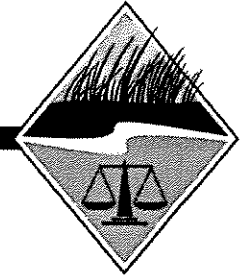
ADJOURNMENT

CASE TYPE CODES:

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist RCRA	Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		

ILLINOIS POLLUTION CONTROL BOARD

NEW CASE LISTING



NEW CASES FILED SINCE OCTOBER 1, 1998 BOARD MEETING

AC 99-14	County of Vermilion, Illinois v. Illinois Landfills, Inc.
PCB 99-50	Steven Tucker v. IEPA
PCB 99-51	People of the State of Illinois v. Archer Daniels Midland Company