

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



JULY 8, 1998 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
2:30 P.M.

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### ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting, and introduced newly appointed Board Member Nicholas J. Melas and Attorney Assistant Joel Sternstein.

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### ROLL CALL

The Clerk of the Board called the roll and all Board Members answered present except for Board Members Flemal and Girard who were absent.

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### APPROVAL OF MINUTES

Minutes of the June 17, 1998 meeting were approved by a vote of 4-0.

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### RULEMAKINGS

- |               |                                                                                                                                                                                                                                                                                                   |               |
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| <b>R98-16</b> | <u>In the Matter of: Petition of W.R. Grace &amp; Co. - Conn. and the IEPA for Site-Specific Air Regulation: 35 Ill. Adm. Code 218.940(h)</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted a final opinion and order amending the Board's air pollution control regulations. | 5-0<br>R, Air |
| <hr/>         |                                                                                                                                                                                                                                                                                                   |               |
| <b>R98-24</b> | <u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240 -</u> Adopted Rule, Final Order, Opinion and Order. The Board adopted a final opinion and order amending the Board's air pollution control regulations.                   | 5-0<br>R, Air |
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## RULEMAKINGS (CONTINUED)

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R98-27	<u>In the Matter of: Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740) -</u> Proposed Rule, Second Notice, Opinion and Order. The Board adopted a second notice opinion and order in this proposed rulemaking to amend the Board's site remediation program regulations.	5-0 R, Land
R99-1	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1998 through June 30, 1998) -</u> The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1998 through June 30, 1998.	R, Land
R99-2	<u>In the Matter of: RCRA Subtitle C Update, USEPA Regulations (January 1, 1998 through June 30, 1998) -</u> The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1998 through June 30, 1998.	R, Land
R99-3	<u>In the Matter of: UST Update, USEPA Regulations (January 1, 1998 through June 30, 1998) -</u> The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1998 through June 30, 1998.	R, Land
R99-4	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998 through June 30, 1998) -</u> The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1998 through June 30, 1998.	R, Water
R99-5	<u>In the Matter of: Exemptions from the Definition of VOM, USEPA Amendments (January 1, 1998 through June 30, 1998) -</u> The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1998 through June 30, 1998.	R, Air

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## RULEMAKINGS (CONTINUED)

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R99-6	<u>In the Matter of: SDWA Update, USEPA Regulations (January 1, 1998 through June 30, 1998)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1998 through June 30, 1998.	R, PWS
R99-7	<u>In the Matter of: UIC Update, USEPA Regulations (January 1, 1998 through June 30, 1998)</u> - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 1998 through June 30, 1998.	R, Land

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## ADJUSTED STANDARDS

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AS 97-5	<u>In the Matter of: Petition of Louis Berkman Company, d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code Part 215 Subpart F</u> - No action taken.	Air
AS 97-9	<u>In the Matter of: Petition of Recycle Technologies, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u> - No action taken, as petitioner's motion to file instant petition to clarify the record will be decided with the case-in chief."	Land
AS 98-2	<u>In the Matter of: Petition of the City of Salem for an Adjusted Standard from 35 Ill. Adm. Code Part 814. Subpart D</u> - The Board entered an order denying this Marion County facility an adjusted standard, from the requirements regarding landfill closure found at 35 Ill. Adm. Code 814 Subpart D.	5-0 Land
AS 98-5	<u>Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817 (Sludge Application)</u> - No action taken.	Land

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## RULEMAKINGS (CONTINUED)

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### ADMINISTRATIVE CITATIONS

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**AC 98-8**      County of Will v. William Hunter - The Board entered an order requiring respondent to pay \$136.50 in hearing costs and a civil penalty of \$1,000. This order follows the Board's interim order of May 7, 1998 which found that this Will County respondent had violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (1996)).

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**AC 98-22**      IPEA v. Terry Wingert - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Stephenson County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered him to pay a civil penalty of \$500.

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**AC 98-30**      Montgomery County v. Envotech Illinois, Inc. - The Board found that this Montgomery County respondent violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (1996)) and ordered respondent to pay a civil penalty of \$500.

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**AC 98-31**      Montgomery County v. Robert M. Fleming - The Board found that this Montgomery County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered respondent to pay a civil penalty of \$500.

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**AC 98-32**      County of LaSalle v. Tom Dickey - The Board found that this LaSalle County respondent violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (1996)) and ordered respondent to pay a civil penalty of \$500.

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**AC 98-33**      County of LaSalle v. Mike and Janet Brown - The Board found that these LaSalle County respondents violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (1996)) and ordered them to pay a civil penalty of \$500.

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## RULEMAKINGS (CONTINUED)

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- AC 98-38     IEPA v. Michael Hogan - The Board accepted for hearing this petition for review of an administrative citation against this Livingston County respondent.
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- AC 98-39     County of Jackson v. Greg Burris, individually and d/b/a Burris Disposal Service - The Board accepted an administrative citation against this Jackson County respondent.
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- AC 98-40     IEPA v. Don Myers - The Board accepted an administrative citation against this Union County respondent.
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- AC 98-41     IEPA v. Bradley G. White - The Board accepted an administrative citation against this Cumberland County respondent.
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- AC 98-42     Tazewell County v. Ron Boerema Waste Professionals, Inc. - The Board accepted an administrative citation against this Tazewell County respondent.
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- AC 99-1     IEPA v. Bruce A. Palmer, Jr. - The Board accepted an administrative citation against this Henry County respondent.
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## ADJUDICATORY CASES

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### Decisions

- PCB 97-31     People of the State of Illinois v. Johnnie Mae Hendricks - The Board entered an order requiring respondent to pay \$960 in attorney fees and costs. This order follows the Board's interim order of June 17, 1998 which found that this Macoupin County respondent violated various sections of the Environmental Protection Act and Board regulations and ordered respondent to pay a civil penalty of \$39,000. 4-0  
Hennessey  
abstained  
L-E, Tires
-

## ADJUDICATORY CASES (CONTINUED)

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PCB 97-62	<u>People of the State of Illinois v. Geon Corporation</u> - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this air enforcement action involving a facility in Marshall County, ordered respondent to pay a civil penalty of \$20,000, and to cease and desist from further violations.	5-0 A-E
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PCB 97-215	<u>People of the State of Illinois v. Keyser Industries, Inc., d/b/a Florida Plastics International, Inc.</u> - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this air enforcement action involving a facility in Cook County, ordered respondent to pay a civil penalty of \$22,500, and to cease and desist from further violations.	5-0 A-E
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PCB 98-1	<u>City of Salem v. IEPA</u> - The Board denied petitioner's request for a variance from 35 Ill. Adm. Code 814.401(a) and 814 Subpart C for its Marion County facility.	5-0 L-V
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## Provisional Variances

PCB 99-1	<u>Citgo Petroleum Corporation v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from certain conditions and effluent discharge limits, as set forth in 35 Ill. Adm. Code 304.141(b).	4-0 Hennessey abstained Water
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PCB 99-2	<u>Illinois Power Company (Baldwin Power Station) v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this facility, located in St. Clair and Randolph Counties, a 45-day provisional variance, subject to conditions, from certain conditions and effluent discharge limits, as set forth in 35 Ill. Adm. Code 304.120 and 304.141(b).	4-0 Hennessey abstained Water
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**ADJUDICATORY CASES (CONTINUED)****MOTIONS AND OTHER MATTERS (CONTINUED)**

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<b>PCB 99-3</b>	<u>Commonwealth Edison Company, Zion Power Station v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this Lake County facility a 45-day provisional variance, subject to conditions, from certain conditions and effluent discharge limits, as set forth in 35 Ill. Adm. Code 304.141(b) and 309.102.	4-0 Hennessey abstained Water
<hr/>		
<b>PCB 99-4</b>	<u>Village of Antioch v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted this Lake County facility a 45-day provisional variance, subject to conditions, from certain conditions and effluent discharge limits, as set forth in NPDES permit No. IL0020354 and in 35 Ill. Adm. Code 304.141(a).	4-0 Hennessey abstained W-V, NPDES

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**Motions and Other Matters**

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<b>PCB 93-191</b>	<u>People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice &amp; Fuel; Lloyd Wiemann, d/b/a Wiemann Ice and Fuel, Cross-complainant v. Texaco Refining and Marketing, Inc., and Eugene and Cheryl Halbrooks, Cross-respondents</u> - No action taken.	UST-E
<hr/>		
<b>PCB 94-288</b>	<u>People of the State of Illinois v. Grayslake Gelatin Company, Blidco, Inc., Acme Construction Company, Inc., Diversified Abatement Contractors, Inc., and John Nordigan, Individually and as President of Diversified Abatement Contractors, Inc.</u> - No action taken.	A-E
<hr/>		
<b>PCB 94-369</b>	<u>People of the State of Illinois v. Landfill 33 Ltd.</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 against a Effingham County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

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

<b>PCB 95-143</b>	<u>Gordon Krautsack v. Bhogilal Patel, Subhash Patel, Electronic Interconnect, Inc., and Electronic Interconnect Corporation</u> - The Board denied respondent Electronic Interconnect Corporation's Motion for Extension of Time and granted complainant's motion for default. The issue of penalties will be addressed at hearing.	5-0 L-E, Citizens
<b>PCB 96-76</b>	<u>People of the State of Illinois v. Chemetco, Inc.</u> - The Board denied respondent's motion to dismiss count three of the first amended complaint.	5-0 RCRA-E
<b>PCB 96-112</b>	<u>City of Chester v. IEPA</u> - The Board referred petitioner's motion for substitution of counsel to the hearing officer for disposition.	P-A, NPDES
<b>PCB 96-180</b>	<u>Environmental Site Developers, Inc. v. White &amp; Brewer Trucking, Inc.</u> - The Board granted complainant/counter-respondent's motion for extension of time to respond to respondent's motion for summary judgment.	4-0 Hennessey abstained W-E Citizens
<b>PCB 96-181</b>	<u>ESG Watts, Inc. v. IEPA</u> - No action taken.	P-A, Land
<b>PCB 97-50</b>	<u>Lionel P. Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya</u> - The Board granted complainant Daniel Miller's motion to withdraw from this matter.	5-0 A-E, Citizens
<b>PCB 97-121</b>	<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
<b>PCB 97-168</b>	<u>People of the State of Illinois v. Old World Industries, Inc., and Specialty Sealant Tapes, Inc.</u> - No action taken.	L-E



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

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**PCB 97-193**    People of the State of Illinois v. Community Landfill Company, Inc. - No action taken.    L-E

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**PCB 97-195**    W.R. Meadows, Inc. v. IEPA - The Board denied petitioner's motion for reconsideration or modification of the May 7, 1998 Board order.    5-0  
P-A, Air

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**PCB 97-210**    ESG Watts, Inc. v. IEPA - No action taken.    P-A, Land

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**PCB 98-31**    Roy K. Johnson v. ADM-Demeter, Hoopeston Division - The Board denied respondent's motion to dismiss or in the alternative to strike portions of the complaint.    5-0  
A&N-E,  
Citizens

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**PCB 98-84**    Scott and Shelly Berhman v. Okawville Farmers Elevator-St. Libory - The Board denied respondent's motion to dismiss the second amended complaint.    5-0  
N-E  
Citizens

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**PCB 98-114**    David Mulvain v. Village of Durand, Rockford Blacktop Construction Company, Ind., and the IEPA - No action taken.    W-E,  
Citizens

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**PCB 98-118**    Jack Donelson Sales Company v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Lake County facility.    5-0  
UST-Appeal

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**PCB 98-142**    Coastal Mart, Inc. v. IEPA - 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 Massac County facility.    5-0  
UST-FRD  
90-Day Ext.

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

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<b>PCB 98-150</b>	<u>County Care Centers 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 Christian County facility.	5-0 UST-FRD 90-Day Ext.
<b>PCB 98-151</b>	<u>John Boos &amp; Company v. IEPA</u> - The Board accepted for hearing this appeal of an underground storage tank decision involving an Effingham County facility.	5-0 UST-Appeal
<b>PCB 98-168</b>	<u>Good-Wood Finishing 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 a Cook County facility.	5-0 UST-FRD 90-Day Ext.
<b>PCB 98-169</b>	<u>Union Oil Company of California, d/b/a Unocal v. Barge-Way Oil Company, Inc., Bargeway Systems, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen, Robert F. Atkins, and Mobil Oil Company</u> - The Board held for duplicitous/frivolous determination this citizen's underground storage tank enforcement action involving a DuPage County facility.	UST-E, Citizens
<b>PCB 98-170</b>	<u>People of the State of Illinois v. Village of St. Libory</u> - The Board accepted for hearing this public water supply enforcement action against a St. Clair County facility.	PWS-E
<b>PCB 98-171</b>	<u>People of the State of Illinois v. Victor Cory</u> - The Board accepted for hearing this water enforcement action against an Adams County facility.	W-E
<b>PCB 98-172</b>	<u>People of the State of Illinois v. City of Chester</u> - The Board accepted for hearing this water enforcement action against a Randolph County facility.	W-E

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

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**PCB 98-173**    McHenry County Defenders, Inc. v. IEPA - No action taken.    P-A,  
NPDES,  
Third Party

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**PCB 99-5**    People of the State of Illinois v. Griffin Wheel Company - 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 against a Cook County facility, the Board ordered publication of the required newspaper notice.    5-0  
RCRA-E

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**PCB 99-6**    Colman Steinlauf v. IEPA - 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.    5-0  
UST-Appeal  
90-Day Ext.

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**CASES PENDING DECISION**

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**OTHER ITEMS**

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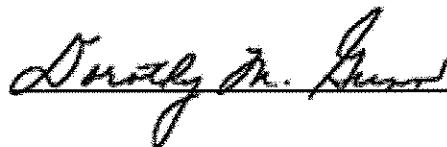
The Chairman's motion under Section 2(a)(4) of the Open Meetings Act for Closed Deliberative Sessions to be held on July 16, 23 and August 4, 1998, at 10:30 a.m., was granted by a vote of 5-0.

**ADJOURNMENT**

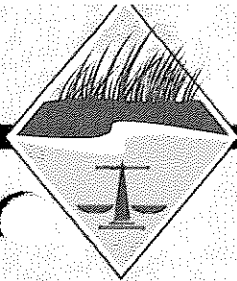
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Upon a motion for adjournment, moved and seconded, and passed by a vote of 5-0, Chairman Manning adjourned the meeting at 3:10 p.m.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 23rd day of July 1998 by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



# ILLINOIS POLLUTION CONTROL BOARD

JRTC ♦ 100 W. Randolph ♦ Suite 11-500 ♦ Chicago, IL 60601 ♦ 312-814-3620 ♦ Fax 312-814-3669

## GOVERNOR

Honorable Jim Edgar



## CHAIRMAN

Claire A. Manning  
Springfield

## MEMBERS

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

Kathleen M. Hennessey  
Chicago

Marili McFawn  
Inverness

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



## SPRINGFIELD OFFICE

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Springfield, IL 62704  
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## ATELLITE OFFICES

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148 North Third St.  
P.O. Box 505  
DeKalb, IL 60115  
815-753-1904  
Fax 815-753-1970



## WEB SITE

<http://www.state.il.us/pcb/>

TDD 312-814-6032



PRINTED ON RECYCLED PAPER

## REGULAR BOARD MEETING AGENDA

JULY 8, 1998 CHICAGO, ILLINOIS

CONFERENCE ROOM 9-040

2:30 P.M.

## ADDENDUM

## ADJUDICATORY CASES

### Decisions

PCB 98-1     City of Salem v. IEPA (due 8/6)

McFawn

L-V

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING AGENDA



JULY 8, 1998 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
2:30 P.M.

### ANNOUNCEMENTS

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*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

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### APPROVAL OF MINUTES

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June 17, 1998

### RULEMAKINGS

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R98-16	<u>In the Matter of: Petition of W.R. Grace &amp; Co. - Conn. and the IEPA for Site-Specific Air Regulation: 35 Ill. Adm. Code 218.940(h) - Adopted Rule, Final Order, Opinion and Order</u>	Yi R, Air
R98-24	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240 - Adopted Rule, Final Order, Opinion and Order</u>	McFawn R, Air

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## RULEMAKINGS (CONTINUED)

R98-27	<u>In the Matter of: Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740) - Proposed Rule, Second Notice, Opinion and Order</u>	Hennessey R, Land
R99-1	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - RESERVED</u>	R, Land
R99-2	<u>In the Matter of: RCRA Subtitle C Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - RESERVED</u>	R, Land
R99-3	<u>In the Matter of: UST Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - RESERVED</u>	R, Land
R99-4	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - RESERVED</u>	R, Water
R99-5	<u>In the Matter of: Exemptions from Definitions of VOM, USEPA Amendments (January 1, 1998 through June 30, 1998) - RESERVED</u>	R, Air
R99-6	<u>In the Matter of: SDWA Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - RESERVED</u>	R, PWS
R99-7	<u>In the Matter of: UIC Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - RESERVED</u>	R, Land

## ADJUSTED STANDARDS

AS 97-9	<u>In the Matter of: Petition of Recycle Technologies, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c) - Petitioner's Motion for Leave to File Instant Petitioner's Petition to Clarify the Record (6/18)</u>	Hennessey Land
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## ADJUSTED STANDARDS (CONTINUED)

AS 97-5	<u>In the Matter of: Petition of Louis Berkman Company, d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code Part 215 Subpart F - Agency's Motion to Reconsider May 7, 1998 Final Opinion and Order (6/12), Petitioner's Response to Agency's Motion for Reconsideration (6/29)</u>	Hennessey Air
AS 98-2	<u>In the Matter of: Petition of the City of Salem for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D</u>	McFawn Land
AS 98-5	<u>Petition of the Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Codes 811, 812, and 817 (Sludge Application) - Petitioner's Motion for Modification of May 7, 1998 Board Order (6/2), Agency Response to Petitioner's Motion for Modification of May 7, 1998 Board Order (6/19), Petitioner's Motion for Leave to File a Reply and Reply of the Metropolitan Water Reclamation District of Greater Chicago to the Agency's Response to Its Motion for Modification of May 7, 1998 Board Order (6/26), Agency Response to Petitioner's Motion for Leave to File a Reply (7/2)</u>	Girard Land

## ADMINISTRATIVE CITATIONS

AC 98-8	<u>County of Will v. William Hunter</u> - Final Opinion and Order	Hennessey
AC 98-22	<u>IPEA v. Terry Wingert</u> - Joint Stipulation of Settlement and Dismissal of Respondent's Petition for Administrative Review (6/25)	Yi
AC 98-30	<u>Montgomery County v. Envotech Illinois, Inc.</u> - Default Order	Manning
AC 98-31	<u>Montgomery County v. Robert M. Fleming</u> - Default Order	Manning
AC 98-32	<u>County of LaSalle v. Tom Dickey</u> - Default Order	Manning

## ADMINISTRATIVE CITATIONS (CONTINUED)

AC 98-33	<u>County of LaSalle v. Mike and Janet Brown</u> - Default Order	Manning
AC 98-38	<u>IEPA v. Michael Hogan</u> - Accept Case - No Order	
AC 98-39	<u>County of Jackson v. Greg Burris, individually and d/b/a Burris Disposal Service</u> - Accept Case - No Order	
AC 98-40	<u>IEPA v. Don Myers</u> - Accept Case - No Order	
AC 98-41	<u>IEPA v. Bradley G. White</u> - Accept Case - No Order	
AC 98-42	<u>Tazewell County v. Ron Boerema Waste Professionals, Inc.</u> - Accept Case - No Order	
AC 99-1	<u>IEPA v. Bruce A. Palmer, Jr.</u> - Accept Case - No Order	

## ADJUDICATORY CASES

### Decisions

PCB 97-31	<u>People of the State of Illinois v. Johnnie Mae Hendricks</u> - Final Order	McFawn L-E, Tires
PCB 97-62	<u>People of the State of Illinois v. Geon Corporation</u> - Stipulation	Manning A-E
PCB 97-215	<u>People of the State of Illinois v. Keyser Industries, Inc., d/b/a Florida Plastics International, Inc.</u> - Stipulation	Manning A-E



## ADJUDICATORY CASES (CONTINUED)

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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.*

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PCB 99-1	<u>Citgo Petroleum Corporation v. IEPA - Provisional Variance</u>	Manning W-V
PCB 99-2	<u>Illinois Power Company (Baldwin Power Station) v. IEPA - Provisional Variance</u>	Manning W-V
PCB 99-3	<u>Commonwealth Edison Company, Zion Power Station v. IEPA - Provisional Variance</u>	Manning W-V
PCB 99-4	<u>Village of Antioch v. IEPA - Provisional Variance</u>	Manning W-V, NPDES

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### Motions and Other Matters

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

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PCB 93-191	<u>People of the State of Illinois v. Lloyd Wiemann d/b/a Wiemann Ice &amp; Fuel; Lloyd Wiemann, d/b/a Wiemann Ice and Fuel, Cross-complainant v. Texaco Refining and Marketing, Inc., and Eugene and Cheryl Halbrooks, Cross-respondents - Third-Party Respondent Texaco Refining and Marketing, Inc.'s Motion for Entry of an Order Requiring the Appearance of Parties and their Counsel in Person at the Next Scheduled Status Conference and Ordering Third-Party Respondent Cheryl Halbrooks to Respond to Outstanding Discovery Requests (6/26)</u>	Manning UST-E
PCB 94-288	<u>People of the State of Illinois v. Grayslake Gelatin Company, Blidco, Inc., Acme Construction Company, Inc., Diversified Abatement Contractors, Inc., and John Nordigan, Individually and as President of Diversified Abatement Contractors, Inc. - Complainant's Motion for Summary Judgment (7/2)</u>	Hennessey A-E

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## ADJUDICATORY CASES (CONTINUED)

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### *Motions and Other Matters (Continued)*

<b>PCB 94-369</b>	<u>People of the State of Illinois v. Landfill 33 Ltd.</u> - Motion for Relief from Hearing Requirement (6/17)	Flemal L-E
<b>PCB 95-143</b>	<u>Gordon Krautsack v. Bhogilal Patel, Subhash Patel, Electronic Interconnect, Inc., and Electronic Interconnect Corporation</u> - Respondent Electronic Interconnect Corporation's Motion for Extension of Time (6/17), Complainant's Response to Electronic Interconnect Corporation's Third Motion for Extension of Time (6/24), Respondent Electronic Interconnect Corporation's Reply to Complainant's Objection to Motion for Extension of Time (7/2), Complainant's Motion to Strike or in the Alternative for Time to File a Surreply (7/2), Respondent Electronic Interconnect Corporation's Response to Complainant's Motion to Strike or in the Alternative for Time to File a Surreply (7/6)	Flemal L-E, Citizens
<b>PCB 96-76</b>	<u>People of the State of Illinois v. Chemetco, Inc.</u> - Respondent's Motion to Dismiss Count III of Complainant's First Amended Complaint (6/25), Complainant's Response to Respondent's Motion to Dismiss Count III of Complainant's First Amended Complaint (6/17)	Hennessey RCRA-E
<b>PCB 96-112</b>	<u>City of Chester v. IEPA</u> - Petitioner's Motion for Substitution of Counsel (6/29)	McFawn P-A, NPDES
<b>PCB 96-180</b>	<u>Environmental Site Developers, Inc. v. White &amp; Brewer Trucking, Inc.</u> - Respondent's Motion for Partial Summary Judgment (6/19), Complainant/Counter-Respondent's Motion for Extension of Time (6/26)	McFawn W-E Citizens
<b>PCB 96-181</b>	<u>ESG Watts, Inc. v. IEPA</u> - Petitioner's Motion for Summary Judgment (5/4), Respondent's Response to Petitioner's Motion for Summary Judgment (5/18)	McFawn P-A, Land

## ADJUDICATORY CASES (CONTINUED)

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### Motions and Other Matters (Continued)

PCB 97-50	<u>Lionel P. Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya</u> - Respondents' Joint Motion for Summary Judgment and Respondents' Memorandum in Support of Joint Motion for Summary Judgment (6/22), Letter dated June 19, 1998 from Complainant Daniel Miller submitted to Hearing Officer (see <b>Hearing Officer order dated June 23, 1998</b> )	Hennessey A-E, Citizens
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), Agreed Motion to Extend Time to Respond (7/6)	McFawn RCRA-E, Citizens
PCB 97-168	<u>People of the State of Illinois v. Old World Industries, Inc., and Specialty Sealant Tapes, Inc.</u> - Respondent Old World Industries, Inc.'s Motion to Dismiss Complaint and Memorandum of Law in Support of its Motion to Dismiss (6/22), Complainant's Response to Respondent Old World Industries, Inc.'s Motion to Dismiss (7/6)	Manning L-E
PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> - Complainant's Motion to Strike Respondent's First, Third, and Fourth Affirmative Defenses and Memorandum of Law in Support of Complainant's Motion to Strike Respondent's First, Third and Fourth Affirmative Defenses (6/26), Respondent's Response in Opposition to Petitioner's Motion to Strike Affirmative Defenses (7/6)	Manning L-E
PCB 97-195	<u>W.R. Meadows, Inc. v. IEPA</u> - Petitioner's Motion for Reconsideration or Modification of May 7, 1998 Board Order (6/12), Agency Motion in Opposition to Petitioner's Motion for Reconsideration or Modification of May 7, 1998 Board Order (6/19), Petitioner's Motion for Leave to File Instantly its Reply to Respondent's Motion in Opposition to its Motion for Reconsideration of May 7, 1998 Board Order (6/29)	Flemal P-A, Air

## ADJUDICATORY CASES (CONTINUED)

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### Motions and Other Matters (Continued)

<b>PCB 97-210</b>	<u>ESG Watts, Inc. v. IEPA</u> - Petitioner's Motion for Summary Judgment (5/1), Respondent's Response to Petitioner's Motion for Summary Judgment (5/18)	Yi P-A, Land
<b>PCB 98-31</b>	<u>Roy K. Johnson v. ADM-Demeter, Hoopeston Division</u> - Respondent's Motion to Dismiss or in the Alternative Motion to Strike Portions of the Complaint (6/2), Complainant's Memorandum in Opposition to Respondent's Motion to Dismiss or in the Alternative Motion to Strike Portions of the Complaint (6/18), Respondent's Motion for Leave to File Reply to Complainant's Memorandum in Opposition (6/26)	Hennessey A&N-E, Citizens
<b>PCB 98-84</b>	<u>Scott and Shelly Berhman v. Okawville Farmers Elevator-St. Libory</u> - Respondent's Motion to Dismiss Second Amended Formal Complaint (6/19), Complainants' Response to Respondent's Motion to Dismiss Second Amended Formal Complaint (6/24)	Yi N-E Citizens
<b>PCB 98-114</b>	<u>David Mulvain v. Village of Durand, Rockford Blacktop Construction Company, Ind., and the IEPA</u> - Complainant's Request for Extension of Time to File a Motion to Reconsider the Board's May 21, 1998 Order	Girard W-E, Citizens
<b>PCB 98-118</b>	<u>Jack Donelson Sales Company v. IEPA</u> - Accept for Hearing Order	Yi UST-Appeal
<b>PCB 98-142</b>	<u>Coastal Mart, Inc. v. IEPA</u> - Dismissal Order	Manning UST-FRD 90-Day Ext.
<b>PCB 98-150</b>	<u>County Care Centers v. IEPA</u> - Dismissal Order	Manning UST-FRD 90-Day Ext.
<b>PCB 98-151</b>	<u>John Boos &amp; Company v. IEPA</u> - Accept for Hearing Order	Manning UST-Appeal

## ADJUDICATORY CASES (CONTINUED)

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### Motions and Other Matters (Continued)

PCB 98-168	<u>Good-Wood Finishing Company v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (6/18) - Order	Manning UST-FRD 90-Day Ext.
PCB 98-169	<u>Union Oil Company of California, d/b/a Unocal v. Barge-Way Oil Company, Inc., Bargeway Systems, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen, Robert F. Atkins, and Mobil Oil Company</u> - (See Respondent Mobil Oil Company's Motion to Dismiss Complaint filed 7/6) - Duplicitous/Frivolous Determination - Order	Manning UST-E, Citizens
PCB 98-170	<u>People of the State of Illinois v. Village of St. Libory</u> - Hearing Mandatory - No Order	McFawn PWS-E
PCB 98-171	<u>People of the State of Illinois v. Victor Cory</u> - Hearing Mandatory - No Order	Manning W-E
PCB 98-172	<u>People of the State of Illinois v. City of Chester</u> - Hearing Mandatory - No Order	W-E
PCB 98-173	<u>McHenry County Defenders, Inc. v. IEPA</u> - Accept for Hearing Order	Manning P-A, NPDES, Third Party
PCB 99-5	<u>People of the State of Illinois v. Griffin Wheel Company</u> - Motion to Request Relief from Hearing Requirement (7/6)	Manning RCRA-E
PCB 99-6	<u>Colman Steinlauf v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (7/6) - Order	Manning UST-Appeal 90-Day Ext.

## CASES PENDING DECISION

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## OTHER ITEMS

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## ADJOURNMENT

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### 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 <sub>2</sub>	S0 <sub>2</sub> 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

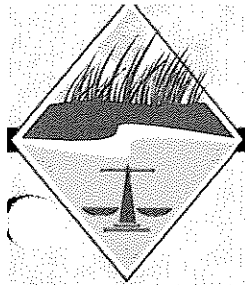


### NEW CASES FILED SINCE JUNE 17, 1998 BOARD MEETING

R99-1	In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - <b>RESERVED</b>
R99-2	In the Matter of: RCRA Subtitle C Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - <b>RESERVED</b>
R99-3	In the Matter of: UST Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - <b>RESERVED</b>
R99-4	In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - <b>RESERVED</b>
R99-5	In the Matter of: Exemptions from Definitions of VOM, USEPA Amendments (January 1, 1998 through June 30, 1998) - <b>RESERVED</b>
R99-6	In the Matter of: SDWA Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - <b>RESERVED</b>
R99-7	In the Matter of: UIC Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - <b>RESERVED</b>
AC 98-38	IEPA v. Michael Hogan
AC 98-39	County of Jackson v. Greg Burris, individually, and d/b/a Burris Disposal Service
AC 98-40	IEPA v. Don Myers
AC 98-41	IEPA v. Bradley G. White
AC 98-42	Tazewell County v. Ron Boerema Waste Professionals, Inc.
AC 99-1	IEPA v. Bruce A. Palmer, Jr.
PCB 98-168	Good-Wood Finishing Company v. IEPA
PCB 98-169	Union Oil Company of California, d/b/a Unocal v. Barge-Way Oil Company, Inc., Bargeway Systems, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen, Robert F. Atkins, and Mobil Oil Company
PCB 98-170	People of the State of Illinois v. Village of St. Libory

PCB 98-171	People of the State of Illinois v. Victor Cory
PCB 98-172	People of the State of Illinois v. City of Chester
PCB 98-173	McHenry County Defenders, Inc. v. IEPA
PCB 99-1	Citgo Petroleum Corporation v. IEPA
PCB 99-2	Illinois Power Company (Baldwin Power Station) v. IEPA
PCB 99-3	Commonwealth Edison Company, Zion Power Station v. IEPA
PCB 99-4	Village of Antioch v. IEPA
PCB 99-5	People of the State of Illinois v. Griffin Wheel Company
PCB 99-6	Colman Steinlauf v. IEPA





# ILLINOIS POLLUTION CONTROL BOARD

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## GOVERNOR

Honorable Jim Edgar



## CHAIRMAN

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Springfield

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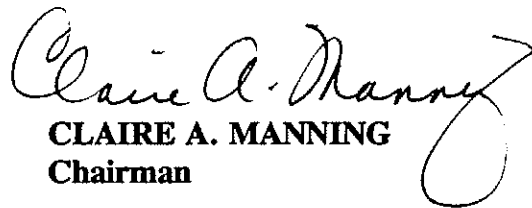
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## NOTICE OF CHANGE IN ILLINOIS POLLUTION CONTROL BOARD MEETING SCHEDULE

**PUBLIC NOTICE IS HEREBY GIVEN** that the Illinois Pollution  
**Control Board meeting originally scheduled for July 9, 1998 has been**  
**rescheduled to July 8, 1998. The meeting will be held in Conference**  
**Room 9-040, and will begin at 2:30 p.m.**

  
**CLAIRE A. MANNING**  
**Chairman**

**Posted and circulated July 6, 1998**