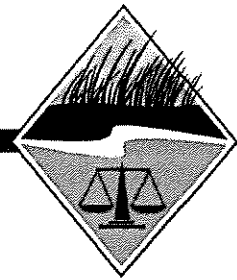


ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



MARCH 18, 1999 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

Chairman Manning welcomed members of the public and staff to the meeting. Chairman Manning introduced two new Springfield office staff members: Carol Sudman, attorney assistant to Chairman Manning and Karen Newbold, personnel officer. The Chairman also acknowledged the presence of Elena Kezelis, mother of Board Member Kezelis.

ROLL CALL

The Clerk of the Board called the roll. All Board Members were present except for Board Member McFawn.

APPROVAL OF MINUTES

Minutes of the March 4, 1999 meeting were approved by a vote of 6-0.

RULEMAKINGS

R99-4	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998 through June 30, 1998)</u> - The Board adopted a final opinion and order in this "identical-in-substance" rulemaking to amend the Board's wastewater pretreatment regulations.	6-0 R, Water
R99-10	<u>In the Matter of: Hospital/Medical/Infectious Waste Incinerators: Adoption of 35 Ill. Adm. Code 229</u> - The Board adopted a second notice opinion and order in this proposed rulemaking to amend the Board's air regulations.	6-0 R, Air

ADJUSTED STANDARDS

AS 98-6	<u>In the Matter of: Petition of Wood River Refining Company, a Division of Equilon Enterprises LLC, f/k/a Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321</u> - The Board granted this Madison County facility an adjusted standard, subject to conditions, from the hazardous waste requirements found at 35 Ill. Adm. Code 725.213 and 725.321.	6-0 Land, RCRA
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ADMINISTRATIVE CITATIONS

AC 99-31	<u>County of Will v. Leonard Kubinski</u> - No action taken.	
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AC 99-33	<u>IEPA v. Randy Davis</u> - The Board found that this Scott County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1996)), and ordered respondent to pay a civil penalty of \$1,000.	6-0
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ADJUDICATORY CASES

Motions and Other Matters

PCB 97-54	<u>People of the State of Illinois v. Capital Engineering & Manufacturing Company</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
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PCB 98-102	<u>Panhandle Eastern Pipe Line Company v. IEPA</u> - No action taken.	P-A, Air
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PCB 98-112	<u>Ronald R. and Melody Kanaverskis v. M.A. Ghalayini and M.A. Ghalayini, Inc.</u> - No action taken.	N-E, Citizens
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PCB 98-114	<u>David Mulvain v. Village of Durand</u> - The Board granted in part and denied in part complainant's motion for summary judgment. The remaining issues in this water enforcement action involving a Winnebago County facility will be addressed at hearing.	6-0 W-E, Citizens
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ADJUDICATORY CASES (CONTINUED)**MOTIONS AND OTHER MATTERS (CONTINUED)**

PCB 99-27	<u>People of the State of Illinois v. James and Carol Gilmer; James and Carol Gilmer v. CL Industries, Inc., Kraft Foods Corporation and AC HUMKO Corporation</u> - No action taken.	RCRA, W-E
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PCB 99-69	<u>Land and Lakes Company v. Randolph County Board of Commissioners</u> - The Board denied the petition to intervene by Kenneth Heine and Dora Spinney, but allowed them to file briefs as amicus curiae.	6-0 P-C-F-S-R
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PCB 99-87	<u>Jeff's Service 76 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 Kane County facility.	6-0 UST-FRD
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PCB 99-88	<u>Naperville Radiator Services 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 DuPage County facility.	6-0 UST-FRD
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PCB 99-101	<u>Thiele Transportation 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 Lake County facility.	6-0 UST-Appeal
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PCB 99-125	<u>Terrence G. Graf, Joe and Marcella Graf v. Valiquet, Inc., Emerald Landscaping and CPK Landscaping</u> - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Cook County facility.	N-E, Citizens
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PCB 99-130	<u>Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA</u> - The Board accepted for hearing, this permit appeal involving a Tazewell County facility, and consolidated it with PCB 99-108 involving the same facility.	6-0 P-A, Land
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ADJUDICATORY CASES (CONTINUED)
MOTIONS AND OTHER MATTERS (CONTINUED)

PCB 99-131 Dynachem, Inc. v. IEPA - In this permit appeal involving a Vermilion County facility, the Board struck and dismissed the challenge to a Resource Conservation Recovery Act permit as untimely filed, but accepted for hearing a request for a determination concerning a National Pollutant Discharge Effluent System permit. 6-0
P-A,
NPDES,
RCRA

CASES PENDING DECISION

AS 99-3 In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c) Hennessey
Land,
RCRA

PCB 98-81 Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation System, Inc. and D.P. Cartage, Inc. Hennessey
N-E,
Citizens

OTHER ITEMS

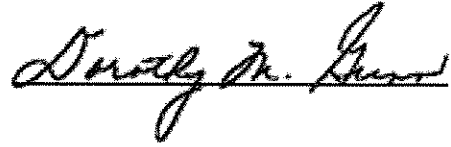
The Board approved the Chairman's motion to cancel the regular Board meeting of April 1, 1999.

The Board approved the Chairman's motion to schedule a special Board meeting on April 8, 1999 at 11:30 a.m.

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 10:55 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 15th day of April 1999 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



MARCH 18, 1999 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

March 4, 1999

RULEMAKINGS

R99-4	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - Adopted Rule, Final Opinion and Order</u>	Melas R, Water
R99-10	<u>In the Matter of: Hospital/Medical/Infectious Waste Incinerators: Adoption of 35 Ill. Adm. Code 229 - Proposed Rule, Second Notice, Opinion and Order</u>	Flemal R, Air

ADJUSTED STANDARDS

AS 98-6	<u>In the Matter of: Petition of Wood River Refining Company, a Division of Equilon Enterprises LLC, f/k/a Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321</u>	McFawn Land, RCRA
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ADMINISTRATIVE CITATIONS

AC 99-31	<u>County of Will v. Leonard Kubinski</u> - Complainant's Motion to Amend Administrative Citation (2/25)	Manning
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AC 99-33	<u>IEPA v. Randy Davis</u> - Default Order	Manning
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ADJUDICATORY CASES

Decisions

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.

Motions and Other Matters

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

PCB 97-54	<u>People of the State of Illinois v. Capital Engineering & Manufacturing Company</u> - Agreed Motion to Request Relief from the Hearing Requirement (3/2)	McFawn A-E
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PCB 98-102	<u>Panhandle Eastern Pipe Line Company v. IEPA</u> - Petitioner's Motion for Reconsideration of January 21, 1999 Board Order (2/25), Agency Response to Petitioner's Motion for Reconsideration (3/12)	Hennessey P-A, Air
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ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 98-112	<u>Ronald R. and Melody Kanaverskis v. M.A. Ghalayini and M.A. Ghalayini, Inc.</u> - Complainants' Motion to Dismiss Without Prejudice (3/12)	Kezelis N-E, Citizens
PCB 98-114	<u>David Mulvain v. Village of Durand</u> - Complainant's Motion for Summary Judgment (2/1), Respondent's Response to Complainant's Motion for Summary Judgment (2/26), Complainant's Reply to Respondent's Response to Motion for Summary Judgment (3/12)	Girard W-E, Citizens
PCB 99-27	<u>People of the State of Illinois v. James and Carol Gilmer; James and Carol Gilmer v. CL Industries, Inc., Kraft Foods Corporation and AC HUMKO Corporation</u> - Third Party Respondents Kraft Foods, Inc. and AC HUMKO Corporation's Motion to Dismiss the Third Party Complaint of Carol and James Gilmer (2/26)	Girard RCRA, W-E
PCB 99-69	<u>Land and Lakes Company v. Randolph County Board of Commissioners</u> - Petition to Intervene by Kenneth Heine and Dora Spinney (2/24), Petitioner's Response to Petition to Intervene (3/8)	Girard P-C-F-S-R
PCB 99-87	<u>Jeff's Service 76 v. IEPA</u> - Dismissal Order	Manning UST- Appeal.
PCB 99-88	<u>Naperville Radiator Services v. IEPA</u> - Dismissal Order	Manning UST-FRD
PCB 99-101	<u>Thiele Transportation v. IEPA</u> - Dismissal Order	Manning UST-Appeal

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-125	<u>Terrence G. Graf, Joe and Marcella Graf v. Valiquet, Inc., Emerald Landscaping and CPK Landscaping - Awaiting Duplicitous/Frivolous Determination</u>	Kezelis N-E, Citizens
PCB 99-130	<u>Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA - (See Petitioner's Motion to Consolidate with PCB 99-108 filed 3/8) - Accept for Hearing Order</u>	Manning P-A, Land
PCB 99-131	<u>Dynachem, Inc. v. IEPA - Accept for Hearing Order</u>	Manning P-A, NPDES, RCRA

CASES PENDING DECISION

AS 99-3	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u>	Hennessey Land, RCRA
PCB 98-81	<u>Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation System, Inc. and D.P. Cartage, Inc.</u>	Hennessey N-E, Citizens

OTHER ITEMS

Chairman's motion to cancel regular Board meeting of April 1, 1999

Chairman's motion to schedule special Board meeting on April 8, 1999 at 11:30 a.m.

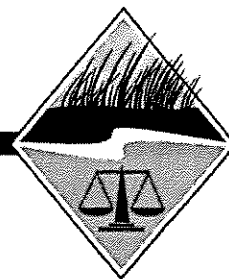
ADJOURNMENT

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 MARCH 4, 1999 BOARD MEETING

PCB 99-130	Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA
PCB 99-131	Dynachem, Inc. v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999

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 Board Meetings will be in the Board's Springfield Office
600 S. Second Street, Suite 403, Hearing Room
- ** This Board Meeting will be in Conference Room 2-025. All other
Board Meetings in Chicago will be in Conference Room 9-040
- *** Subject to cancellation at March 18, 1999 meeting