

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



MAY 20, 1999 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

Chairman Manning welcomed members of the public and staff to the meeting.

ROLL CALL

The Clerk of the Board called the roll. All Board Members were present.

APPROVAL OF MINUTES

Minutes of the May 6, 1999 meeting were approved by a vote of 6-0. Board Member Flemal abstained.

RULEMAKINGS

R98-29	<u>In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program: Amendments to 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219)</u> - The Board adopted a final opinion and order in this rulemaking to amend the Board's non-hazardous special waste hauling regulations.	7-0 R, Land
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ADJUDICATORY CASES

ADJUSTED STANDARDS

AS 99-4 In the Matter of: Petition of Sun Chemical Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218.626(b) - The Board granted this Cook County facility an adjusted standard, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.626(b). 7-0
Air

ADMINISTRATIVE CITATIONS

AC 98-41 IEPA v. Bradley G. White - The Board entered an order requiring respondent to pay \$200 in hearing cost and a civil penalty of \$1,000. This order follows the Board's interim order of February 18, 1999 which found that this respondent had violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (1996)) at respondent's Cumberland County facility. 7-0

AC 99-40 IEPA v. BFI Waste Systems of North America, Inc. - The Board found that this Rock Island County respondent violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(1), 21(o)(5), 21(o)(12) (1996)), and ordered respondent to pay a civil penalty of \$1,500. 7-0

AC 99-41 IEPA v. BFI Waste Systems of North America, Inc. - The Board found that this Rock Island 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. 7-0

AC 99-42 IEPA v. Fred Hood and Anne Hood - The Board accepted for hearing this administrative citation against these Macoupin County respondents.

AC 99-43 IEPA v. Waste Management of Illinois, Inc. - The Board accepted an administrative citation against this Peoria County respondent.

AC 99-44 IEPA v. County of Knox and Thomas D. Wagher - The Board accepted an administrative citation against these Knox County respondents.

AC 99-45 IEPA v. William Clingenpeel - The Board accepted an administrative citation against this Iroquois County respondent.

Decisions

PCB 99-66 People of the State of Illinois v. Dale Bennet - 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 water enforcement action involving a Stark County facility, ordered respondent to pay a civil penalty of \$5,000, and to cease and desist from further violations. 7-0
W-E

PCB 99-143 People of the State of Illinois v. Heritage Environmental Services, L.L.C. - 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 Resource Conservation Recovery Act enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$14,765.07, and to cease and desist from further violations. 7-0
RCRA-E

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.

PCB 99-168 Mobil Oil Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Will County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). 7-0
RCRA-V

PCB 99-169 Equilon Wood River Refining Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Madison County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). 7-0
RCRA-V

Motions and Other Matters

PCB 96-164 CGE Ford Heights, L.L.C. v. IEPA - No action taken. T-C, Appeal

PCB 97-55 People of the State of Illinois v. Precision Chrome, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation Recovery Act enforcement action against a Lake County facility, the Board ordered publication of the required newspaper notice. 7-0
RCRA-E

PCB 97-103 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. - No action taken. L&W-E

PCB 97-147 People of the State of Illinois v. J.D. Plating Works, Inc. - No action taken. RCRA, W-E

PCB 97-192 People of the State of Illinois v. Sundale Sewer Corporation and Howard Spurgeon - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Tazewell County facility, the Board ordered publication of the required newspaper notice. 7-0
W-E

PCB 98-102 Panhandle Eastern Pipe Line Company v. IEPA - The Board denied petitioner's motion for reconsideration of its January 21, 1999 order in this air permit appeal involving a facility located in Glenarm, Sangamon County, Illinois. 7-0
P-A, Air

PCB 99-31	<u>Cass County Service Company v. IEPA</u> - The Board denied petitioner's motion to consolidate PCB 99-98 with this tax credit appeal involving a Cass County facility, but stated that management of the cases would be coordinated by one hearing officer.	7-0 T-C, Appeal
PCB 99-98	<u>Kendall-Grundy FS, Inc. v. IEPA</u> - The Board denied petitioner's motion to consolidate PCB 99-31 with this tax credit appeal involving a Grundy County facility, but stated that management of the cases would be coordinated by one hearing officer.	7-0 T-C, Appeal
PCB 99-122	<u>Central C&D Recycling, Inc. v. IEPA</u> - No action taken.	P-A, Land
PCB 99-136	<u>Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois, and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc.; Land and Lakes Company v. Will County Board and Waste Management of Illinois, Inc.; Kathleen Konicki v. Will County Board and Waste Management of Illinois, Inc.</u> - The Board granted petitioners' motion to amend the petition in PCB 99-136, granted respondent Waste Management of Illinois, Inc.'s motion to dismiss the petition in PCB 99-140, and denied respondent Will County Board's motion to dismiss PCB 99-136. Respondent Will County Board's motion to dismiss and petitioner's motion to amend in PCB 99-140 were denied as moot.	6-0
PCB 99-139		Girard abstained
PCB 99-140		P-C-F-S-R
PCB 99-142	<u>American National Bank and Trust Company of Chicago a/t/u Trust No. 10357705 v. Robert Dunham individually and d/b/a Dunham Cleaners</u> - No action taken.	RCRA-E Citizens
PCB 99-145	<u>Hobert and Karen Jones, Robert Smith, Jodi and Tim Leeper, Cassandra and Cheryl Vaughn, Anita Rice, Peggy Eberhardt, Matthew Andriola, Matt Miller, Lynn Devlin, Edward Stolinski, and Pete Calzavara v. Heritage Tool and Die Mold</u> - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Cook County facility.	N-E, Citizens

PCB 99-149	<u>Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc.</u> - The Board found that the allegations in this matter were not duplicitous or frivolous, and accepted this citizen's underground storage tank enforcement action involving a Cook County facility for hearing.	7-0 UST-E, Citizens
PCB 99-158	<u>Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA</u> - The Board accepted for hearing this permit appeal involving a St. Clair County facility, and consolidated it with PCB 98-113 and PCB 99-28 which involve the same facility.	7-0 P-A, RCRA
PCB 99-159	<u>Mater Dei High School v. IEPA</u> - No action taken.	UST-Appeal 90-Day Ext.
PCB 99-160	<u>People of the State of Illinois v. Renu Casual Furniture Renovators, Inc.</u> - The Board accepted for hearing this Resource Conservation Recovery Act enforcement action against a Cook County facility.	RCRA-E
PCB 99-161	<u>Village of Dorchester, Illinois v. IEPA</u> - The Board held for the Illinois Environmental Protection Agency recommendation this petition for a public water supply variance involving a Macoupin County facility.	PWS-V
PCB 99-162	<u>Kelly-Mac Partners v. Robertson-CECO Corporation</u> - The Board held for a later duplicitous/frivolous determination this citizens' underground storage tank enforcement action involving a Cook County facility.	UST-E, Citizens
PCB 99-163	<u>Homewood Disposal Service Company v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, Land
PCB 99-164	<u>Ayers Oil Company v. IEPA</u> - No action taken.	UST-FRD 90-Day Ext.

PCB 99-165 Formel Industries, Inc. v. IEPA - The Board accepted for hearing this request for air variance involving a Cook County facility. 7-0
A-V

PCB 99-166 Archer Daniels Midland Company v. IEPA - The Board accepted for hearing this trade secret appeal involving a Decatur County facility. 7-0
T-S, Appeal

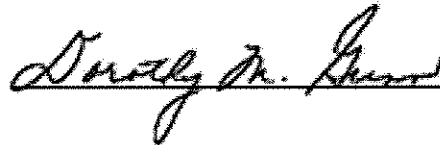
CASES PENDING DECISION

R99-8 In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141 - Proposed Rule, Second Notice, Opinion and Order Girard
Manning
Melas

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 10:55 a.m.

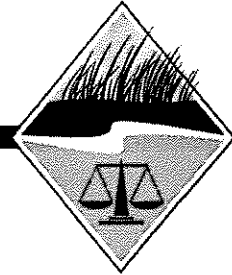
I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 3rd day of June 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



MAY 20, 1999 CHICAGO OFFICE
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

May 6, 1999

RULEMAKINGS

R98-29	<u>In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program: Amendments to 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) - Adopted Rule, Final Order, Opinion and Order</u>	Melas R, Land
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ADJUSTED STANDARDS

AS 99-4	<u>In the Matter of: Petition of Sun Chemical Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218.626(b)</u>	Flemal Air
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ADMINISTRATIVE CITATIONS

AC 98-41	<u>IEPA v. Bradley G. White</u>	Kezelis
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AC 99-40	<u>IEPA v. BFI Waste Systems of North America, Inc. - Default Order</u>	Manning
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AC 99-41	<u>IEPA v. BFI Waste Systems of North America, Inc. - Default Order</u>	Manning
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AC 99-42	<u>IEPA v. Fred Hood and Anne Hood - Accept for Hearing - No Order</u>	Manning
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AC 99-43	<u>IEPA v. Waste Management of Illinois, Inc. - Accept Case - No Order</u>	
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AC 99-44	<u>IEPA v. County of Knox and Thomas D. Wagher - Accept Case - No Order</u>	Manning
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AC 99-45	<u>IEPA v. William Clingenpeel - Accept Case - No Order</u>	Manning
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ADJUDICATORY CASES

Decisions

PCB 99-66	<u>People of the State of Illinois v. Dale Bennet - Stipulation</u>	Hennessey W-E
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ADJUDICATORY CASES (CONTINUED)

Decisions (Continued)

PCB 99-143 People of the State of Illinois v. Heritage Environmental Services, L.L.C. - Stipulation Manning
RCRA-E

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 96-164 CGE Ford Heights, L.L.C. v. IEPA - Agency Motion to Dismiss (3/18), Petitioner's Motion to File Instantly its Answer to the Agency's Motion to Dismiss (5/3) Manning
T-C, Appeal

PCB 97-55 People of the State of Illinois v. Precision Chrome, Inc. - Agreed Motion to Request Relief from the Hearing Requirement (5/12) McFawn
RCRA-E

PCB 97-103 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. - Third Party Respondents William Anest and Peter Anest's Motion to Dismiss and Memorandum in Support of Motion to Dismiss (4/8), Respondents Charles and Josephine Abraham and Millstream Service, Inc.'s Response to Third Party Respondents William and Peter Anest's Motion to Dismiss the First Amended Cross-Complaint (5/10) Manning
L&W-E

PCB 97-147 People of the State of Illinois v. J.D. Plating Works, Inc. - Complainant's Motion for Summary Judgment (5/3) Melas
RCRA, W-E

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 97-192	<u>People of the State of Illinois v. Sundale Sewer Corporation and Howard Spurgeon</u> - Motion for Relief from Hearing Requirement (5/14)	Melas W-E
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
PCB 99-31 PCB 99-98	<u>Cass County Service Company and Kendall-Grundy FS, Inc. v. IEPA</u> - Petitioner's Motion for Consolidation (5/5)	Manning T-C, Appeal
PCB 99-122	<u>Central C&D Recycling, Inc. v. IEPA</u> - Petitioner's Motion for Sanctions (5/13)	Hennessey P-A, Land

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-136	<u>Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois, and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc.; Land and Lakes Company v.</u>	Flemal
PCB 99-139	<u>Will County Board and Waste Management of Illinois, Inc.;</u>	P-C-F-S-R
PCB 99-140	<u>Kathleen Konicki v. Will County Board and Waste Management of Illinois, Inc. - Waste Management of Illinois, Inc.'s Motion to Dismiss Petition for Review and Request for Stay of Discovery (4/28), Will County Board's Joinder of Waste Management of Illinois, Inc.'s Motion to Dismiss Petition for Review and Request for Stay of Discovery (5/7), Kathleen Konicki's Response to Waste Management's Motion to Dismiss Petition for Review and Request for Stay of Discovery (5/7), Will County Board's Motion to Dismiss Petition of Kathleen Konicki (5/7), Land and Lakes Company's Amended Petition for Review (5/11), Petitioners' Response to Respondent Will County Board's Motion to Dismiss and Petitioners' Motion to Amend Caption (5/13), Konicki's Response to Will County's Motion to Dismiss Petition for Failure to Name Necessary Part and Motion to Amend Petition (2/14), Konicki's Response to Will County's Joinder of Waste Management's Motion to Dismiss for Lack of Standing (2/14)</u>	
PCB 99-142	<u>American National Bank and Trust Company of Chicago a/t/u Trust No. 10357705 v. Robert Dunham individually and d/b/a Dunham Cleaners - (See Respondent's Motion to Dismiss filed 5/13)</u> Awaiting Duplicitous/Frivolous Determination	Girard RCRA-E Citizens
PCB 99-145	<u>Hobert and Karen Jones, Robert Smith, Jodi and Tim Leeper, Cassandra and Cheryl Vaughn, Anita Rice, Peggy Eberhardt, Matthew Andriola, Matt Miller, Lynn Devlin, Edward Stolinski, and Pete Calzavara v. Heritage Tool and Die Mold - (See also Respondent's Motion to Dismiss filed 4/8) - Awaiting Duplicitous/Frivolous Determination</u>	McFawn N-E, Citizens

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-149	<u>Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc.</u> - Duplicitous/Frivolous Determination Order	Kezelis UST-E, Citizens
PCB 99-158	<u>Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA</u> - (See Petitioner's request to consolidate this matter with PCB 98-113 and PCB 99-28 contained in the Petition for Review filed on 5/4) - Accept for Hearing Order	Manning P-A, RCRA
PCB 99-159	<u>Mater Dei High School v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (5/6) - Order	Manning UST-Appeal 90-Day Ext.
PCB 99-160	<u>People of the State of Illinois v. Renu Casual Furniture Renovators, Inc.</u> - Hearing Mandatory - No Order	RCRA-E
PCB 99-161	<u>Village of Dorchester, Illinois v. IEPA</u> - Hold for Agency Recommendation - No Order	PWS-V
PCB 99-162	<u>Kelly-Mac Partners v. Robertson-CECO Corporation</u> - Hold for Duplicitous/Frivolous Determination - No Order	UST-E, Citizens
PCB 99-163	<u>Homewood Disposal Service Company v. IEPA</u> - Accept for Hearing Order	Manning P-A, Land
PCB 99-164	<u>Ayers Oil Company v. IEPA</u> - Petitioner's Request for 90-Day Extension of Appeal Period (5/14) - Awaiting Agency Notification	UST-FRD 90-Day Ext.
PCB 99-165	<u>Formel Industries, Inc. v. IEPA</u> - Accept for Hearing Order	Manning A-V

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

PCB 99-166	<u>Archer Daniels Midland Company v. IEPA</u> - Accept for Hearing Order	Manning T-S, Appeal
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CASES PENDING DECISION

R99-8	<u>In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141</u> - Proposed Rule, Second Notice, Opinion and Order	Girard Manning Melas
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OTHER ITEMS

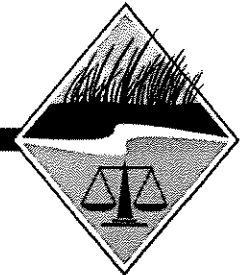
ADJOURNMENT

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 MAY 6, 1999 BOARD MEETING

AC 99-43	IEPA v. Waste Management of Illinois, Inc.
AC 99-44	IEPA v. County of Knox and Thomas D. Wagher
AC 99-45	IEPA v. William Clingenpeel
PCB 99-158	Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C.
PCB 99-159	Mater Dei High School v. IEPA
PCB 99-160	People of the State of Illinois v. Renu Casual Furniture Renovators, Inc.
PCB 99-161	Village of Dorchester v. IEPA
PCB 99-162	Kelly-Mac Partners v. Robertson-CECO Corporation
PCB 99-163	Homewood Disposal Service Company v. IEPA
PCB 99-164	Ayers Oil Company v. IEPA
PCB 99-165	Formel Industries, Inc. v. IEPA
PCB 99-166	Archer Daniels Midland Company v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999

May 6 *	September 9
May 20	September 23
June 3	October 7 **
June 17	October 21
July 8	November 4 *
July 22	November 18
August 5 ***	December 2
August 19 *	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
- *** This Board Meeting will be in Room N-505 at the State of Illinois
Building, 160 N. LaSalle Street