

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**JULY 11, 2002 CHICAGO OFFICE**  
**100 West Randolph Street**  
**Conference Room 9-040**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Manning welcomed members of the public and staff to the meeting. Chairman Manning then introduced recently appointed Board Member William Marovitz and his secretary Christine Zachwiej. Board Member William Marovitz abstained from voting on all items but cancellation of the July 18, 2002 Deliberative Session.

### **ROLL CALL**

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The Clerk of the Board called the roll. All Board Members answered present except for Board Member Girard who was absent.

### **APPROVAL OF MINUTES**

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Minutes of the June 20, 2002 meeting were approved by a vote of 5-0.

### **RULEMAKINGS**

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| <b>R02-10</b> | <u>In the Matter of: Amendments to General Permitting Provisions for Portable Emission Units: Amendments to 35 Ill. Adm. Code 201</u> – The Board adopted a first notice opinion and order in this matter to amend the Board's air regulations.  | 5-0<br>R, Air |
| <b>R03-1</b>  | <u>In the Matter of: UST Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</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, 2002, through June 30, 2002. | R, Land       |
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<b>R03-2</b>	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</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, 2002, through June 30, 2002.	R, Water
<b>R03-3</b>	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</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, 2002, through June 30, 2002.	R, Air
<b>R03-4</b>	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</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, 2002, through June 30, 2002.	R, PWS
<b>R03-5</b>	<u>In the Matter of: UIC Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</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, 2002, through June 30, 2002.	R, Land
<b>R03-6</b>	<u>In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</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, 2002, through June 30, 2002.	R, Land
<b>R03-7</b>	<u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</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, 2002, through June 30, 2002.	R, Land

## ADMINISTRATIVE CITATIONS

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AC 02-17	<u>IEPA v. Charles Goodwin</u> – The Board dismissed this administrative citation, finding it was improperly issued because of contradictory instructions from the Illinois Environmental Protection Agency.	5-0
AC 02-30	<u>IEPA v. City of Wenona</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Marshall County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss the alleged violations of Section 21(p)(4) and (p)(7) of the Act (415 ILCS 5/21(p)(3), (p)(4) (2000)).	5-0
AC 02-52	<u>IEPA v. Maurice Newcomer</u> – The Board found that this Carroll County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 02-59	<u>IEPA v. Jason Hari and Canadian National/Illinois Central Railroad</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Ford County facility.	5-0
AC 02-60	<u>IEPA v. Little Dozing Service, Inc.</u> –The Board accepted for hearing this petition for review of an administrative citation against this Edgar County respondent.	5-0
AC 02-61	<u>IEPA v. Steve Koester</u> – The Board accepted an administrative citation against this Champaign County respondent.	

## ADJUDICATORY CASES

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### Decisions

PCB 99-192	<u>People of the State of Illinois v. Gulco Corporation a/k/a Gutmann Leather Company, Inc.</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection	5-0 A-E
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Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$15,000, and to cease and desist from further violations.

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<b>PCB 01-17</b>	<u>People of the State of Illinois v. N.E. Finch and Peoria Associates</u> – In this air enforcement action concerning a Peoria County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$10,000, and to cease and desist from further violations.	5-0 A-E
<b>PCB 01-86</b>	<u>Robert Gardner and Yvonne Gardner v. Township High School District 211 and Gerald Chapman, Superintendent</u> – The Board found that respondent did not violate Section 24 of the Environmental Protection Act (415 ILCS 5/24 (2000)) and 35 Ill. Adm. Code 900.102 of the Board’s noise regulations and closed the docket.	5-0 Citizens N-E
<b>PCB 01-144</b>	<u>People of the State of Illinois v. Rich Williams d/b/a C.R. Williams &amp; Associates Architects</u> – In this public water supply enforcement action concerning a Christian County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$7,000, and to cease and desist from further violations.	5-0 PWS-E
<b>PCB 01-161</b>	<u>People of the State of Illinois v. Wagner Castings Company, Inc.</u> – In this air enforcement action concerning a Macon County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$115,000, and to cease and desist from further violations.	5-0 A-E
<b>PCB 02-8</b>	<u>People of the State of Illinois v. Royster-Clark, Inc.</u> – In this water enforcement action concerning a LaSalle County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$30,000, and to cease and	5-0 W-E

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desist from further violations.

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**PCB 02-36** People of the State of Illinois v. City of Golconda, Brown, Roffmann & Roberts, Inc., and Forby Excavating, Inc. – In this public water supply enforcement action concerning a Pope County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$3,800, and to cease and desist from further violations. 5-0  
PWS-E

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**PCB 02-113** Duke Energy North America (Lee County) v. IEPA – On February 21, 2002, the Board opened a docket to address the Illinois Environmental Protection Agency recommended denial of petitioner’s request for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)) for its facility located in Lee County. Because petitioner failed to timely file a petition, the Board denies tax certification for the sanitary waste septic tank and associated lift station based upon on respondent’s recommendation. 5-0  
T-C

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**PCB 02-121** Aux Sable Liquid Products, Noise Pollution Control Equipment v. IEPA – On March 21, 2002, the Board opened a docket to address the Illinois Environmental Protection Agency recommended denial of petitioner’s request for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)) for its facility located in Grundy County. Because petitioner failed to timely file a petition, the Board denies tax certification for the noise pollution abatement control facility based upon on respondent’s recommendation. 5-0  
T-C

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### **Motions and Other Matters**

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

**PCB 96-143** People of the State of Illinois v. Michel Grain Company, Inc. a/k/a Michel Fertilizer, Carlyle Michel, and Ronnie Todd – No action taken. W-E

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<b>PCB 97-66</b>	<u>People of the State of Illinois v. D'Angelo Enterprises, Inc.</u> – No action taken.	RCRA-E
<b>PCB 97-193</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – No action taken.	L-E
<b>PCB 98-80</b>	<u>People of the State of Illinois v. Craig Linton and Randy Rowe</u> – No action taken.	L-E Tires
<b>PCB 99-120</b>	<u>People of the State of Illinois v. Wood River Refining Company</u> – No action taken.	A-E
<b>PCB 00-111</b>	<u>People of the State of Illinois v. R. Frietsch &amp; Company, Inc.</u> – No action taken.	A-E
<b>PCB 00-163</b>	<u>David McDonough and Jacquelyn McDonough v. Gary Robke</u> – The Board granted respondent's motion for extension of time to file the noise report. The noise report must be filed and served on the McDonoughs on or before August 5, 2002.	5-0 Citizens N-E
<b>PCB 01-116</b>	<u>The Premcor Refining Group, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 01-148</b>	<u>Sierra Club, Friends of the Fox River and Prairie Rivers Network v. IEPA and Fox River Water Reclamation District</u> – The Board granted petitioner's motion for voluntary dismissal of this National Pollutant Discharge Elimination System permit appeal involving a Kane County facility.	5-0 P-A, NPDES 3rd Party
<b>PCB 02-31</b>	<u>Bridgestone/Firestone Off-Road Tire Company v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this air permit appeal involving a McLean County facility.	5-0 P-A, Air
<b>PCB 02-91</b>	<u>Rezmar Corporation v. IEPA</u> – The Board granted petitioner's	4-0

<b>PCB 02-116</b>	motion for consolidation of these underground storage tank appeals involving a Cook County facility.	Melas abstained UST Fund
<b>PCB 02-96</b>	<u>Estate of Edmund F. Radkiewicz v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.	5-0 UST Appeal
<b>PCB 02-108</b>	<u>Saline County Landfill, Inc. v. IEPA; County of Saline, Intervenor</u> – The Board denied intervenor's motion to reconsider or modify its May 16, 2002 opinion.	5-0 P-A, Land
<b>PCB 02-130</b>	<u>Strong Oil Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Schuyler County facility.	5-0 UST Fund
<b>PCB 02-156</b>	<u>Chroma Corporation v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this McHenry County facility.	5-0 P-A, NPDES
<b>PCB 02-160</b>	<u>Rockford Stop-N-Go, Inc. v. IEPA</u> – The Board granted petitioner’s motion for admission pro hac vice and accepted for hearing this underground storage tank appeal involving a Boone County facility.	5-0 UST Fund
<b>PCB 02-163</b>	<u>Illinois State Toll Highway Authority (South Holland/Lincoln Oasis – Lincoln North) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	5-0 UST Appeal
<b>PCB 02-166</b>	<u>Mick’s Garage v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Madison County facility.	5-0 UST Fund

<b>PCB 02-208</b>	<u>Brian Finley, Local 3315 of the American Federation of State, County, and Municipal Employees (Cook County Public Defenders Association) and named others v. Acme Barrel Company, Inc. a/k/a Acme Barrel Company, a/k/a IFCO Systems Chicago, Inc. and others</u> – No action taken.	Citizens A-E
<b>PCB 02-223</b>	<u>Exxon Mobile Oil Corporation (Low Sulfur MO-GAS Equipment) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Exxon Mobile Oil Corporation located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	5-0 T-C
<b>PCB 02-224</b>	<u>Atchison Amoco Service v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Randolph County facility.	5-0 UST Fund 90-Day Ext.
<b>PCB 02-225</b>	<u>Janet Wagner v. Lisa Perenchio and Jim Weihsarantel</u> – The Board held for a later duplicitous/frivolous determination this citizen’s noise enforcement action involving a Cook County facility.	Citizens N-E
<b>PCB 03-1</b>	<u>Illinois State Toll Highway Authority v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DeKalb County facility.	5-0 UST Fund 90-Day Ext.
<b>PCB 03-2</b>	<u>Todd’s Service Station v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Tazewell County facility.	5-0 90-Day Ext.
<b>PCB 03-3</b>	<u>Akzo Nobel Surface Chemistry L.L.C. v. IEPA</u> – The Board found the petition deficient in this water variance request involving a Grundy County facility, and ordered petitioner to file an amended petition to cure specified deficiencies no later than August 10, 2002, or the petition would be subject to dismissal.	5-0 W-V, NPDES



**OTHER ITEMS**

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Chairman Manning's motion to cancel the July 18, 2002  
Deliberative Session was granted by a vote of 6-0.

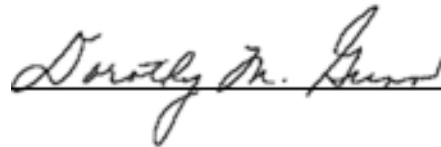
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**ADJOURNMENT**

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Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at  
11:45 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board  
approved the above minutes on August 8, 2002 by a vote of.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board