

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**FEBRUARY 3, 2000**  
**JRTC VIDEO CONFERENCE ROOM 9-036, CHICAGO**  
**CMS VIDEO CONFERENCE ROOM, 120 W. JEFFERSON, SPRINGFIELD**  
**10:30 A.M.**

### **ANNOUNCEMENTS**

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

### **ROLL CALL**

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The Clerk of the Board called the roll. The Board Members answered as follows: Chairman Manning and Board Members Girard, and Kezelis from Springfield, and Board Members McFawn and Melas from Chicago. Board Member Flemal was absent.

### **APPROVAL OF MINUTES**

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Minutes of the January 20, 2000 meeting were approved by a vote of 5-0.

### **ADJUSTED STANDARDS**

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<b>AS 00-7</b>	<u>In the Matter of: Petition of Central Illinois Public Service Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208</u> - The Board granted petitioner's motion to withdraw this request for an adjusted standard involving a Jackson County facility.	5-0 Water, NPDES
<b>AS 00-8</b>	<u>In the Matter of: Petition of Vonco Products, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the "Flexographic Printing Rule")</u> - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from certain air pollution control requirements on behalf of a Lake County facility.	Air

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**AS 00-9**      In the Matter of: Petition of Bema Film Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the “Flexographic Printing Rule”) - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from certain air pollution control requirements on behalf of a DuPage County facility.      Air

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**AS 00-10**      In the Matter of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the “Flexographic Printing Rule”) - The Board held this matter pending receipt of the certificate of publication in this petition for an adjusted standard from certain air pollution control requirements on behalf of a Cook County facility.      Air

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## ADMINISTRATIVE CITATIONS

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AC 00-3	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board denied	5-0
AC 00-4	respondent's motion to dismiss or to strike, or in the alternative, to	
AC 00-5	either direct decision, or grant summary judgment. These matters	
AC 00-6	will proceed to hearing.	
AC 00-7		
AC 00-8		
AC 00-15		
AC 00-18		
AC 00-21		
AC 00-23		
AC 00-24		
AC 00-25		
AC 00-26		
AC 00-29		
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AC 00-47		
AC 00-48		
AC 00-49		
AC 00-50		
AC 00-51		
AC 00-53		
AC 00-54		
AC 00-55		
AC 00-16	<u>IEPA v. Olen G. Parkhill, Jr.</u> - The Board granted both parties' motions to dismiss the petition for review, found that respondent had violated Sections 21(p)(1) and 21(p)(3) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (3) (1998)), and ordered respondent to pay a civil penalty of \$1,000.	5-0

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<b>AC 00-33</b>	<u>County of Sangamon v. American Tree Service, Roy F. Throop</u> - No action taken.	
<b>AC 00-56</b>	<u>IEPA v. Tom Zang</u> - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cumberland County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (1998)) and ordered respondent to pay a civil penalty of \$500. The Board also granted complainant's motion to dismiss the alleged violation of Section 21(p)(7)(i) of the Act (415 ILCS 5/21(p)(7)(i) (1998), as amended by Pub. Act 91-72, eff. July 9, 1999), prohibiting open dumping of general construction or demolition debris.	5-0
<b>AC 00-57</b>	<u>Tazewell County v. Waste Professionals, Inc.</u> - The Board granted complainant's motion for voluntary dismissal of this administrative citation action involving a Tazewell County facility.	5-0
<b>AC 00-59</b>	<u>Will County v. James and Joan Haggard</u> - The Board found that these Will County respondents violated Sections 21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1), 21(p)(3) (1998)), and ordered respondents to pay a civil penalty of \$1,000.	5-0
<b>AC 00-60</b>	<u>IEPA v. Knox County, Illinois, Knox County Landfill #3, and Thomas D. Wagher</u> - The Board found that these Knox County respondents violated Section 21(o)(12) of the Act (415 ILCS 5/21(o)(12) (1998)), and ordered respondents to pay a civil penalty of \$500.	5-0
<b>AC 00-61</b>	<u>IEPA v. Don Myers</u> - The Board found that this Union County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$500.	5-0
<b>AC 00-64</b>	<u>County of Sangamon v. ESG Watts, Inc.</u> - The Board accepted this administrative citation against this Sangamon County respondent.	

**AC 00-65**     County of Sangamon v. ESG Watts, Inc. - The Board accepted this administrative citation against this Sangamon County respondent.

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**AC 00-66**     County of Sangamon v. ESG Watts, Inc. - The Board accepted this administrative citation against this Sangamon County respondent.

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**AC 00-67**     IEPA v. Tony Brown - The Board accepted an administrative citation against this Champaign County respondent.

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## ADJUDICATORY CASES

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### Decisions

**PCB 96-132**     People of the State of Illinois v. Burlington Northern Railroad Company, Beazer East, Inc., and Koppers Industries, Inc. - No action taken.     RCRA-E

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**PCB 97-217**     People of the State of Illinois v. Bigelow Group, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), and accepted a stipulation and settlement agreement in this water enforcement action concerning a facility located in Lake County, Illinois, ordered the respondent to pay a civil penalty of \$20,500, and to cease and desist from further violations.     5-0  
W-E

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**PCB 98-37**     People of the State of Illinois v. American Waste Processing, LTD - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), and accepted a stipulation and settlement agreement in this Resource Conservation and Recovery Act enforcement action concerning a facility located in Cook County, Illinois, ordered the respondent to pay a civil penalty of \$60,000, and to cease and desist from further violations.     5-0  
RCRA-E

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**PCB 00-105** People of the State of Illinois v. Britt Industries, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), and accepted a stipulation and settlement agreement in this air enforcement action concerning a facility located in Cook County, Illinois, ordered the respondent to pay a civil penalty of \$18,000, and to cease and desist from further violations.

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**Provisional Variances**

**PCB 00-129** Libbey-Owens-Ford Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this LaSalle County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.141(b).

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**PCB 00-130** City of Granite City v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Madison County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.121(a), 304.125(a), and 304.141(a) and National Pollutant Discharge Elimination System Permit Number IL0033481.

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**PCB 00-131** Archer Daniels Midland Company and City of Decatur v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Macon County facility a 45-day provisional variance, subject to conditions, from the effluent discharge requirements set forth in 35 Ill. Adm. Code 304.141 and permit requirements set forth in 35 Ill. Adm. Code 309.102.

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**Motions and Other Matters**

**PCB 92-168** Edwards-Etherton Oil Company, Inc. v. IEPA - The Board granted petitioner's motion to withdraw this underground storage tank appeal involving a Williamson County facility

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<b>PCB 96-111</b>	<u>People of the State of Illinois v. John Chalmers, individually and d/b/a John Chalmers Hog Farm</u> - The Board granted respondent's motion to modify the Board order of January 6, 2000, extending the time for payment of the civil penalty until April 6, 2000.	5-0 W-E
<b>PCB 96-141</b>	<u>Butterick Company, Inc. v. IEPA</u> - The Board granted petitioner's attorney's motion to appear <i>Pro Hac Vice</i> .	5-0
<b>PCB 99-44</b>		UST-
<b>PCB 99-186</b>		Appeal
<b>PCB 96-240</b>	<u>People of the State of Illinois v. Rogers O'Hare Motor Terminal Limited, and Carolina Freight Carriers Corporation</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water and underground storage tank enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 W&UST-E
<b>PCB 96-261</b>	<u>People of the State of Illinois v. G.M. Demolition Corporation</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 involving facilities located in Cook and Kankakee Counties, the Board ordered publication of the required newspaper notice.	5-0 A-E
<b>PCB 98-59</b>	<u>Morton College Board of Trustees of Illinois, Community College District No. 527 v. Town of Cicero</u> - The Board found that the third-party complaint was not duplicitous or frivolous, and accepted it for hearing in this citizens' Resource Conservation and Recovery Act enforcement action involving a Cook County facility	5-0 RCRA-E Citizens
<b>PCB 99-12</b>	<u>Chemetco, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Madison County facility.	5-0 P-A, RCRA
<b>PCB 99-69</b>	<u>Land and Lakes Company v. Randolph County Board of Commissioners</u> - No action taken.	P-C-F-S-R

<b>PCB 99-125</b>	<u>Terrence G. Graf, Joe Graf, Marcella Graf, Louise Grothpietz, Marjorie Olszeoski, Leonard Olszeoski, Mike Czebokowski, and Lois Czebokowski v. Emerald Landscaping and CPK Landscaping</u> - The Board granted petitioners' motion to voluntarily dismiss this citizens' noise enforcement action involving a Cook County facility.	5-0 N-E, Citizens
<b>PCB 99-152</b>	<u>People of the State of Illinois v. Eagle-Picher Industries</u> - No action taken.	A-E
<b>PCB 00-89</b>	<u>Illinois State Toll Highway Authority v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal on behalf of a Cook County facility, and on its own motion consolidated this matter with fourteen similar underground storage tank refund appeal cases brought by petitioner ( <u>Illinois State Toll Highway Authority v. IEPA</u> , PCB 98-88 et al, July 23, 1998, and January 7, 1999). Additionally, the Board consolidated PCB 00-51 and PCB 00-52, both similar underground storage tank refund appeal cases, with the previously consolidated cases.	4-0 Melas abstained UST- Appeal 90-Day Ext.
<b>PCB 00-119</b>	<u>Wholesale Oil Company (Laflin) 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 Cook County facility.	4-0 Melas abstained UST-FRD 90-Day Ext.
<b>PCB 00-120</b>	<u>Wholesale Oil Company (Belmont) v. IEPA</u> - The Board denied petitioner's request for a 90-Day Extension of appeal but accepted petitioner's letter requesting an extension of the 35-day time period as a petition for review, ordering petitioner to file an amended petition or the action would be subject to dismissal.	4-0 Melas abstained UST-FRD 90-Day Ext.
<b>PCB 00-124</b>	<u>Agrium U.S. Inc. v. IEPA</u> - The Board granted petitioner's attorney's motion to appear <i>Pro Hac Vice</i> and accepted for hearing this underground storage tank appeal involving a Marshall County facility.	5-0 PWS-V



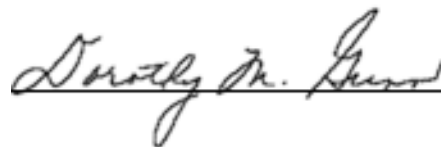
<b>PCB 00-125</b>	<u>People of the State of Illinois v. Nina Enterprises, Inc.</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	5-0 A-E
<b>PCB 00-126</b>	<u>Westown Land Trust v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jackson County facility.	5-0 UST-FRD 90-Day Ext.
<b>PCB 00-127</b>	<u>People of the State of Illinois v. Dayne Rogers, an individual, Black Gold International, and Crosby &amp; Associates, P.C.</u> - The Board accepted for hearing this cost recovery tire clean-up enforcement action against this Winnebago County facility.	5-0 L-E, Tires
<b>PCB 00-128</b>	<u>Apple Chevrolet 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 Cook County facility.	5-0 UST- Appeal 90-Day Ext.

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#### ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Manning adjourned the meeting at 11:25 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 17th day of February 2000 by a vote of 5-0. Board Member R.C. Flegal abstained.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board