

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**DECEMBER 19, 2002 CHICAGO OFFICE-100 WEST RANDOLPH
CONFERENCE ROOM 9-040
11:00 A.M.**

ANNOUNCEMENTS

After calling the meeting to order, Chairman Manning welcomed members of the public and staff, and announced that she was retiring from the Board effective December 31, 2002.

ROLL CALL

The Board's Paralegal Assistant called the roll. All Board Members were present.

APPROVAL OF MINUTES

Minutes of the December 5, 2002 meeting were approved by a vote of 6-0.

RULEMAKINGS

R02-11	<u>In the Matter of: Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157</u> – The Board adopted a final opinion and order in this matter to amend the Board's water regulations.	6-0 R, Water
R03-4	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2002 through June 30, 2002; LTIESWTR)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board's public water supply regulations.	6-0 R, PWS
R03-8	<u>In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903</u> – The Board adopted a first notice opinion and order in this matter to amend the Board's noise regulations.	6-0 R, Noise

ADMINISTRATIVE CITATIONS

AC 03-12	<u>Ogle County v. Merle and Joanne Cornelius, and Dennis Borgmann</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Ogle County facility, the Board found respondents violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and ordered respondents to pay a civil penalty of \$1,500. The Board also dismissed the alleged violations of Sections 21(p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002).	6-0
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ADJUDICATORY CASES

Decisions

PCB 00-108	<u>People of the State of Illinois v. BFI Waste Systems of North America, Inc. as successor-by merger to E&E Hauling, Inc.</u> – In this land enforcement action concerning a DuPage 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) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$94,000, and to cease and desist from further violations.	5-0 Manning abstained L-E
PCB 00-140	<u>Gladys L. Knox and David A. Knox v. Turriss Coal Company and AEI Resources, Inc.</u> – No action taken.	Citizens N-E
PCB 00-177	<u>Michael D. Logsdon, Darrell E. Mann, Kathy Mann, Russell Spillman, Marilyn Spillman, Rita Marti, Alvin W. Abbott, Kathy Abbott, Diana Collins, Dave Collins v. South Fork Gun Club</u> – The Board found that respondent violated Section 24 of the Environmental Protection Act (Act) (415 ILCS 5/24 (2000), <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and 35 Ill. Adm. Code 900.102 of the Board’s noise pollution regulations. The Board ordered the respondent to pay a total civil penalty of \$3,000 and to cease and desist from further violations of the Act.	5-1 Marovitz dissented Citizens N-E
PCB 01-29	<u>People of the State of Illinois v. Kiehl Engineering Company, Inc.</u>	6-0

d/b/a Thomas Foster Group, Inc. and United Plastics Group, Inc. – In this air enforcement action concerning a DuPage 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), *amended by* P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$175,000, and to cease and desist from further violations. A-E

PCB 01-129 Mac Investments d/b/a Olympic Oldsmobile v. Office of the State Fire Marshal – The Board reversed the Office of the State Fire Marshal’s determination assessing of a second \$15,000 deductible for the site and found that there should be no second deductible charged for or in connection with the sixth tank located on the site. 6-0
UST
Appeal

Motions and Other Matters

PCB 96-143 People of the State of Illinois v. Michel Grain Company, Inc. d/b/a Michel Fertilizer, Caryle Michel, Ronnie Todd, and Ronnie Todd Land Trust – No action taken. W-E

PCB 97-89 People of the State of Illinois v. API Industries, Inc. – 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 a Cook County facility, the Board ordered publication of the required newspaper notice. 6-0
A-E

PCB 97-103 People of the State of Illinois v. State Oil Company, William Anest f/d/b/a S&S Petroleum Products, Peter Anest f/d/b/a S&S Petroleum Products, Charles Abraham, Josephine Abraham, and Millstream Service, Inc. – No action taken. L&W-E

PCB 98-55 Donald McCarrell and Ann McCarrell v. Air Distribution Associates, Inc. – No action taken. Citizens
L-E

PCB 00-110 People of the State of Illinois v. Joe Decicco Demolition, Inc. – No action taken. A-E

PCB 00-133	<u>John M. Giertych v. 4T's Management, L.L.C.</u> – The Board accepted the parties' agreed stipulation of dismissal and dismissed this citizen noise enforcement action involving a Kankakee County facility.	6-0 Citizens N-E
PCB 02-164	<u>Barbara and Ronald Stuart v. Franklin Fisher</u> – The Board granted complainants' motion to file an amended complaint and accepted the amended complaint for hearing. No action was taken on the County of Will's motion to intervene.	6-0 Citizens N-E
PCB 02-225	<u>Janet Wagner v. Lisa Parenchio and Jim Weihsmantel</u> – The Board granted complainant's motion to dismiss this citizen noise enforcement action involving a Cook County facility.	6-0 Citizens N-E
PCB 03-9	<u>Piasa Motor Fuels v. IEPA</u> – Respondent's motion for extension of time to file the administrative record was referred to the hearing officer for disposition.	P-A, Land
PCB 03-16	<u>King's 66 Service Station v. IEPA</u> – Respondent's motion for extension of time to file the administrative record was referred to the hearing officer for disposition.	P-A, Land
PCB 03-19	<u>Shearon, Inc. 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 McHenry County facility.	6-0 UST Fund
PCB 03-28	<u>Premcor Refining Group 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 Jackson County facility.	6-0 UST Fund
PCB 03-30	<u>Jim Siddiqui Property 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.	6-0 UST Appeal

PCB 03-53	<u>People of the State of Illinois v. Northern Building Concepts, Inc. and Landscape Concepts Construction, Inc.</u> – Respondent’s motion for extension of time to file an answer to complaint was referred to the hearing officer for disposition.	W-E
PCB 03-55	<u>2222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Co., Federal Chicago Corp., Raymond E. Cross, Beverly Bank Trust No. 8-7611, and Lakeside Bank Trust Nos. 10-1087 & 10-1343</u> – No action taken.	UST-E
PCB 03-74	<u>People of the State of Illinois v. City of Georgetown and T.K. Fleming Construction, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Vermilion County facility, the Board ordered publication of the required newspaper notice.	6-0 PWS-E
PCB 03-76	<u>Thornton Oil Corporation #17 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 DuPage County facility.	6-0 UST Fund
PCB 03-77	<u>Chrisman Farm Center 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 Edgar County facility.	6-0 UST Fund
PCB 03-79	<u>Carter Convenience Store 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 White County facility.	6-0 UST Fund
PCB 03-80	<u>Hamland Acres, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hamland Acres, Inc. located in Effingham County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 T-C
PCB 03-81	<u>Lloyd Milles Farm, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board	6-0 T-C

found and certified that specified facilities of Lloyd Milles Farms, Inc. located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

PCB 03-82	<u>PPG Industries, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Macon County facility.	6-0 P-A, Air
PCB 03-83	<u>Tri-Town Service, Inc. 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.	6-0 UST Appeal 90-Day Ext.
PCB 03-84	<u>Mac’s Convenience Stores, L.L.C. 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 Kankakee County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-85	<u>Biggs Brothers 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 Madsion County facility.	6-0 UST Appeal 90-Day Ext.

CASES PENDING DECISION

PCB 03-31	<u>County of Kankakee and Edward D. Smith, State’s Attorney of Kankakee County v. City of Kankakee, Illinois, The City Council, Town and Country Utilities, Inc., and Kankakee Regional Landfill, L.L.C.; Byron Sandberg v. The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; Waste Management of Illinois v. City of Kankakee, Illinois, City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C. – (due 1/18)</u>	P-C-F-S-R Third Party
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OTHER ITEMS

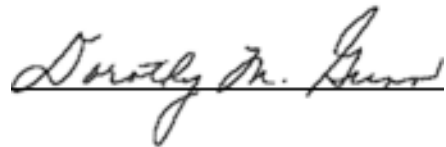
The Chairman's motion under Section 2(a)(4) of the Open Meetings Act to cancel the December 26, 2002 Closed Deliberative Session and reschedule it for January 2, 2003 at 10:00 a.m. was adopted by a vote of 6-0.

ADJOURNMENT

Chairman Manning wished the Pollution Control Board Members and staff well on her departure. Member Girard expressed appreciation for Chairman Manning's service to the Board and the people of the State of Illinois.

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:56 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 9, 2003 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board