

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



**DECEMBER 21, 2000 CHICAGO OFFICE
CONFERENCE ROOM 9-040
11:30 A.M.**

ANNOUNCEMENTS

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

ROLL CALL

The Assistant Clerk of the Board called the roll and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the December 7, 2000 meeting were approved as amended by a vote of 7-0.

RULEMAKINGS

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| R98-26 | <u>In the Matter of: Amendments to 35 Ill. Adm. Code 506, (Livestock Waste Regulations)(PA 90-565) - No action taken.</u> | R, Land |
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| R00-19(A) | <u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742) – The Board adopted a final opinion and order which amends the tiered approach to corrective action objectives (35 Ill. Adm. Code 742). Pursuant to Public Act 91-909, a portion of the proposed amendments must be adopted by January 6, 2001, pertaining to a new legal instrument called the “Environmental Land Use Control” or “ELUC.” Accordingly, the amendments were adopted with a January 6, 2001 effective date.</u> | 7-0
R, Land |
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| R00-20 | <u>In the Matter of: Revision of the Board’s Procedural Rules: 35 Ill. Adm. Code 101-130 – The Board adopted a final opinion and order which amends the Board’s procedural rules.</u> | 7-0
R, Proc.
Rule |
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R01-8	<u>In the Matter of: Amendments to Diesel Opacity Rules Required by P.A. 91-254 and P.A. 91-865: Amendments to 35 Ill. Adm. Code 240</u> – No action taken.	R, Air
R01-9	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart W, The NOx Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217</u> – The Board adopted a final opinion and order which implements a nitrogen oxides emissions trading program applicable to large fossil fuel electrical generating units.	7-0 R, Air
R01-10	<u>In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)</u> – The Board issued an Informational Order in response to Governor George Ryan’s request to conduct inquiry hearings concerning the potential environmental impact of peaker plants. The Informational Order addresses whether further requirements are needed to safeguard the environment.	7-0 R, Air
R01-11	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart T, Cement Kilns, and Amendments to 35 Ill. Adm. Code 211 and 217</u> The Board adopted a second-notice opinion and order to implement a program to reduce nitrogen oxides emissions from large cement kilns in Illinois.	6-0 Lawton abstained R, Air
R01-18	<u>In the Matter of: Livestock Waste Regulations (35 Ill. Adm. Code 506)</u> – The Board accepted for hearing the Department of Agriculture’s December 4, 2000 proposal to amend the Board’s livestock waste regulations, but declined to do so as an emergency rulemaking.	7-0 R, Land
R01-19	<u>In the Matter of: Exemptions from the Definition of VOM Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</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 July 1, 2000, through December 31, 2000.	R, Air

R01-20	<u>In the Matter of: SDWA Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</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 July 1, 2000, through December 31, 2000.	R, PWS
R01-21	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</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 July 1, 2000, through December 31, 2000.	R, Land
R01-22	<u>In the Matter of: RCRA Subtitle D Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</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 July 1, 2000, through December 31, 2000.	R, Land
R01-23	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</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 July 1, 2000, through December 31, 2000.	R, Land
R01-24	<u>In the Matter of: UST Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</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 July 1, 2000, through December 31, 2000.	R, Land
R01-25	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2000, through December 31, 2000)</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 July 1, 2000, through December 31, 2000.	R, Water

R01-26	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 732: Regulation of Petroleum Leaking Underground Storage Tanks</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s December 6, 2000 proposal to amend the Board’s underground storage tank regulations.	7-0 R, Land
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ADJUSTED STANDARDS

AS 99-1	<u>In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305</u> - The Board ordered this matter set for hearing.	7-0 Water
AS 00-11	<u>In the Matter of: Petition of Bema Film Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a), (b) and (c) (the “Flexographic Printing Rule”)</u> – No action taken.	Air
AS 00-12	<u>In the Matter of: Petition of Vonco Products, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a), (b) and (c) (the “Flexographic Printing Rule”)</u> – No action taken.	Air
AS 00-13	<u>In the Matter of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Sections 218.401(a), (b) and (c) (the “Flexographic Printing Rule”)</u> – No action taken.	Air

ADMINISTRATIVE CITATIONS

AC 01-11	<u>IEPA v. Waterman Excavating</u> – The Board found that this Montgomery County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21/(p)(1), (p)(7) (1998)), and ordered respondent to pay a civil penalty of \$3,000.	7-0
AC 01-12	<u>IEPA v. J & T Recycling and John A. Gordon</u> - No action taken.	
AC 01-16	<u>Sangamon County v. Everett Daily</u> – The Board accepted this petition for review of an administrative citation against this Sangamon County respondent.	7-0
AC 01-17	<u>Sangamon County v. Everett Daily</u> – The Board accepted this petition for review of an administrative citation against this Sangamon County respondent.	7-0

AC 01-19 IEPA v. William Basil Flynn and Olen G. Parkhill, Jr. – The Board accepted on behalf of respondent Parkhill, this petition for review of an administrative citation against these Champaign County respondents. The Board will enter a default judgement against respondent Flynn should he failed to file a petition for review by January 8, 2001. 7-0

AC 01-20 IEPA v. John Prior & Prior Oil Company – The Board accepted an administrative citation against these Washington County respondents.

Decisions

PCB 01-79 People of the State of Illinois v. Phillips Pipe Line Company, a subsidiary of Phillips Petroleum Company, Inc. – In this Resource Conservation and Recovery Act enforcement action concerning a St. Clair County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1)(1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$15,000, and ordered respondent to cease and desist from further violations. 7-0
RCRA-E

Provisional Variances

PCB 01-94 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). 7-0
W-V

PCB 01-95 U.S. Chrome Corporation of Illinois v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 15-day provisional variance to this Boone 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
L-V, RCRA

Motions and Other Matters

PCB 93-32	<u>Ford Motor Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this air permit appeal involving a Cook County facility.	7-0 P-A, Air
PCB 93-129	<u>PPG Industries, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this NPDES permit appeal involving a Macon County facility.	7-0 P-A, NPDES
PCB 96-181	<u>ESG Watts, Inc. v. IEPA</u> – The Board granted the parties’ motions for dismissal of this permit appeal involving a Rock Island County facility.	7-0 P-A, Land
PCB 97-210	<u>ESG Watts, Inc. v. IEPA</u> – The Board granted the parties’ motions for dismissal of this permit appeal involving a Rock Island County facility.	7-0 P-A, Land
PCB 98-113 PCB 99-28 PCB 99-158 (Cons.)	<u>Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA</u> – No action taken.	P-A, RCRA
PCB 98-169	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc. and Joseph Kellogg</u> – No action taken.	UST-E, Citizens
PCB 99-149	<u>Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc.</u> – No action taken.	UST-E, Citizens
PCB 00-82	<u>Jersey Sanitation Corporation v. IEPA</u> – The Board referred petitioner’s motions to file <i>instanter</i> to the hearing officer.	P-A, Land
PCB 00-127	<u>People of the State of Illinois v. Dayne Rogers, an individual, and Black Gold International</u> – No action taken.	L-E, Tires

PCB 00-133	<u>John M. Giertych, Geri Giertych, Wally Stoklosa, Earl Daliege, Everett Johnson, Meddard Sowonik, Max Prindle, Chuck Polizzi, Marge Polizzi, George Brassea, Gladys Brassea, Nancy Pitcher, Geraldine Hughes, Bernard Nagel, Joe Ringbauer, Dee Ringbauer, Carolyn Meyer, Joe Dampf, Sally Dampf, Pat Henry, Gabriele Dalzell, Clifton Cooke, Betty Jane Cooke, Pam Sayner, Carol Bump, Helen Bytnar, and Leslie Koenig v. 4T's Management, L.L.C.</u> – The Board granted respondent's motion to dismiss certain complainants for want of prosecution.	7-0 N-E, Citizens
PCB 00-192	<u>People of the State of Illinois v. Wismarq 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 a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 00-212	<u>People of the State of Illinois v. Kenneth Morrison</u> – No action taken.	CR-E
PCB 01-30	<u>Stuart C. Nuss v. Village of Durand</u> – No action taken.	W-E, Citizens
PCB 01-40	<u>People of the State of Illinois v. City of Paris and Francis Associates</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 Edgar County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 01-48 PCB 01-49 (Cons.)	<u>Community Landfill Company and City of Morris v. IEPA</u> – No action taken.	P-A, Land
PCB 01-50	<u>Gilberts Citgo, L.L.C. v. IEPA, Wheeling Trust & Savings Bank a/k/a Cole Taylor Bank, as Trustee and John Caporaso</u> – No action taken.	WWS

PCB 01-52	<u>Perbio Science, AB d/b/a Pierce Chemical Company v. IEPA</u> – No action taken.	P-A, RCRA
PCB 01-58	<u>Roman Catholic Diocese/Joliet St. Alexis Church v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank fund reimbursement determination appeal was filed on behalf of this DuPage County facility.	7-0 UST-FRD
PCB 01-65	<u>Arnold’s Service and Repair v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank fund reimbursement determination appeal was filed on behalf of this Fayette County facility.	7-0 UST-FRD
PCB 01-67	<u>County of Jasper for the Jasper County Highway Department v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jasper County facility.	7-0 UST-FRD
PCB 01-68	<u>Roger Stone v. IEPA and Naperville Park District</u> – No action taken.	P-A, NPDES
PCB 01-69	<u>Terminal Railroad Association v. IEPA</u> – The Board accepted for hearing this permit appeal involving a St. Clair County facility.	7-0 P-A, Land
PCB 01-77	<u>Village of Park Forest v. Sears, Roebuck & Company</u> – No action taken.	UST-E Citizens
PCB 01-86	<u>Robert Gardner and Yvonne Gardner v. Township High School District 211 and Gerald Chapman, Superintendent</u> – No action taken.	N-E, Citizens
PCB 01-90	<u>Land and Lakes Company v. IEPA</u> – The Board accepted for hearing this national pollutant discharge elimination system permit appeal involving a Cook County facility.	7-0 P-A, NPDES

PCB 01-91 People of the State of Illinois v. Chester Bross Construction Company, 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 an Adams County facility, the Board ordered publication of the required newspaper notice. 7-0
A-E

PCB 01-92 People of the State of Illinois v. Marathon Oil Company – 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 Sangamon County facility, the Board ordered publication of the required newspaper notice. 7-0
PWS-E

PCB 01-93 Strunk Motor Company v. Office of the State Fire Marshal – No action taken. UST-FRD

CASES PENDING DECISION

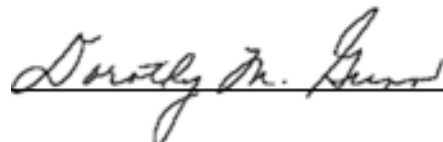
R01-5 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2000, through June 30, 2000) – Adopted Rule, Final Order, Opinion and Order R, Water

R01-7 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2000, through June 30, 2000) - Adopted Rule, Final Order, Opinion and Order R, PWS

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 12:20 p.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 4th day of January 2001 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board