

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



MAY 15, 2003
CHICAGO OFFICE – 100 W. Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Johnson 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 1, 2003 meeting were approved by a vote of 7-0.

RULEMAKINGS

R03-19	<u>In the Matter of: Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures</u> – The Board granted the Illinois Environmental Regulatory Group’s motion for leave to file a reply and the Illinois Association of Wastewater Agencies’ motion for leave to file a response and reply instanter. The Board denied the motion for a third hearing and directed the hearing officer to issue an order specifying the deadline for closing the pre-first notice comment period. If the Board proceeds to first notice, at least one additional hearing will be held prior to moving to second notice with the proposed rule.	6-1 Johnson dissented R, Water
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ADJUSTED STANDARDS

AS 00-5 In the Matter of: Petition of The Ensign Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103 – The Board denied petitioner’s motion to reconsider the Board’s March 20, 2003 opinion and order. 7-0
Air

AS 03-2 In the Matter of: Petition of Metropolitan Water Reclamation District of Greater Chicago for an Adjusted Standard from 35 Ill. Adm. Code 811, 812 and 817, and Modification of AS 95-4 (Sludge Application) – No action taken. Land

AS 03-3 In the Matter of: Argonne National Laboratory for an Adjusted Standard from 35 Ill. Adm. Code 218.182 – The Board dismissed this DuPage County facility’s petition for an adjusted standard from the Board’s air pollution control regulations for failure to timely publish notice of its request for an adjusted standard. 7-0
Air

ADMINISTRATIVE CITATIONS

AC 02-61 IEPA v. Steve Koester (Champaign/ S&K Fence Company) – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found respondent violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2002)) and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motions to name S&K Fence Company as the sole respondent, to dismiss the alleged violation of Section 21(p)(1) and (p)(7) of the Act. 415 ILCS 5/21(p)(1), (p)(7) (2002), and to dismiss respondent’ petition for review. 7-0

AC 03-23 County of Montgomery v. Robert Scott – The Board found that this Montgomery County respondent violated Section 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$4,500. 6-1
Girard
dissented

AC 03-24 IEPA v. Arrowhead Tree Removal, Inc. – The Board found that this Jersey County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500. 7-0

AC 03-25	<u>IEPA v. Milton Hampton</u> – The Board found that this White County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.	7-0
AC 03-26	<u>IEPA v. Larry Beam</u> – The Board found that this Henry County respondent violated Section 21(p)(1), (p)(2), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(2), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$9,000.	6-1 Girard dissented
AC 03-27	<u>IEPA v. Vince Harvey</u> – The Board accepted for hearing this petition for review of an administrative citation against this Henry County respondent.	7-0
AC 03-28	<u>IEPA v. James L. Quirin and C. Grantham Company</u> – The Board accepted an administrative citation against these St. Clair County respondents.	
AC 03-29	<u>IEPA v. Robert A. Power, Jr. and Susan L. Power</u> – The Board accepted an administrative citation against these Sangamon County respondents.	

ADJUDICATORY CASES

Motions and Other Matters

PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt, Co., Inc., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick individually and as owner and vice president of Skokie Valley Asphalt Co., Inc.</u> – No action taken.	W-E
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PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest an individual f/d/b/a S&S Petroleum Products, Charles Abraham an individual, Josephine Abraham an individual, and Millstream Service, Inc.</u> – The Board denied complainant’s motion to modify the Board’s March 20, 2003. But, the Board granted respondents’ motions for stay of the order regarding payment of a penalty pending outcome of their appeal in the Second District Appellate Court.	7-0 L&W-E
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – No action taken.	W-E
PCB 00-138	<u>Granite City Sheet Metal v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Madison County facility.	7-0 P-A, Land
PCB 00-141	<u>E.G. Vogt Oil Company, Inc. v. IEPA</u> – The Board granted petitioner’s motion for continuance of stay for an additional 60 days, until July 14, 2003.	7-0 UST Appeal
PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – No action taken.	A-E
PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc., Sherri Clementi individually and as President of Millenium Recycling & Solid Waste Consultants, Inc.</u> – The Board granted complainant’s motion for leave to file an amended complaint.	7-0 L-E
PCB 02-129	<u>Sports Aircraft, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.	7-0 UST Appeal

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.	Citizens UST-E
PCB 03-96	<u>Martin E. & Kathy L. Geber v. Clayton Moushon and Carri Scharf Trucking and Materials</u> – The Board granted the motion of respondent Clayton Moushon, dismissing him from this case, but denied the motion to dismiss of respondent Carri Scharf Trucking and Materials. The Board also granted in part and denied in part the Gebers’ motion for leave to file an amended complaint. Specifically, the Board granted the Gebers’ motion to file an amended complaint to add Carri Scharf Materials Company and East Side Materials, L.L.C. as respondents. However, the Board denied the motion to add Farmdale Valley Dev. Inc. and the United States Army Corps of Engineers as respondents.	7-0 Citizens N-E
PCB 03-112	<u>2F, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Williamson County facility.	7-0 UST Appeal
PCB 03-116	<u>William Breuer 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 Sangamon County facility.	7-0 UST Appeal
PCB 03-118	<u>Dalee Oil Company (July 1, 2001 – September 30, 2001) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Washington County facility and granted the motions to consolidate this matter with PCB 03-119 and PCB 03-150.	7-0 UST Appeal

PCB 03-119	<u>Dalee Oil Company (September 1, 2001 – November 30, 2001) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Washington County facility and granted the motions to consolidate this matter with PCB 03-118 and PCB 03-150.	7-0 UST Appeal
PCB 03-125 PCB 03-133 PCB 03-134 PCB 03-135	<u>City of Kankakee v. County of Kankakee and County Board of Kankakee; Merlin Karlock v. County of Kankakee and Kankakee County Board; Michael Watson v. County of Kankakee and Kankakee County Board; Keith Runyon v. County of Kankakee and Kankakee County Board</u> – No action taken.	P-C-F-S-R
PCB 03-146	<u>North Shore Sanitary District v. IEPA</u> – The Board granted respondent’s motion to withdraw its motion to reconsider the Boards March 20, 2003 order. The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Lake County facility.	7-0 P-A, Air
PCB 03-150	<u>Dalee Oil Company (January 1, 2001 – August 31, 2002)</u> – The Board accepted for hearing this underground storage tank appeal involving a Washington County facility and granted the motions to consolidate this matter with PCB 03-118 and PCB 03-119.	7-0 UST Appeal
PCB 03-159	<u>Franklin T. Fowler and Franklin D. Fowler v. Remington Hybrid Seed Company, Inc.</u> – No action taken.	Citizens A& N-E
PCB 03-161	<u>Solid Waste Agency of Northern Cook County v. City of Des Plaines, Illinois and Disposal Management Systems, Inc.</u> – No action taken.	P-C-F-S-R
PCB 03-210	<u>Solid Waste Agency of Northern Cook County v. City of Des Plaines, Illinois and Disposal Management Systems, Inc.</u> – No action taken.	P-C-F-S-R 3d Party

PCB 03-211	<u>Mark and Cynthia Heywood v. Dan and Darleen Sheehan</u> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a Cook County facility.	Citizens N-E
PCB 03-212	<u>Wareco Services, 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 Knox County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-213	<u>Winslow Boco 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 Stephenson County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-214	<u>Illinois Ayers Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cass County facility.	7-0 UST Appeal
PCB 03-215	<u>People of the State of Illinois v. Huck Store Fixture Company, Inc.</u> – The Board accepted for hearing this air enforcement action involving an Adams County facility.	7-0 A-E
PCB 03-216	<u>Bulk Petroleum Corporation 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.	7-0 UST Appeal 90-Day Ext.

CASES PENDING DECISION

R02-21 In the Matter of: Petition of Central Illinois Lights Company (E.D. Edwards Generating Station) for a Site-Specific Air Regulation: 35 Ill. Adm. Code 214.561 – Adopted Rule, Final Order, Opinion and Order R, Air

R03-18 RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2002 through December 31, 2002) – Adopted Rule, Final Order, Opinion and Order R, Land

AC 01-37 IEPA v. Marshall Pekarsky (Rockford/Kishwaukee Auto Parts)

PCB 98-148 People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. a/k/a Briggs Plumbing Products, Inc.; Briggs Industries, Inc., Third-Party Complainants v. Loren West and Abingdon Salvage Company, Inc., Third Party Respondents L-E

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Johnson adjourned the meeting at 11:30 a.m.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board