

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



JUNE 19, 2003
CHICAGO OFFICE – 100 W. Randolph Street
Conference Room 9-040

ANNOUNCEMENTS

After calling the meeting to order, Chairman Johnson welcomed members of the public and staff to the meeting. Chairman Johnson congratulated Hearing Officer Brad Halloran and his wife on the birth of their daughter, Annabel McHugh Halloran.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the June 5, 2003 meeting were approved by a vote of 6-0.

RULEMAKINGS

R03-13	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2002 through December 31, 2002)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	6-0 R, Water
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R03-21	<u>In the Matter of: Radionuclide Restricted Status, Amendments to 35 Ill. Adm. Code 602.105, 602.106, 602.108, and 602.115</u> – The Board adopted a first notice opinion and order in this matter to amend the Board’s public water supply regulations.	6-0 R, PWS
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R04-1	<u>In the Matter of: Wastewater Pretreatment Update, USEPA</u>	R, Water
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Amendments (January 1, 2003 through June 30, 2003) – 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, 2003, through June 30, 2003.

R04-2	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2003 through June 30, 2003)</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, 2003, through June 30, 2003.	R, Air
R04-3	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2003 – June 30, 2003)</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, 2003, through June 30, 2003.	R, Water
R04-4	<u>In the Matter of: UIC Update, USEPA Amendments (January 1, 2003 through June 30, 2003)</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, 2003, through June 30, 2003.	R, Land
R04-5	<u>In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2003 – June 30, 2003)</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, 2003, through June 30, 2003.	R, Land
R04-6	<u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update (January 1, 2003 through June 30, 2003)</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, 2003, through June 30, 2003.	R, Land

R04-7 In the Matter of: UST Update, USEPA Amendments (January 1, 2003 through June 30, 2003) – 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, 2003, through June 30, 2003. R, Land

ADJUSTED STANDARDS

AS 03-1 In the Matter of: Petition of Exelon Generation Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208 – The Board granted this Will County petitioner an adjusted standard, with conditions, from the total dissolved water quality standard. 6-0
Water

AS 03-4 In the Matter of: Petition of Argonne National Laboratory for an Adjusted Standard from 35 Ill. Adm. Code 218.182 – The Board accepted this DuPage County facility’s petition for an adjusted standard from the volatile organic material limitations for cold cleaning degreasers, granting the motion to incorporate the record in AS 03-3 into this matter. 6-0
Air

AS 03-5 In the Matter of: Petition of Cromwell-Phoenix, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Subpart F, Section 218.204(c) – The Board accepted for hearing this Cook County facility’s amended petition for an adjusted standard from the volatile organic material limitations for papercoating. 6-0
Air

ADMINISTRATIVE CITATIONS

AC 03-28 IEPA v. James L. Quirin and C. Grantham Company – The Board found that these St. Clair County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)) and ordered respondents to pay a civil penalty of \$1,500. 6-0

AC 03-29 IEPA v. Robert A. Power, Jr. and Susan L. Power – The Board found that these St. Clair County respondents violated Section 21(p)(1), (3), and (7) of the Act (415 ILCS 5/21(p)(1), (3), (7) (2002)) and ordered respondents to pay a civil penalty of \$4,500. 5-1
Girard
dissented

AC 03-32 IEPA v. Sharyn Fuller and Carl Benedict – No action taken.

AC 03-33 IEPA v. Olen G. Parkhill, Jr. – The Board accepted an administrative citation against this Peoria County respondent.

AC 03-34 IEPA v. Olen G. Parkhill, Jr. – The Board accepted an administrative citation against this Peoria County respondent.

ADJUDICATORY CASES

Decisions

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 – No action taken. L-E

PCB 01-155 People of the State of Illinois v. Alloy Engineering and Casting Company – No action taken. A-E

PCB 03-104 Waste Management of Illinois, Inc. v. County Board of Kane County, Illinois – The Board affirmed respondent’s December 10, 2002 denial of petitioner’s application to construct a waste transfer facility at the Woodland Landfill site, finding that the County’s procedures were fundamentally fair and the decision was not against the manifest weight of the evidence. 6-0
P-C-F-S-R

Provisional Variances

PCB 03-231	<u>General Dynamics Ordnance and Tactical Systems, Inc. v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a provisional variance to this Williamson County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).	6-0 L-V
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PCB 03-234	<u>Dynegy Midwest Generation, Inc. (Baldwin Power Station) v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this facility, located in St. Clair and Randolph Counties, a 45-day provisional variance, subject to conditions, from the 35 Ill. Adm. Code 304.141(a) and the effluent limits in National Pollutant Discharge Elimination System Permit No. IL000004 as they apply to total suspended solids for Outfall 001.	6-0 W-V
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Motions and Other Matters

PCB 95-180	<u>People of the State of Illinois v. Archer Daniels Midland Company</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 Macon County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
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PCB 97-33	<u>People of the State of Illinois v. Archer Daniels Midland Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Peoria County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
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PCB 97-69	<u>People of the State of Illinois v. Economy Plating, Inc.</u> – The Board granted complainant’s motion to deem facts admitted.	6-0 A-E
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PCB 99-92	<u>People of the State of Illinois v. Hartz Construction Co., Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	6-0 L-E
PCB 99-187	<u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – No action taken.	A&N-E
PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc., and Smithfield Foods, Inc.</u> – No action taken.	A-E
PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – The Board denied complainant’s motion to strike respondent’s affirmative defenses specific to Count I and Count II and the second specific affirmative defense to Count VI. The Board granted the motion to strike respondent’s four general affirmative defenses as to all counts, respondent’s affirmative defenses to Counts III and IV, and the first specific affirmative defense to Count VI.	6-0 A-E
PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – No action taken.	L-E
PCB 02-115	<u>People of the State of Illinois v. Blue Ridge Construction Corporation</u> – No action taken.	A&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> – The Board found that portions of the complaint were frivolous, and dismissed those portions of the complaint requesting attorney fees. The Board also dismissed the complaint as to the Beverly and Lakeside Trusts. The Board found that the remaining alleged violations in the complaint were neither duplicative nor frivolous, denied the motion to dismiss, and accepted for hearing this matter involving a Cook County facility.	6-0 Citizens UST-E

PCB 03-77	<u>Chrisman Farm Center v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving an Edgar County facility.	6-0 UST Appeal
PCB 03-143	<u>Waste Management of Peoria 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 Tazewell County facility.	6-0 UST Appeal
PCB 03-145	<u>R.W. Sheridan Oil Co., 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 McLean County facility.	6-0 UST Appeal
PCB 03-148	<u>Clark Retail Enterprises, 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 Appeal
PCB 03-151	<u>Pete’s Marathon 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 Marion County facility.	6-0 UST Appeal
PCB 03-156	<u>Swearingin Amoco v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-157 and PCB 03-158.	6-0 UST Appeal
PCB 03-157	<u>Swearingin Amoco v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-156 and PCB 03-158.	6-0 UST Appeal

PCB 03-158	<u>Swearingin Amoco v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility and granted the motions to consolidate this matter with PCB 03-156 and PCB 03-157.	6-0 UST Appeal
PCB 03-204	<u>Warren’s Service v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Mercer County facility.	6-0 UST Appeal
PCB 03-211	<u>Mark and Cynthia Heywood v. Dan and Darleen Sheehan</u> – No action taken.	Citizens N-E
PCB 03-221	<u>Lowe Transfer, Inc. and Marshall Lowe v. County Board of McHenry County, Illinois</u> – The Board accepted for hearing this pollution control facility siting denial appeal involving a McHenry County municipal waste transfer station..	6-0 P-C-F-S-R
PCB 03-222	<u>People of the State of Illinois v. Mecalux Illinois, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Cook County facility.	6-0 A-E
PCB 03-223	<u>People of the State of Illinois v. Elysium Energy</u> – The Board accepted for hearing this land enforcement action involving a Jasper County facility.	6-0 L-E
PCB 03-224	<u>People of the State of Illinois v. Village of Sims, Followell Construction Company, Inc., and Lamac Engineering Company</u> – Upon receipt of separate proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement as to respondents Followell Construction Company, Inc. and the Village of Sims in this water enforcement action involving a Wayne Island County facility, the Board ordered publication of the required newspaper notice. As to the remaining respondent, Lamac Engineering Company, the Board accepted the complaint for hearing.	6-0 PWS-E

PCB 03-225	<u>Pete's Marathon (November 2, 2002 – November 30, 2002) 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 Marion County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-226	<u>Pete's Marathon (December 1, 2002 – December 31, 2002) 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 Marion County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-227	<u>Pete's Marathon (January 1, 2003 – January 31, 2003) 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 Marion County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-228	<u>Graham C-Stores Company 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 Kane County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-229	<u>Graham Oil Company 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 Kane County facility.	6-0 UST Appeal 90-Day Ext.

PCB 03-230	<u>Catholic Bishop of Chicago v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	6-0 UST Appeal
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CASES PENDING DECISION

R03-11	<u>In the Matter of: Site-Specific Rule for City of Effingham Treatment Plant Fluoride Discharge, 35 Ill. Adm. Code 304.233</u> – Proposed Rule, First Notice, Opinion and Order	R, Water
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R03-15	<u>SDWA Update, USEPA Amendments (July 1, 2002 through December 31, 2002)</u> – Proposed Rule, Proposal for Public Comment, Opinion and Order	R, PWS
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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> – Proposed Rule, First Notice, Opinion and Order	R, Water
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PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> (open waiver)	UST Appeal
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OTHER ITEMS

ADOPTION OF PROPOSED CALENDAR YEAR 2004 BOARD MEETING DATES

January 8	July 8
January 22	July 22
February 5	August 5
February 19	August 19
March 4	September 2
March 18	September 16

April 1
April 15

October 7
October 21

May 6
May 20

November 4
November 18

June 3
June 17

December 2
December 16

The Chairman's motion to approve the Calendar Year 2004 Board Meeting Dates was adopted by a vote of 6-0.

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Johnson 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 June 19, 2003 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board