

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



MARCH 20, 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 March 6, 2003 meeting were approved by a vote of 6-0. Member Girard abstained.

RULEMAKINGS

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| R03-18 | <u>In the Matter of: RCRA Subtitle C 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 hazardous waste regulations. | 7-0 R, Land |
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ADJUSTED STANDARDS

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| AS 00-5 | <u>In the Matter of: Petition of the Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103</u> — The Board granted this Union County petitioner a 10 year adjusted standard, with conditions from 35 Ill. Adm. Code 237.102. This will allow for open burning and flashing of explosive waste at its Wolf Lake facility. The adjusted standard will begin on June 20, 2003, consistent with the Board’s opinion and order in the prior variance, <u>Ensign-Bickford Company v. IEPA</u> , PCB 02-159 (June 20, 2002). | 7-0 Air |
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ADMINISTRATIVE CITATIONS

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| AC 03-22 | <u>County of Macon v. Macon County Landfill 2 & 3 and Kevin Shaw and Jeffery London</u> – The Board accepted an administrative citation against these Macon County respondents. |
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| AC 03-23 | <u>County of Montgomery v. Robert Scott</u> – The Board accepted an administrative citation against this Montgomery County respondent. |
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ADJUDICATORY CASES

Decisions

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| PCB 97-103 | <u>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.</u> – Having previously found that these McHenry County respondents had violated Section 12(a) of the Act (415 ILCS 5/12(a) (2002)), the Board found that respondents were jointly and severally liable for the Illinois Environmental Protection Agency’s remediation costs in the amount of \$86, 652.50 in addition to a total civil penalty of \$40,000. | 5-1 Marovitz dissented Tristano abstained L,W-E |
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| PCB 02-184 | <u>UAP Richter Co, (McDonough County) v. IEPA</u> – The Board affirmed the Illinois Environmental Protection Agency's decision to deny tax certification status for an L-shaped structure, finding it was not a pollution control facility for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). | 7-0 T-C |
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Provisional Variances

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| PCB 03-152 | <u>City of Auburn v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Sangamon County facility a 45-day provisional variance, subject to conditions, from the total suspended solids and carbonaceous biochemical oxygen demand requirements of National Pollution Discharge Elimination System permit number IL0022403. | 7-0 W-V, NPDES |
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Motions and Other Matters

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| 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, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc.</u> – The Board denied complainant's motion to deem facts admitted and for summary judgment. | W-E |
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| PCB 98-115 | <u>Illinois State Toll Highway Authority v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of these resolved | 7-0 |
| PCB 98-136 | underground storage tank appeals (PCB 98-115, PCB 99-56, PCB | UST |
| PCB 99-56 | 00-51, PCB 00-52, and PCB 00-89). The action in PCB 98-136 | Appeal |
| PCB 00-51 | remains open. | |
| PCB 00-52 | | |
| PCB 00-89 | | |

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| PCB 99-134 | <u>People of the State of Illinois v. Peabody Coal Company</u> – No action taken. | W-E |
| PCB 00-110 | <u>People of the State of Illinois v. Joe Decicco Demolition, Inc.</u> – The Board granted complainant’s motion to waive hearing on the issue of remedy, issued a final order finding air violations as alleged, and closed this docket involving a Cook County facility. | 7-0 A-E |
| PCB 00-165 | <u>People of the State of Illinois v. David Cohen d/b/a Dave’s Auto Repair and Service</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this underground storage tank enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice. | 7-0 UST-E |
| PCB 01-83 | <u>People of the State of Illinois v. Indiana Harbor Belt Railroad Company and ACN International, 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. The Board also granted complainant’s motion to dismiss ACN International, Inc. and for leave to re-file if complainant should so decide. | 7-0 L-E |
| PCB 02-10 | <u>Rebecca Lawrence v. North Point Grade School c/o Unit District Office</u> – No action taken. | N-E |
| PCB 02-95 | <u>Case Corporation v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Rock Island County facility. | 7-0 P-A, NPDES |
| PCB 02-205 | <u>Home Oil Company v. IEPA</u> – No action taken. | UST Fund |
| PCB 02-206 (Cons.) | | |
| PCB 03-39 | <u>Mineral Solutions, Inc. v. IEPA</u> – No action taken. | P-A, Land |

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| 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 03-61 PCB 03-62 | <u>Brock Oil Company (Hoopeston) v. IEPA</u> – The Board granted petitioner’s motion to consolidate PCB 03-61 and PCB 03-62 for hearing. | 7-0 UST Appeal |
| PCB 03-84 | <u>Mac’s Conveniences Stores, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Rock Island County facility. | 7-0 UST Appeal |
| PCB 03-85 | <u>Biggs Brothers Service v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility. | 7-0 UST Appeal |
| PCB 03-86 | <u>Herr Petroleum v. Illinois State Fire Marshal</u> – The Board granted respondent’s motion for summary judgment and affirmed the November 12, 2002 determination that this Knox County facility must pay a \$100,000 deductible for access to the Underground Storage Tank Fund. | 7-0 UST Appeal |
| PCB 03-96 | <u>Martin E. & Kathy L. Geber v. Clayton Moushon and Carri Scharf Trucking and Materials</u> – No action taken. | Citizens N-E |
| PCB 03-104 | <u>Waste Management of Illinois, Inc. v. County Board of Kane County, Illinois</u> – The Board granted the Village of South Elgin’s petition for leave to file an amicus curiae brief. | 6-0 Karpel abstained P-C-F-S-R |

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| PCB 03-106 | <u>Village of South Elgin v. Waste Management of Illinois, Inc.</u> – The Board denied respondent’s motion to dismiss this complaint, found this complaint was neither duplicative nor frivolous, and accepted the complaint for hearing. | 6-0 Karpel abstained Citizens L-E |
| PCB 03-124 | <u>Consumers Illinois Water Company (Vermilion County) v. IEPA</u> – The Board accepted for hearing this tax certification appeal involving a Vermilion County facility. | 7-0 T-C |
| PCB 03-138 | <u>National City Environmental L.L.C. and National City Recycling, L.L.C. (Log No. 1999-134) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a St. Clair County facility and granted the motions to consolidate this matter with PCB 03-139 and PCB 03-140. | 7-0 P-A, Land |
| PCB 03-139 | <u>National City Environmental L.L.C. and National City Recycling, L.L.C. (Log No. 1999-146) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a St. Clair County facility and granted the motions to consolidate this matter with PCB 03-138 and PCB 03-140. | 7-0 P-A, Land |
| PCB 03-140 | <u>National City Environmental L.L.C. and National City Recycling, L.L.C. (Log No. 2002-182) v. IEPA</u> - The Board accepted for hearing this permit appeal involving a St. Clair County facility and granted the motions to consolidate this matter with PCB 03-138 and PCB 03-139. | 7-0 P-A, Land |
| PCB 03-141 | <u>Russell Oil 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 Saline County facility. | 7-0 UST Appeal 90-Day Ext. |

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| PCB 03-142 | <u>Henry Pratt Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Kendall County facility. | 7-0 P-A, Air |
| PCB 03-143 | <u>Waste Management of Peoria 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 Tazewell County facility. | 7-0 UST Appeal 90-Day Ext. |
| PCB 03-144 | <u>Waste Management of Illinois, Inc. v. Kankakee County Board</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-125, PCB 03-133, PCB 03-134, and PCB 03-135. | 7-0 P-C-F-S-R |
| PCB 03-145 | <u>R.W. Sheridan Oil Co., 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 McLean County facility. | 7-0 UST Appeal 90-Day Ext. |
| PCB 03-146 | <u>North Shore Sanitary District v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Lake County facility and granted the motion to stay permit condition 1 of the construction permit granted on March 11, 2002 pending outcome of this appeal. | 7-0 P-A, Air |
| PCB 03-147 | <u>People of the State of Illinois v. Westfield Homes of Illinois</u> – The Board accepted for hearing this water enforcement action involving a Lake County facility. | 7-0 W-E |
| PCB 03-148 | <u>Clark Retail Enterprises, 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 McHenry County facility. | 7-0 UST Appeal |
| PCB 03-149 | <u>Township of Putnam v. IEPA</u> – The Board granted this request for | 7-0 |

a 90-day extension of time to file an underground storage tank appeal on behalf of this Fulton County facility.

UST
Appeal
90-Day
Ext.

PCB 03-150 Dalee Oil Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Washington County facility.

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UST
Appeal
90-Day
Ext.

PCB 03-151 Pete’s Marathon v. IEPA - 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.

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Appeal
90-Day
Ext.

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Johnson adjourned the meeting at 11:35 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 3, 2003 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board