

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**MARCH 7, 2002**  
**CHICAGO OFFICE-100 West Randolph**  
**VIDEO CONFERENCE ROOM 11-512**  
**and**  
**SPRINGFIELD OFFICE-600 South Second Street**  
**VIDEO CONFERENCE ROOM 402**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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Minutes of the February 21, 2002 meeting were approved by a vote of 7-0.

### **RULEMAKINGS**

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|---------------|---|-----------------|
| <b>R02-9</b>  | <u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (October 3, 2001)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations in response to federal amendments of October 3, 2001 for Project XL.   | 7-0<br>R, Water |
| <b>R02-20</b> | <u>In the Matter of: Proposed Horween Leather Company Site Specific Air Rule, 35 Ill. Adm. Code 211.6170</u> – The Board accepted for hearing the February 19, 2002 proposal of the Horween Leather Company for a site-specific rulemaking to amend the Board’s air pollution control regulations. The Board also granted petitioner’s motion to waive the 200 signature requirement. | 7-0<br>R, Air   |
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## ADJUSTED STANDARDS

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AS 02-2	<u>In the Matter of: Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u> – The Board accepted this Winnebago County facility’s petition for a waste delisting under the hazardous waste regulations and granted petitioner’s request to waive hearing in this matter.	7-0 Land
AS 02-4	<u>In the Matter of: Petition of Central Illinois Light Company for an Adjusted Standard from 35 Ill. Adm. Code 214.141</u> – Pending receipt of the certificate of publication, the Board held this Peoria County facility’s petition for an adjusted standard from the air pollution control regulations.	Air

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## ADMINISTRATIVE CITATIONS

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AC 02-30	<u>IEPA v. City of Wenona</u> – The Board accepted for hearing this petition for review of an administrative citation against this Marshall County respondent.	7-0
AC 02-32	<u>IEPA v. Colorado Real Estate &amp; Investment Company</u> – The Board accepted for hearing this petition for review of an administrative citation against this Peoria County respondent.	7-0
AC 02-33	<u>IEPA v. Lewey-Shields, Lisa and Paul Shields</u> – The Board accepted for hearing this petition for review of an administrative citation against these Champaign County respondents.	7-0
AC 02-34	<u>IEPA v. Manzell Lawson, Sr.</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Peoria County facility.	7-0
AC 02-35	<u>IEPA v. E. Lewis Look</u> – The Board accepted for hearing this petition for review of an administrative citation against these Peoria County respondents.	7-0
AC 02-41	<u>IEPA v. Dwaine Bauer and Tim Tipsword</u> – The Board accepted an administrative citation against these Cumberland County respondents.	

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## **Decisions**

**PCB 97-168** People of the State of Illinois v. Old World Industries, Inc. and Specialty Sealant Tapes, Inc. – No action taken. L-E

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**PCB 00-163** David and Jacquelyn McDonough v. Gary Robke – in an interim order, the Board found that respondent violated Section 24 of the Environmental Protection Act (415 ILCS 5/24 (2000)) and 35 Ill. Adm. Code 900.102(a) of the Board regulations. The Board ordered respondent to consult with a noise expert and prepare a report detailing what steps can be taken to alleviate the noise emissions reaching complainants' residence. 6-1  
Tristano  
dissented  
Citizens  
N-E

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**PCB 00-189** People of the State of Illinois v. Fox River Water Reclamation District – In this water enforcement action concerning a Kane 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)), accepted a final stipulation and settlement agreement, ordered this respondent to pay a total civil penalty of \$20,000, and to cease and desist from further violations. 7-0  
W-E

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**PCB 00-221** James Glasgow, Vickie Glasgow, Bill Hoppe, and Pat Hoppe Robke – The Board found that respondent did not violate Section 24 of the Environmental Protection Act (415 ILCS 5/24 (2000)) and 35 Ill. Adm. Code 900.102(a) of the Board regulations and dismissed this matter. 7-0  
Citizens  
N&A-E

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## **Provisional Variances**

**PCB 02-118** Ensign Bickford Company v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Union County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 237.103, which prohibits open burning without a permit. 7-0  
A-V  
Open  
Burning

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**PCB 02-119** Bway Corporation v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Union County facility a 45-day provisional variance, subject to conditions, from the requirements of 35 Ill. Adm. Code 218.204(b), 218.207(h)(2), and condition 7.2.5(a) of its Clean Air Act Permit Program permit. 7-0  
A-V

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## **ADJUDICATORY CASES**

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### ***Motions and Other Matters***

**PCB 96-10** Vogue Tyre & Rubber Company v. IEPA – The Board denied respondent’s motion to dismiss this underground storage tank appeal involving a Cook County facility. 7-0  
UST  
Appeal

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**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 Milstream Service, Inc.; Charles Abraham, Josephine Abraham, and Millstream Services, Inc., Cross-Complainants v. William Anest and Peter Anest, Cross-Respondents – No action taken. L&W-E

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**PCB 97-182** Ingleside Citgo Service, Inc. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility. 7-0  
UST  
Appeal

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**PCB 97-193** People of the State of Illinois v. Community Landfill Company, Inc. – No action taken. L-E

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**PCB 00-33** People of the State of Illinois v. Laidlaw Corporation – The Board granted complainant’s motion to file a supplemental complaint and accepted the supplemental complaint. 7-0  
A-E

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

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<b>PCB 00-181</b>	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties and the Board of Education of Belvidere District 100</u> – No action taken.	Citizens UST-E
<b>PCB 01-6</b>	<u>Philip S. Dallosto v. Village of Hampshire</u> – The Board granted complainant’s motion for voluntary dismissal of this citizen air enforcement complaint involving a facility located in Kane County.	7-0 Citizens A-E
<b>PCB 01-135</b>	<u>People of the State of Illinois v. Patrick Robert Land Trust</u> – No action taken.	L-E
<b>PCB 02-25</b>	<u>Marconi Data Systems, Inc. and Marconi, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST Fund
<b>PCB 02-44</b>	<u>Amoco Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	7-0 UST Appeal
<b>PCB 02-53</b>	<u>E&amp;L Trucking Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST Appeal
<b>PCB 02-56</b>	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – No action taken.	W-E
<b>PCB 02-86</b>	<u>The Lockformer Company v. IEPA</u> – No action taken.	SRP Appeal
<b>PCB 02-87</b>	<u>City of Salem v. IEPA</u> – The Board granted petitioner’s motion for withdrawal of its request for a hearing in this public water supply variance request involving a Marion County public water supply.	7-0 PWS-V

<b>PCB 02-88</b>	<u>City of Centralia v. IEPA</u> – The Board granted petitioner’s motion for withdrawal of its request for a hearing in this public water supply variance request involving a Marion County public water supply.	7-0 PWS-V
<b>PCB 02-89</b>	<u>Sandra Stanton v. Mrs. Jessie Oyston, Mayor (Village of Buckner)</u> – The Board held for a later duplicitous/frivolous determination this citizen’s air enforcement action involving a Franklin County facility.	Citizens A-E
<b>PCB 02-101</b>	<u>E&amp;L Trucking Company v. IEPA</u> – The Board denied the parties’ request to extend the appeal period concerning the January 4, 2002 determination of the Illinois Environmental Protection Agency, and dismissed this docket, stating that the issues were properly part of the appeal in PCB02-53.	7-0 UST Fund 90-Day Ext.
<b>PCB 02-111</b>	<u>J&amp;L Oil, Inc. (Lake Villa) v. IEPA</u> – In this underground storage tank appeal involving a Lake County facility, the Board ordered petitioner to file an amended petition to cure specified deficiencies no later than April 11, 2002, or the petition would be subject to dismissal.	7-0 UST Fund
<b>PCB 02-112</b>	<u>J&amp;L Oil, Inc. (Fox Lake) v. IEPA</u> – In this underground storage tank appeal involving a Lake County facility, the Board ordered petitioner to file an amended petition to cure specified deficiencies no later than April 11, 2002, or the petition would be subject to dismissal.	7-0 UST Fund
<b>PCB 02-114</b>	<u>Logan Jones Ltd. Partnership 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 Fund
<b>PCB 02-115</b>	<u>People of the State of Illinois v. Blue Ridge Construction Corporation</u> – The Board accepted for hearing this air and water enforcement action involving a Peoria County facility.	7-0 A&W-E

<b>PCB 02-116</b>	<u>Rezmar 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.	6-0 Melas abstained UST Fund
<b>PCB 02-117</b>	<u>Marlena Mackie 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.	7-0 UST Fund

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### **CASES PENDING DECISION**

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<b>PCB 01-62</b>	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> (due 4/19)	P-A, Land
<b>PCB 01-63</b>	<u>ESG Watts, Inc. (Viola Landfill) v. IEPA</u> (due 4/19)	P-A, Land
<b>PCB 01-64</b>	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> (due 4/19)	P-A, Land
<b>PCB 01-139</b>	<u>ESG Watts, Inc. (Sangamon Valley Landfill, Taylor Ridge Landfill, and Viola Landfill) v. IEPA</u> (due 4/19)	P-A, Land
<b>PCB 02-65</b>	<u>GBF Graphics, Inc. v. IEPA</u> (due 3/28)	A-V

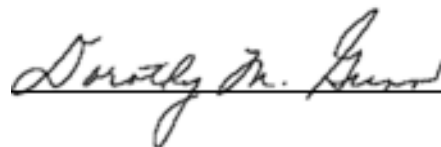
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### **ADJOURNMENT**

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Moved and seconded, by a vote of 7-0, Chairman Manning 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 minutes on March 21, 2002 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board