

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



October 2, 2003
Chicago/Springfield Videoconference
CHICAGO OFFICE – 100 W. Randolph Street
Videoconference Room 11-512
and
SPRINGFIELD OFFICE – 1021 N. Grand Avenue East
Oliver Holmes Conference Room 2012 N – Second Floor
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Chairman Johnson welcomed members of the public and staff to the meeting. Chairman Johnson congratulated staff member Alisa Liu and her husband Kai on the birth of their son, Sean Jee Shing Liu. Chairman Johnson noted that Natalie Williams, administrative assistant to Member Girard, was leaving the Board's employ after 4 years of service. The Chairman thanked her for her valuable contributions to the Board.

ROLL CALL

The Clerk of the Board called the roll. All Board Members were present.

APPROVAL OF MINUTES

Minutes of the September 18, 2003 meeting were approved by a vote of 5-0. Board Members Marovitz and Padovan abstained.

RULEMAKINGS

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| 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> – The Board adopted a second notice opinion and order in this site-specific rulemaking to amend the Board's water pollution control regulations. | 7-0 R, Water |
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R03-15 In the Matter of: SWDA Update, USEPA Amendments (July 1, 2002 through December 31, 2002 – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to update the Board’s public water supply regulations. 7-0
R, PWS

ADMINISTRATIVE CITATIONS

AC 03-33 IEPA v. Olen G. Parkhill, Jr. – The Board granted complainant’s motion to consolidate for hearing these administrative citations involving two sites located in Champaign County. 7-0
AC 03-34

AC 04-5 IEPA v. Jerry Summers – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Fayette County facility. 7-0

AC 04-7 City of Chicago Department of Environment v. Marvin J. Wilson – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Cook County facility. 7-0

AC 04-8 IEPA v. Roger Ray – The Board accepted for hearing this petition for review of an administrative citation against this Moultrie County respondent. 7-0

AC 04-12 IEPA v. Tulley Robinson – The Board accepted an administrative citation against this Union County respondent.

AC 04-13 City of Chicago Department of Environment v. Eddie Greer – The Board accepted an administrative citation against this Cook County respondent.

AC 04-14 City of Chicago Department of Environment v. Kazimierz Sobko – The Board accepted an administrative citation against this Cook County respondent.

AC 04-15 IEPA v. Anthony Funaro, Jr. – The Board accepted an administrative citation against this Saline County respondent.

AC 04-16 IEPA v. James Farley – The Board accepted an administrative citation against this Sangamon County respondent.

AC 04-17 IEPA v. Robert Thompson – The Board accepted an administrative citation against this Alexander County respondent.

ADJUDICATORY CASES

Decisions

PCB 03-128 People of the State of Illinois v. Robert Hamm d/b/a Three R's Builders – In this public water supply enforcement action concerning a Rock Island 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$2,500 and to cease and desist from further violations. 6-1
Marovitz
dissented
PWS-E

PCB 03-221 Lowe Transfer, Inc. and Marshall Lowe v. County Board of McHenry County, Illinois – The Board affirmed the decision of County Board of McHenry County which denied Marshall Lowe and Lowe Transfer, Inc.'s application to site a waste transfer station. 7-0
P-C-F-S-R

Motions and Other Matters

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| PCB 92-109 | <u>Archer Daniels Midland Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Macon County facility. | 7-0 P-A, Air |
| PCB 96-98 | <u>People of the State of Illinois v. Skokie Valley Asphalt, Co., 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 |
| PCB 96-143 | <u>People of the State of Illinois v. Michel Grain Company, Inc. d/b/a Michel Fertilizer, Caryle Michel, and Ronnie Todd and Ronnie Todd Land Trust</u> – The Board denied respondent’s motion to dismiss Ronnie Todd and Ronnie Todd Land Trust from this enforcement action involving two facilities located in Jefferson and Hamilton Counties | 7-0 W-E |
| PCB 97-119 | <u>People of the State of Illinois v. G&M Total, Inc., George Papas, individually and as President of G&M Total, Inc.</u> – The Board granted complainant’s motion to deem facts admitted. | 7-0 L-E |
| PCB 98-148 | <u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc.</u> – No action taken. | L-E |
| PCB 99-19 | <u>Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – No action taken. | A-E |
| PCB 99-127 | Ted Harrison Oil Company v. IEPA – No action taken. | UST Appeal |
| PCB 01-43 | <u>People of the State of Illinois v. Michael Stringini</u> – No action taken. | L-E |

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| PCB 02-03 | <u>People of the State of Illinois v. Texaco Refining & Marketing, Inc.</u> – No action taken. | L&W-E |
| PCB 02-63 | <u>People of the State of Illinois v. MII, 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 Morgan County facility, the Board ordered publication of the required newspaper notice. | 7-0 A-E |
| PCB 02-77 | <u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc.</u> – The Board entered a default order against Millenium Recycling and Solid Waste Consultants, Inc. (Millenium) for repeated failure to comply with Board and hearing officer orders to appear and proceed with this case. Accordingly, the Board found that Millenium violated Sections 21(a), 21 (d)(1), 21(e), and 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(a), (d)(1), (e), and (p)(1) (2002)). The Board ordered complainant to provide proof of service of the April 10, 2003 amended complaint by November 1, 2003. In order to remedy any deficiency in service on Michael Lorence, Lorence was given until December 1, 2003, to answer the complaint. The Board directed complainant to file, on or before December 15, 2003, a motion or other appropriate pleading suggesting what, if any, additional proceedings are appropriate in this matter as to each respondent, including any suggestions concerning appropriate remedy or penalty. Respondents may file any responses they may have on or before January 2, 2004. | 7-0 L-E |
| PCB 03-53 | <u>People of the State of Illinois v. Northern Building Concepts, Inc. and Landscape Concepts Construction, 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 Lake County facility, the Board ordered publication of the required newspaper notice. | 7-0 W-E |

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| PCB 03-125 | <u>City of Kankakee v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Merlin Karlock v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Michael Watson v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Keith Runyon v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.</u> – No action taken. | L-E |
| PCB 03-133 | | |
| PCB 03-134 | | |
| PCB 03-135 | | |
| PCB 03-190 | <u>People of the State of Illinois v. Village of Cherry Valley</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 Winnebago County facility, the Board ordered publication of the required newspaper notice. | 7-0 PWS-E |
| PCB 03-191 | <u>People of the State of Illinois v. Community Landfill Company, Inc., and the City of Morris</u> – No action taken. | L-E |
| PCB 03-238 | <u>Tom’s Gas Stop 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 Cook County facility. | 7-0 UST Appeal |
| PCB 04-7 | <u>People of the State of Illinois v. 4832 Vincennes, L.P and Batteast Construction Company of Illinois, Inc.</u> – No action taken. | A-E |
| PCB 04-12 | <u>Teresa L. Shepro, as Trustee of the Justice W. Shepro Trust, and Teresa L. Shepro and Frank Wiemerslage, as beneficiaries under Trust No. 898, of the Chicago Trust Company v. Newby Oil Company, David E. Tripp and Janice Tripp</u> – No action taken. | Citizens L&W-E |
| PCB 04-19 | <u>Paul and Donna Fredrickson v. Jeff Grelyak</u> – No action taken. | A&N-E |
| PCB 04-26 | <u>Lynn Erickson v. Charleston Classic Homes and Lawrence E. VanSomeren, Jr.</u> – No action taken. | Citizens N-E |

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| PCB 04-29 | <u>The City of Chicago v. Purex Industries, Inc, Federal Chicago Corp., Federal Die Casting Co. and Raymond E. Cross</u> – No action taken. | Citizens L-E |
| PCB 04-33 | <u>Byron Sandberg v. The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.</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 04-34 and PCB 04-35. | 7-0 P-C-F-S-R |
| PCB 04-34 | <u>Waste Management of Illinois, Inc. v. The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.</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 04-33 and PCB 04-35. | 7-0 P-C-F-S-R |
| PCB 04-35 | <u>County of Kankakee, Illinois and Edward D. Smith, Kankakee County State’s Attorney v. City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc., and Kankakee Regional Landfill, L.L.C.</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 04-33 and PCB 04-34. | 7-0 P-C-F-S-R |
| PCB 04-36 | <u>Michael A. Petrosius and Darla G. Petrosius v. The Illinois State Toll Highway Authority</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 04-37 | <u>Piasa Motor Fuels 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 Madison County facility. | 7-0 UST Appeal |

PCB 04-38 Cooper 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 Clay County facility. 7-0
UST
Appeal

PCB 04-39 Kresser Motor Service, Inc. 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 LaSalle County facility. 7-0
UST
Appeal

PCB 04-40 Premcor Refining Group v. IEPA – No action taken. UST
Appeal

OTHER ITEMS

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 October 18, 2003, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board