

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JULY 24, 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. The Chairman announced that due to the move of the Jacksonville and Springfield offices to the Illinois Environmental Protection Agency building at 1021 North Grand East, the Boards computers would be out of service July 24th and 25th. Consequently, copies of opinion and orders could not be made available until early in the week of July 28, 2003. The Chairman apologized for any inconvenience caused by this interruption in computer access.

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 July 10, 2003 meeting were approved by a vote of 6-0.

RULEMAKINGS

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 first notice opinion and order in this site-specific rulemaking to amend the Board's water pollution control regulations.	6-0 R, Water
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ADJUSTED STANDARDS

AS 03-2 In the Matter 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) – Subject to the conditions, the Board granted an adjusted standard to the Metropolitan Water Reclamation District of Greater Chicago from 35 Ill. Adm. Code 811.204, 811.314(c)(3), 812.313(d), 817.303 and 817.410(c)(2) and (3). 6-0
Land

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) – No action taken. Air

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 99-19	<u>Anthony And Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – The Board entered a final order finding respondent liable for civil penalties in the amount of \$15,000 and ordered respondent to implement operational noise reduction measures to eliminate the unreasonable interference. This order follows the Board's interim order of February 15, 2001, which found that respondent violated the nuisance noise provisions of the Environmental Protection Act and the Board's regulations found at 415 ILCS 5/24 (2002) and 35 Ill. Adm. Code 900.102 at a site located at the northeast corner of the Interstate 94 tollway and Route 22 at 2800 North Lakeside Drive in Bannockburn, Lake County.	4-2 Johnson and Tristano dissented Citizens N-E
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PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> – The Board reversed Environmental Protection Agency's (Agency) denial of reimbursement to petitioner for corrective action activities, and directed payment of \$116,300 from the Underground Storage Tank Fund.	6-0 UST Appeal
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PCB 00-219	<u>Stephen G. Brill v. Henry Latoria d/b/a TL Trucking Foodliner</u> – No action taken.	Citizens A&N-E
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Motions and Other Matters

PCB 96-10	<u>Vogue Tyre & Rubber Company v. IEPA</u> – No action taken.	P-A, Land
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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 individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc.</u> – The Board denied respondent's motion to reconsider the June 5, 2003 order, striking two affirmative defense and declining to dismiss Fredrick as a respondent.	6-0 W-E
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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</u> – No action taken.	W-E
PCB 97-69	<u>People of the State of Illinois v. Economy Plating, Inc.</u> – No action taken.	A-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 01-43	<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 02-164	<u>Barbara and Ronald Stuart v. Franklin Fisher</u> – No action taken.	Citizens N-E
PCB 03-45	<u>Wright Petroleum Company 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 Hancock County facility.	6-0 UST Appeal
PCB 03-51	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc.</u> – No action taken.	A-E

PCB 03-71	<u>Wabash Valley Service 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 Gallatin County facility.	6-0 UST Appeal
PCB 03-74	<u>People of the State of Illinois v. T.K. Fleming Construction, Inc.</u> – The Board granted complainant’s motion for voluntary dismissal of this public water supply enforcement action involving a Vermilion County facility.	6-0 PWS-E
PCB 03-141	<u>Russell Oil Company 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 Saline County facility.	6-0 UST Appeal
PCB 03-142	<u>Henry Pratt Company 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 Kendall County facility.	6-0 UST Appeal
PCB 03-154	<u>Rossignol Marathon (Site Classification Completion Report) 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 Wabash County facility.	6-0 UST Appeal
PCB 03-178	<u>Bill’s Full Service 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 03-181	<u>Gary Lewis 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 Clinton County facility.	6-0 UST Appeal

PCB 03-184	<u>Northrup Oil Company 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 Princeton County facility.	6-0 UST Appeal
PCB 03-188	<u>Prime Time Citgo, Inc. and Alphonsus Olieh v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Kane County facility.	6-0 UST Appeal
PCB 03-189	<u>Brock Oil Company (Bloomington) 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 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc., and the City of Morris</u> – No action taken.	L-E
PCB 03-192	<u>Owens Oil Company (January 1, 1998 – June 30, 1998) v. IEPA</u> - The Board accepted for hearing six underground storage tank appeals involving a Greene County facility and granted the motions to consolidate PCB 03-194, PCB 03-195, PCB 03-196, PCB 03-197, and PCB 03-203.	6-0 UST Appeal
PCB 03-193	<u>Jim’s Shell & Marine v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Macoupin County facility.	6-0 UST Appeal
PCB 03-194	<u>Owens Oil Company (March 1, 1997 – December 31, 1997) v. IEPA</u> - The Board accepted for hearing six underground storage tank appeals involving a Greene County facility and granted the motions to consolidate PCB 03-194, PCB 03-195, PCB 03-196, PCB 03-197, and PCB 03-203.	6-0 UST Appeal

PCB 03-195	<u>Owens Oil Company (May 1, 1999 – December 31, 1999) v. IEPA</u> - The Board accepted for hearing six underground storage tank appeals involving a Greene County facility and granted the motions to consolidate PCB 03-194, PCB 03-195, PCB 03-196, PCB 03-197, and PCB 03-203.	6-0 UST Appeal
PCB 03-196	<u>Owens Oil Company (December 1, 1999 – September 30, 2000) v. IEPA</u> - The Board accepted for hearing six underground storage tank appeals involving a Greene County facility and granted the motions to consolidate PCB 03-194, PCB 03-195, PCB 03-196, PCB 03-197, and PCB 03-203.	6-0 UST Appeal
PCB 03-197	<u>Owens Oil Company (June 1, 1998 – May 31, 1999) v. IEPA</u> - (see The Board accepted for hearing six underground storage tank appeals involving a Greene County facility and granted the motions to consolidate PCB 03-194, PCB 03-195, PCB 03-196, PCB 03-197, and PCB 03-203.	6-0 UST Appeal
PCB 03-199	<u>Thompson Service 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 03-201	<u>Howard Warsaw 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 03-203	<u>Owens Oil Company (March 1, 1997 – May 31, 1997) v. IEPA</u> - The Board accepted for hearing six underground storage tank appeals involving a Greene County facility and granted the motions to consolidate PCB 03-194, PCB 03-195, PCB 03-196, PCB 03-197, and PCB 03-203.	6-0 UST Appeal
PCB 03-235	<u>United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank, as Trustee Under Trust 0799</u> – No action taken.	P-A, Land

PCB 03-236	<u>Citizens Against Landfill Expansion v. American Disposal Services of Illinois, Inc., and Livingston County Board, Livingston County Illinois</u> – The Board denied respondent’s motion to dismiss and accepted for hearing this pollution control facility siting appeal involving a Livingston County facility. Petitioner’s motion to amend the petition was denied as moot.	6-0 P-C-F-S-R 3d Party
PCB 04-5	<u>Lincoln Land FS, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Menard County facility.	6-0 UST Appeal
PCB 04-6	<u>People of the State of Illinois v. Valley Run Stone</u> – The Board accepted for hearing this air enforcement action involving a Kendall County facility.	6-0 A-E
PCB 04-7	<u>People of the State of Illinois v. 4832 S. Vincennes, L.P. and Batteast Construction Company of Illinois, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Cook County facility.	6-0 A-E
PCB 04-8	<u>People of the State of Illinois v. Greg Prey individually and d/b/a King Tire</u> – The Board accepted for hearing this land enforcement action involving a LaSalle County facility.	6-0 L-E
PCB 04-9	<u>People of the State of Illinois v. Aargus Plastics, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Cook County facility.	6-0 A-E
PCB 04-10	<u>Illinois State Toll Highway Authority (Belvidere North CACR) 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 Boone County facility.	6-0 UST Appeal 90-Day Ext.

PCB 04-11	<u>Illinois State Toll Highway Authority (Belvidere North CAP) 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 Boone County facility.	6-0 UST Appeal 90-Day Ext.
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CASES PENDING DECISION

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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AS 03-2	<u>In the Matter 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)</u>	Land
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PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> (open waiver)	UST Appeal
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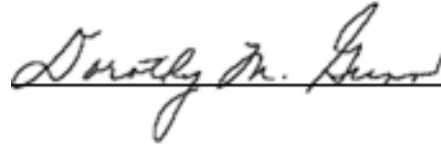
OTHER ITEMS

The Chairman's motion to hold a Closed Deliberative Session on July 29, 2003 via videoconference at 10:00 a.m. was granted 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 August 7, 2003, by a vote of 6-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board