

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



AUGUST 21, 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. Chairman Johnson on behalf of the Board wished Member Melas a happy birthday.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the August 7, 2003 meeting were approved by a vote of 7-0.

RULEMAKINGS

R03-10	<u>In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130</u> – The Board on its own motion dismissed this docket as unnecessary. In a separate order, the Board opened a new docket, R04-8, to efficiently meet these same objectives and to adopt additional procedural rule amendments, principally those made necessary by more recent legislation. (see below)	7-0 R, Proc. Rules
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R04-8 In the Matter of: Amendments to the Board’s Procedural Rules: 35 Ill. Adm. Code 101-130 – The Board on its own motion opened a new docket to propose amendments to its procedural rules. Among other things, the amendments will allow electronic filing in all Board proceedings through the Board’s new Clerk’s Office On-Line or “COOL,” and reflect recent statutory changes. A specific proposal will be issued in the near future. 7-0
R, Proc.
Rules

R04-9 In the Matter of: Amendments to the Board’s Administrative Rules: 2 Ill. Adm. Code 2175 – The Board on its own motion opened a new docket to propose amendments to its administrative rules at Part 2175 of Title 2 of the Illinois Administrative Code. The administrative rules, last amended in 1996, describe the Board’s organization, the types of Board proceedings, as well as how to pay filing and photocopy fees, and how the public may access information. Amendments to these rules are needed primarily (1) to reflect recent statutory changes affecting the Board; (2) to accommodate filing fee payment when filing electronically is allowed through the Board’s new Clerk’s Office On-Line or “COOL”; and (3) to update information about the Board’s proceedings and offices. A specific proposal will be issued in the near future. 7-0
R, Proc.
Rules

ADMINISTRATIVE CITATIONS

AC 02-4 IEPA v. Mound City – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Pulaski County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties’ joint motions to dismiss the alleged violation of Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2002)) and to dismiss respondent’s petition for review. 7-0

AC 04-4 IEPA v. Edward Sapp – The Board accepted an administrative citation against this Logan County respondent.

AC 04-5 IEPA v. Jerry Summers – The Board accepted an administrative citation against this Fayette County respondent.

AC 04-6 IEPA v. Mary Lou and H. Frank Record – The Board accepted an administrative citation against these Fulton County respondents.

ADJUDICATORY CASES

Motions and Other Matters

PCB 96-10 Vogue Tyre & Rubber Company v. IEPA – No action taken. P-A, Land

PCB 96-143 People of the State of Illinois v. Michel Grain Company, Inc. d/b/a Michel Fertilizer, Caryle Michel, and Ronnie Todd – No action taken. W-E

PCB 97-9 People of the State of Illinois v. C&S Recycling, Inc., Flood Brothers Disposal Company, Inc., William Flood, Individually and as Treasurer of C&S Recycling, and Brian Flood, Individually and as President of C&S Recycling – No action taken. L-E

PCB 97-69 People of the State of Illinois v. Economy Plating, Inc. – The Board granted complainant’s motion for summary judgment. The Board found respondent in violation of Sections 415 ILCS 5/9(a), (b), and 9.1(d)(1) (2002) of the Environmental Protection Act , and 35 Ill. Adm. Code 201.142, 201.143, 201.302, 201.144, 254.102(c), and 254.402 of the Board regulations. The Board directed this matter to hearing as expeditiously as practicable on the specific issues of the appropriate penalty amount, costs, and attorney fees. 7-0
A-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> – No action taken.	L-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 00-163	<u>David and Jacquelyn McDonough v. Gary Robke</u> – No action taken.	Citizens N-E
PCB 01-7	<u>People of the State of Illinois v. QC Finishers, 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 02-03	<u>People of the State of Illinois v. Texaco Refining & Marketing, Inc.</u> – No action taken.	L&W-E
PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling and Solid Waste Consultants, Inc.</u> – The Board ordered respondent to show cause why a default order in this case should not be entered. Respondent has 14 days, or until September 4, 2003, to respond to this order.	7-0 L-E
PCB 03-9	<u>Piasa Motor Fuels, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	7-0 UST Appeal
PCB 03-34	<u>Barry Amoco, Inc. v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Pike County facility.	7-0 UST Appeal

PCB 03-36	<u>D&R Service v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Randolph County facility.	7-0 UST Appeal
PCB 03-37	<u>Illinois Ayers Oil Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Knox County facility.	7-0 UST Appeal
PCB 03-41	<u>Newton Community High School v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Jasper County facility.	7-0 UST Appeal
PCB 03-44	<u>Pioneer Oil Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Christian County facility.	7-0 UST Appeal
PCB 03-46	<u>Mahr's Sales & Service v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Fulton County facility.	7-0 UST Appeal
PCB 03-48	<u>Mueller Shell, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	7-0 UST Appeal
PCB 03-50	<u>East Side Shell v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Fulton County facility.	7-0 UST Appeal

PCB 03-51	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc.</u> – The Board granted complainant’s motion for partial summary judgment. The Board directed this matter to hearing as expeditiously as practicable on the remainder of the contested counts of the complaint, appropriate penalty amount, and remedy.	7-0 A-E
PCB 03-60	<u>V.W. Bowman Oil Company v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Union County facility.	7-0 UST Appeal
PCB 03-61 PCB 03-62 (Cons.)	<u>Brock Oil Company (Normal) and Brock Company (Hoopeston) v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of these underground storage tank appeals involving a McLean County facility.	7-0 UST Appeals
PCB 03-67	<u>Maryville Voice Newspaper Company v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	7-0 UST Appeal
PCB 03-72	<u>Wabash Valley Service v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Gallatin County facility.	7-0 UST Appeal
PCB 03-73	<u>People of the State of Illinois v. Riverdale Recycling, Inc. and Tri-State Disposal, Inc.</u> – No action taken.	L-E
PCB 03-87	<u>Main Station v. IEPA</u> – No action taken.	UST Appeal
PCB 03-89	<u>Wabash Valley Service v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving an Edwards County facility.	7-0 UST Appeal

PCB 03-92	<u>Ralph Johnson v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Christian County facility.	7-0 UST Appeal
PCB 03-93	<u>Dean Schneidewind v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	7-0 UST Appeal
PCB 03-96	<u>Martin E. & Kathy L. Geber v. Carri Scharf Trucking and Materials, Carri Scharf Materials Company, and East Side Materials, L.L.C.</u> – The Board denied respondent East Side Materials, L.L.C.'s motion to dismiss the amended complaint. Additionally, it struck two allegations of the amended complaint as frivolous and accepted the remaining allegations for hearing.	7-0 N-E
PCB 03-99	<u>Sather Enterprises, Ltd. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Dewitt County facility.	7-0 UST Appeal
PCB 03-112	<u>2F, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Williamson County facility.	7-0 UST Appeal
PCB 03-114	<u>Village of Karnak v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Pulaski County facility.	7-0 UST Appeal
PCB 03-132	<u>Dickey Oil Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Clay County facility.	7-0 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 03-206	<u>J&C Central, 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 DuPage County facility.	7-0 UST Appeal
PCB 03-216	<u>Bulk Petroleum Corporation 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 03-217 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 and granted the motion to consolidate this matter with PCB 03-188.	7-0 UST Appeal
PCB 03-235	<u>United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank, as Trustee Under Trust 0799 v. IEPA</u> – The Board granted the petitioners’ motion to strike only as to the Kankakee County Health Department letter and any references to that document contained in Ms. Wheeler’s letter. The Board denied the petitioners’ motion to strike the rest of Ms. Wheeler’s public comment.	7-0 P-A, Land
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> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a DeKalb County facility.	Citizens L&W-E
PCB 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.</u> – The Board accepted for hearing this air enforcement action involving a DuPage County facility.	7-0 A-E
PCB 04-17	<u>Koch Pipeline Company L.P.(Hartford Terminal) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Madison County facility.	7-0 P-A, Air 90-Day Ext.

PCB 04-18	<u>Knapp 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 Massac County facility.	7-0 UST Appeal 90-Day Ext.
PCB 04-19	<u>Paul and Donna Fredrickson v. Jeff Grelyak</u> – The Board held for a later duplicative/frivolous determination this citizen’s air and noise enforcement action involving a McHenry County facility.	Citizens A&N
PCB 04-20	<u>R.W. Sheridan Oil Company, 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.

CASES PENDING DECISION

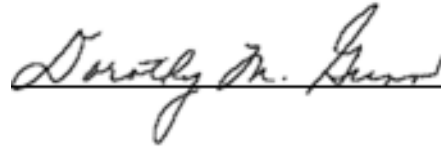
R03-8	<u>In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903</u> – Adopted Rule, Final Order, Opinion and Order	R, Noise
R03-21	<u>In the Matter of: Radionclude Restricted Status, Amendments to 35 Ill. Adm. Code 602.105, 602.106, 602.108, and 602.115</u> – Proposed Rule, Second Notice, Opinion and Order	R, PWS

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Johnson adjourned the meeting at 11:40 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 4, 2003, by a vote of 5-0.

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