

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



December 4, 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, J. Phillip Novak introduced himself as the Board's new chairman. He then welcomed members of the public and staff to the first meeting of the 5 member Board as reconstituted under PA 93-509. He introduced new Member Andrea S. Moore, and noted that G. Tanner Girard, Thomas E. Johnson, and Nicholas J. Melas were each returning for another term. Chairman Novak reminded that PA 93-509, 4 members constitute a quorum, but that the Board takes action by an affirmative vote by 3 members.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the November 20, 2003 meeting were approved by a vote of 3-0. Chairman Novak and Member Moore abstained.

RULEMAKINGS

R04-10	<u>In the Matter of: Clean-Up Amendments to 35 Ill. Adm. Code Part 214</u> – No action taken.	R, Air
---------------	---	--------

ADMINISTRATIVE CITATIONS

AC 04-22 County of Vermilion, v. Village of Tilton – The Board accepted for hearing this petition for review of an administrative citation against this Vermilion County respondent. 5-0

AC 04-23 IEPA v. Roy Baur d/b/a Baur Trucking – The Board accepted an administrative citation against this St. Clair County respondent.

AC 04-24 Ogle County v. Kenneth Gilland – The Board accepted an administrative citation against this Ogle County respondent.

AC 04-25 IEPA v. Colorado Real Estate & Investment Company (Kingspark Mobile Estates) – The Board accepted an administrative citation against this Peoria County respondent.

AC 04-26 IEPA v. Charles Flick – The Board accepted an administrative citation against this Union County respondent.

AC 04-27 IEPA v. Douglas S. Carrico d/b/a Carricos Auto Heap – The Board accepted an administrative citation against this Green County respondent.

ADJUDICATORY CASES

Decisions

PCB 02-5 People of the State of Illinois v. Environmental Management & Abatement, Inc. and Danny G. Kohrtd individually and as president of Environmental Management & Abatement, Inc. – In this land enforcement action concerning a Will 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 respondents to pay a total civil penalty of \$50,000 and to cease and desist from further violations. 5-0
L-E

PCB 02-213 People of the State of Illinois v. Action Athletic Equipment, Inc. – 5-0
In this air enforcement action concerning a Lake County facility, A-E
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 respondents to pay a total civil penalty of \$28,000 and
to cease and desist from further violations.

PCB 03-13 People of the State of Illinois v. Chicago Diversified Projects, Inc. 5-0
– In this air enforcement action concerning a Cook County facility, A-E
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 respondents to pay a total civil penalty of \$10,000 and
to cease and desist from further violations.

Motions and Other Matters

PCB 97-119 People of the State of Illinois v. G&M Total, Inc., George Papas L-E
individually and as president of G&M Total, Inc. – No action taken.

PCB 99-19 Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. A-E
LTD Commodities – No action taken.

PCB 99-187 Gina Pattermann v. Broughton Trucking and Materials, Inc. – No A&N-E
action taken.

PCB 01-7 People of the State of Illinois v. QC Finishers, Inc. – No action A-E
taken.

PCB 01-43 People of the State of Illinois v. Michael Stringini – The Board 5-0
granted complainant’s motion to dismiss counts V and VII of the RCRA-E
complaint.

PCB 03-22	<u>People of the State of Illinois v. Saint-Gobain Containers, Inc.</u> – No action taken.	A-E
PCB 03-233	<u>People of the State of Illinois v. Gerald Hewing d/b/a Hewing Technical Services</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Shelby County facility, the Board ordered publication of the required newspaper notice.	5-0 W-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 04-14	<u>McDonald’s Corporation v. IEPA</u> – No action taken.	UST Appeal
PCB 04-21	<u>Andy’s Drive-In 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 Alexander County facility.	5-0- UST Appeal
PCB 04-22	<u>Wei Enterprises v. IEPA</u> – The Board dismissed this underground storage tank appeal filed on behalf of this St. Clair County facility due to lack of jurisdiction.	5-0 UST Appeal
PCB 04-23	<u>Wei Enterprises v. IEPA</u> – The Board dismissed this underground storage tank appeal filed on behalf of this St. Clair County facility due to lack of jurisdiction.	5-0 UST Appeal
PCB 04-27	<u>Eastman Chemical 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 Kane County facility.	5-0 UST Appeal

PCB 04-33	<u>Byron Sandberg v. City of Kankakee, Illinois City Council and</u>	P-C-F-S-R
PCB 04-34	<u>Town and Country Utilities, Inc. and Kankakee Regional Landfill,</u>	3d Party
PCB 04-35	<u>L.L.C.; Waste Management of Illinois v. City of Kankakee, Illinois</u> <u>City Council and Town and Country Utilities, Inc. and Kankakee</u> <u>Regional Landfill, L.L.C.; County of Kankakee, Illinois and</u> <u>Edward D. Smith, Kankakee County States Attorney v. City of</u> <u>Kankakee, Illinois City Council and Town and Country Utilities,</u> <u>Inc. and Kankakee Regional Landfill, L.L.C. – No action taken.</u>	
PCB 04-52	<u>Kramer’s Service Station 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 Vermilion County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-69	<u>Republic Bank of Chicago, as Trustee of Bank Trust #2234,</u> <u>Aristotle Halikias, Lena Halikias, Michael Halikias, Nikolas</u> <u>Halikias, Noula Halikias, and Patricia Halikias, as beneficiaries of</u> <u>Trust #2234 v. Sunoco, Inc. (R&M)</u> – The Board found that the alleged violations in counts I through III of the complaint were neither duplicative nor frivolous, dismissed count IV as frivolous, and accepted for hearing this matter involving a Cook County facility.	4-0 Melas abstained Citizens UST-E
PCB 04-75	<u>Mate Technologies, Inc. v. F.I.C. America Corporation</u> – The Board ordered complainant to file proof of service of the complaint upon respondent within 30 days, or this matter would be subject to dismissal. Respondent’s motion for extension of time to file a motion to dismiss was referred to the hearing officer for disposition.	5-0 Citizens L-E
PCB 04-79	<u>Bonita Saxbury and Richard Saxbury v. Archer Daniels Midland</u> – The Board held for a later duplicative/frivolous determination this citizens’ land enforcement action involving a Pike County facility.	Citizens N-E
PCB 04-84	<u>People of the State of Illinois v. Paramount Developers, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Dupage County.	5-0 W-E

PCB 04-85	<u>Robert & Tony Thompson 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 Alexander County facility.	5-0 UST Appeal 90-Day Ext.
------------------	---	--

PCB 04-86	<u>Braun 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 Randolph County facility.	5-0 UST Appeal 90-Day Ext.
------------------	---	--

PCB 04-87	<u>Knapp Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal on behalf of this Massac County facility.	5-0 UST Appeal 90-Day Ext.
------------------	--	--

CASES PENDING DECISION

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> – Adopted Rule, Final Order, Opinion and Order	R, Water
---------------	--	----------

R04-3	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2003 through June 30, 2003)</u> – Proposed Rule, Proposal for Public Comment, Opinion and Order	R, PWS
--------------	--	--------

AS 03-4	<u>In the Matter of: Petition of Argonne National Laboratory for an Adjusted Standard from 35 Ill. Adm. Code 218.182</u>	Air
----------------	--	-----

PCB 03-118 Dalee Oil Company v. IEPA – (due 12/18)

UST
Appeal

PCB 03-119

PCB 03-150

Cons.

PCB 03-126 Mick's Garage v. IEPA – (due 12/18)

UST
Appeal

OTHER ITEMS

The Chairman's Motion to reschedule the Deliberative Session, closed under the exception in Section 120/2(b)(4), from December 11, 2003 to December 10, 2003 was adopted by a vote of 5-0.

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:30 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 20, 2003, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board