

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



June 3, 2004
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 Novak welcomed members of the public and staff to the meeting.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the May 20, 2004 meeting were approved by a vote of 5-0.

RULEMAKINGS

R04-11	<u>In the Matter of: Proposed Site-Specific Rulemaking Ameren Energy Generating Company Amending 35 Ill. Adm. Code 901 –</u> The Board adopted a second notice opinion and order to grant the requested site specific amendments to the Board's noise pollution control regulations. The Board also granted the Howard Chinn's motion to file comments.	5-0 R, Noise
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R04-22 In the Matter of: Proposed Amendments to Regulation of 5-0
R04-23 Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code
732); In the Matter of Proposed Amendments to Regulation of R, Land
Petroleum Underground Storage Tanks (35 Ill. Adm. Code 734) –
The Board denied the Agency’s motions for adoption of emergency
rules, finding there was no emergency within the meaning of the
Administrativr Praticce Act. Hearings in this docket will continue as
scheduled beginning June 21, 2004.

R04-26 In the Matter of: Interim Phosphorus Effluent Standard, Proposed 5-0
35 Ill. Adm. Code 304.123(g-k) – The Board accepted for hearing R, Water
the Illinois Environmental Protection Agency’s May 14, 2004
proposal to amend the Board’s water pollution control regulations.

ADJUSTED STANDARDS

AS 04-2 In the Matter of: Petition of Jo’Lyn Corporation and Falcon Waste Land
and Recycling for an Adjusted Standard from 35 Ill. Adm. Code
Part 807 or in the Alternative A Finding of Inapplicability) – No
action taken.

AS 04-3 In the Matter of: Petition by Hayden Wrecking Corporation for an 5-0
Adjusted Standard from 35 Ill. Adm. Code Section 620.410(a) – Water
The Board ordered petitioner file an amended petition to cure
deficiencies found in the original petition.

ADMINISTRATIVE CITATIONS

AC 04-4 IEPA v. Edward Sapp – In response to a joint stipulation and 5-0
settlement agreement in this administrative citation action involving
a Logan County facility, the Board found respondent violated
Section 21(p)(1) and (3) of the Environmental Protection Act (415
ILCS 5/21(p)(1) and (3) (2002)) and ordered respondent to pay a
civil penalty of \$3,000. The Board also granted the parties’ joint
motion to dismiss respondent’s petition for review.

AC 04-51	<u>IEPA v. Michael Moreton</u> – The Board accepted for hearing respondent's amended petition for review.	5-0
AC 04-57	<u>IEPA v. Arlyn Ray d/b/a Arlyn Ray Construction, Tom Romero d/b/a Arlyn Ray Exteriors, Robert J. Adams and Rita M. Adams</u> – No action taken.	
AC 04-58	<u>IEPA v. Terry Wilkerson</u> – The Board found that this Woodford County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-60	<u>IEPA v. Sharyn Fuller and Carl Benedict d/b/a Benedict Auto Sales</u> – No action taken.	
AC 04-65	<u>IEPA v. Knox County Landfill Committee and Greg Ingles</u> – The Board found that these Knox County respondents violated Section 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2002)), and ordered respondents to pay a civil penalty of \$1,000.	5-0
AC 04-66	<u>IEPA v. Curry Ice & Coal of Springfield, Inc. and Curry Ready-Mix & Builder's Supply, Inc.</u> – The Board found that these Sangamon County respondents violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500.	5-0
AC 04-67	<u>City of Chicago Department of Environment v. Kenneth Harris (329 N. Pulaski Road)</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0

AC 04-68	<u>City of Chicago Department of Environment v. Kenneth Harris 4802 W. Chicago Avenue</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-69	<u>City of Chicago Department of Environment v. Kenneth Harris (4801 W. Washington Avenue)</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-70	<u>City of Chicago Department of Environment v. K. Harris Trucking & Excavating Company (329 N. Pulaski Road)</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-71	<u>City of Chicago Department of Environment v. K. Harris Trucking & Excavating Company (4802 W. Chicago Avenue)</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-72	<u>City of Chicago Department of Environment v. K. Harris Trucking & Excavating Company (4801 W. Washington Avenue)</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-73	<u>City of Chicago Department of Environment v. Zepeda Construction Services, Inc.</u> – The Board found that this Cook County respondent violated Section 21(p)(1), (p)(4), (p)(5), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(4), (p)(5), and (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$6,000.	5-0

AC 04-74 City of Chicago Department of Environment v. Samuel Zepeda, Sr. 5-0
– The Board found that this Cook County respondent violated Section 21(p)(1), (p)(4), (p)(5), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(4), (p)(5), and (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$6,000.

AC 04-79 City of Chicago Department of Environment v. National Material Limited Partnership – The Board accepted an administrative citation against this Cook County respondent.

AC 04-80 IEPA v. Joseph Luparell and Troy Curley – The Board accepted an administrative citation against these Sangamon County respondents.

AC 04-81 IEPA v. Ralph and Lois Williams – The Board accepted an administrative citation against these Knox County respondents.

ADJUDICATORY CASES

Motions and Other Matters

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Company, Inc., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Company, Inc., and Richard J. Frederick individually and as owner and Vice-President of Skokie Valley Asphalt Company, Inc. – No action taken. W-E

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

PCB 01-102 Cassen and Sons, Inc. v. IEPA – No action taken. UST Appeal

PCB 02-3	<u>People of the State of Illinois v. Chevron Environmental Services Company (as successor to Texaco Refining & Marketing, Inc.)</u> – The Board granted complainant’s motion for leave to supplement the stipulation and proposal for settlement.	5-0 L&W-E
PCB 03-106	<u>Village of South Elgin v. Waste Management of Illinois, Inc.</u> – No action taken.	L-E
PCB 03-214	<u>Illinois Ayers Oil Company v. IEPA</u> – No action taken.	Girard UST Appeal
PCB 03-235	<u>United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank as Trustee Under Trust 0799 v. IEPA</u> – No action taken.	P-A, Land
PCB 04-48	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – No action taken.	P-A, Land
PCB 04-81	<u>People of the State of Illinois v. Emmett Utilities, Inc. and Russell D. Thorell individually and as president of Emmett Utilities, Inc.</u> – No action taken.	PWS-E
PCB 04-98	<u>People of the State of Illinois v. Aura II, Inc.</u> – Upon receipt of two separate proposed stipulation and settlement agreements and an agreed motion to request relief from the hearing requirement in this air, land, and water enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 A,L,W-E
PCB 04-100	<u>People of the State of Illinois v. Marc Realty, Inc., 11 East Adams, L.L.C., and Roberts Environmental Control, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E

PCB 04-117	<u>Saline County Landfill, Inc. v. IEPA and Saline County</u> – The Board denied the County of Saline’s motion for stay of the Board’s May 6, 2004 opinion and order during the pendency of appeal.	5-0 P-A, Land
PCB 04-144	<u>Bryant Automotive 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 McHenry County facility.	5-0 UST Appeal
PCB 04-185	<u>Midwest Generation EME, Inc. v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-187	<u>Sutter Sanitation, Inc. and Lavonne Haker v. IEPA</u> – No action taken.	P-A, Land
PCB 04-201	<u>People of the State of Illinois v. Southern Illinois Power Cooperative</u> – The Board accepted for hearing this air enforcement action involving a site located in Williamson County.	5-0 A-E
PCB 04-202	<u>Auburn Realty 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 Christian County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-203	<u>2F, 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 Williamson County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-204	<u>Daniel J. Beers v. Dave Calhone (Let It Shine Car Wash)</u> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a Tazewell County facility.	5-0 Citizens N-E

PCB 04-205	<u>People of the State of Illinois v. All States Painting, Inc.</u> – The Board accepted for hearing this air and water enforcement action involving a site located in Morgan County.	5-0 A&W-E
PCB 04-206	<u>People of the State of Illinois v. Medical Waste Solutions, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this special waste hauling enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 SWH-E
PCB 04-207	<u>People of the State of Illinois v. Edward Pruum, an individual and Robert Pruum, an individual</u> – The Board accepted for hearing this land enforcement action involving the Morris Community Landfill located in Grundy County.	5-0 L-E
PCB 04-208	<u>Yesley Service 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 04-209	<u>Dimucci Development 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.	5-0 UST Appeal 90-Day Ext.
PCB 04-210	<u>Aylsworth 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 White County facility.	5-0 UST Appeal 90-Day Ext.

PCB 04-211 People of the State of Illinois v. Clinton Landfill, Inc. – 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. 5-0
L-E

PCB 04-212 Grass Man Lawn Care (Property Identification Number 07-13-400-004-006) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified equipment of Grass Man Lawn Care located in Monroe County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). 5-0
T-C

CASES PENDING DECISION

R04-5 In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Regulations (January 1, 2003 through June 30, 2003); In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Regulations (July 1, 2003 through December 31, 2003) – Adopted Rule, Final Order, Opinion and Order R, Land

R04-15
Cons.

R04-16 In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2003 through December 31, 2003) – Adopted Rule, Final Order, Opinion and Order R, Land

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned at 11:49 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 17, 2004, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board