

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



OCTOBER 16, 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.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the October 2, 2003 meeting were approved by a vote of 7-0.

RULEMAKINGS

R03-9	<u>In the Matter of: Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910 – The Board found that holding this proposal and scheduling an additional hearing to consider both substantive changes and economic impact is warranted under Section 5-40 of the Administrative Procedure Act (5 ILCS 100/5-40 (2002)). The hearing officer was directed to expeditiously notify the public and hold another hearing prior to second notice.</u>	7-0 R, Noise
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ADMINISTRATIVE CITATIONS

AC 03-11 City of Chicago Department of Environment v. City Wide Disposal, Inc. – The Board entered an order requiring respondent to pay the Board hearing costs in the amount of \$453.25 and a civil penalty of \$6,000. This order follows the Board's interim order of September 4, 2003, which found that this respondent had violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2002)) and at it's Cook County facility. 7-0

AC 04-18 IEPA v. Luther Coleman – The Board accepted an administrative citation against this Saline County respondent.

ADJUDICATORY CASES

Decisions

PCB 04-24 People of the State of Illinois v. Tri-K Development, Inc. – In this water enforcement action concerning a DuPage 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 \$7,500 and to cease and desist from further violations. 7-0
W-E

PCB 04-28 People of the State of Illinois v. Village of Rantoul – In this water enforcement action concerning a Champaign 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 \$4,446 and to cease and desist from further violations. 7-0
A-E

PCB 04-30	<u>People of the State of Illinois v. Village of Enfield</u> – In this public water supply enforcement action concerning a White 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.	7-0 PWS-E
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Motions and Other Matters

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> – The Board granted respondent’s motion in part to dismiss the complainant’s second amended complaint and to recuse complainant’s attorney. The Board denied the portion of the motion requesting dismissal of the second amended complaint. The Board disqualified complainant’s attorney Joel Sternstein from further appearing in this proceeding.	5-1 Tristano dissented Melas abstained W-E
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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
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PCB 99-19	<u>Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – The Board granted complainants’ attorney’s motion for leave to withdraw as counsel.	7-0 A-E
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PCB 99-127	<u>Ted Harrison Oil Company v. IEPA</u> – The Board granted petitioner’s motion to modify its July 24, 2003 order to include reimbursement for legal fees. The Board’s original order reversed Environmental Protection Agency’s denial of reimbursement to petitioner for corrective action activities, and directed payment of \$116,300 from the Underground Storage Tank Fund.	7-0 UST Appeal
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PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – The Board granted complainant’s motion for summary judgment as to counts I, II, III, IV, V, VI, VIII, X and XI. The Board found that respondent was not in violation as alleged in count IX, and granted his motion for summary judgment on that count. The parties were directed to proceed to hearing on the remaining alleged violations and remedy.	7-0 L-E
PCB 01-121	<u>Abed Nesheiwat and SAQ, Inc. (Tony’s Gas) v. IEPA</u> – The Board on its on motion dismissed this matter. This is in response to the Board’s order of August 7, 2003, which instructed petitioners to retain a licensed attorney by September 6, 2003.	7-0 UST Fund
PCB 02-03	<u>People of the State of Illinois v. Texaco Refining & Marketing, Inc.</u> – No action taken.	L&W-E
PCB 02-213	<u>People of the State of Illinois v. Action Athletic, 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 A-E
PCB 03-38	<u>Morry Gabel, Myra Gabel, Don Foreman, Marsha Foreman, Keith Pinsoneault and Tracy Pinsoneault v. The Wealshire, Inc.</u> – No action taken.	N-E
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> – The Board denied both petitioner Watson’s and respondent Waste Management of Illinois, Inc.’s motions to reconsider the Board's Opinion and Order of August 7, 2003.	7-0
PCB 03-133		L-E
PCB 03-134		
PCB 03-135		
PCB 03-191	<u>People of the State of Illinois v. Community Landfill Company,</u>	7-0

Inc., and the City of Morris – The Board granted complainant’s motion to strike affirmative defenses in part and denied the motion in part. The parties are directed to proceed to hearing. L-E

PCB 03-204 Warren’s Service v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Mercer County facility. 7-0
UST
Appeal

PCB 04-7 People of the State of Illinois v. 4832 Vincennes, L.P and Batteast Construction Company of Illinois, Inc. – No action taken. A-E

PCB 04-12 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 – The Board ordered complainants to file an amended complaint within 30 days, or this matter would be subject to dismissal. 7-0
Citizens
L&W-E

PCB 04-19 Paul and Donna Fredrickson v. Jeff Grelyak – The Board denied respondent’s motion to dismiss. The parties are directed to proceed to hearing on the alleged violations. 7-0
A&N-E

PCB 04-26 Lynn Erickson v. Charleston Classic Homes and Lawrence E. VanSomeren, Jr. – No action taken. Citizens
N-E

PCB 04-29 The City of Chicago v. Purex Industries, Inc, Federal Chicago Corp., Federal Die Casting Co. and Raymond E. Cross – No action taken. Citizens
L-E

PCB 04-36 Michael A. Petrosius and Darla G. Petrosius v. The Illinois State Toll Highway Authority – No action taken. Citizens
N-E

PCB 04-40	<u>Premcor Refining Group 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 04-41	<u>Quality Pork L.L.C. (Property Identification Number 24-05-300-004) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Quality Pork L.L.C. located in Ogle County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	7-0 T-C
PCB 04-42	<u>Peter Brothers Pork (Property Identification Number 05-0-0302-002-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Peter Brothers Pork located in Adams County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	7-0 T-C
PCB 04-43	<u>Gregory M. and Nancy C. Leigh (Property Identification Number 06-05-26-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Gregory M. and Nancy C. Leigh located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	7-0 T-C
PCB 04-44	<u>Schabacker Brothers Farms (Property Identification Number 17-11-400-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Schabacker Brothers Farms located in Ogle County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	7-0 T-C

PCB 04-45	<u>Glen Schmidgall (Property Identification Number 19-19-16-200-01) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Glen Schmidgall located in Tazewell County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	7-0 T-C
PCB 04-46	<u>People of the State of Illinois v. Marathon Ashland Pipeline, L.L.C.</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 Clark County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 04-47	<u>Saint-Gobain Containers, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Logan County facility.	7-0 P-A, Air
PCB 04-48	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	7-0 P-A, Land 90-Day Ext.
PCB 04-49	<u>Jo’Lyn Corp. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a McHenry County facility.	7-0 P-A, Land
PCB 04-50	<u>People of the State of Illinois v. MacMurray College</u> – The Board accepted for hearing this air enforcement action involving a Morgan County facility.	7-0 A-E

PCB 04-51 Illinois State Toll Highway Authority (Lincoln Oasis North) 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 Cook County facility. 7-0
UST
Appeal
90-Day
Ext.

OTHER ITEMS

The Chairman’s motion to hold a Closed Deliberative Session on October 30, 2003 at 10:00 a.m. was granted by a vote of 7-0.

ADJOURNMENT

Moved and seconded, by a vote of 7-0, 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 November 6, 2003, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board