

# ILLINOIS POLLUTION CONTROL BOARD

## DRAFT MEETING MINUTES

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**December 2, 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**

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After calling the meeting to order, Chairman Novak welcomed members of the public and staff.

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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Minutes of the November 18, 2004 meeting were approved by a vote of 5-0.

### **RULEMAKINGS**

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<b>R04-24</b>	<u>In the Matter of: Amendments to the Board's Procedural Rules to Accommodate New Statutory Provisions: 35 Ill. Adm. Code 101-130</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's procedural regulations.	5-0 R, Proc. Rules
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<b>R05-9</b>	<u>In the Matter of: Setback Zone for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s November 5, 2004 proposal to amend the Board’s public water supply regulations.	5-0 R, PWS
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<b>R05-10</b>	<u>In the Matter of: Bacteria (E-Coli) Water Quality Standard for Lake Michigan and Mississippi River, Proposed Amendments to 35 Ill. Adm. Code 302 and 303</u> – No action taken.	R, Water
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<b>R05-11</b>	<u>In the Matter of: Amendments to Emissions Reduction Market System, 35 Ill. Adm. Code 205 and 211)</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s November 19, 2004 proposal to amend the Board’s air pollution control regulations. The Board granted petitioner’s motion for expedited consideration and adopted a proposal for public comment.	5-0 R, Air
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## ADJUSTED STANDARDS

<b>AS 05-1</b>	<u>In the Matter of: Petition of SCA Tissue North America, L.L.C. for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c)</u> – The Board directed petitioner to file proof of publication by December 30, 2004, or this petition will be dismissed.	5-0 Air
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## ADMINISTRATIVE CITATIONS

<b>AC 04-13</b>	<u>City of Chicago Department of Environment v. Eddie Greer</u> – The Board entered a final order requiring respondent to pay the Board hearing costs in the amount of \$374.40 and a civil penalty of \$3,000. This order follows the Board's interim order of September 16, 2004, 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)) at his Cook County facility.	5-0
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<b>AC 04-34</b>	<u>IEPA v. Troy Williamson and Swords Veneer and Lumber Company</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Henry County facility, the Board found that respondents had 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. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review and the alleged violations of 415 ILCS 5/21(p) (4), (7) (2002).	5-0
<b>AC 04-61</b>	<u>IEPA v. Florence Prophter and Prophter Construction Co.</u> - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Whiteside County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review and the alleged violations of 415 ILCS 5/21(p) (4), (7) (2002).	5-0
<b>AC 04-89</b> <b>AC 04-90</b> <b>AC 04-91</b>	<u>IEPA v. Earl and Norma Martin</u> – The Board granted complainant’s motion to consolidate these administrative citations involving a Knox County facility.	5-0
<b>AC 05-25</b>	<u>County of Montgomery v. Ronald F. Simmons</u> – The Board on its own motion dismissed this administrative citation for lack of timely service on respondent.	5-0
<b>AC 05-26</b>	<u>County of Montgomery v. Michael Schwab</u> – The Board on its own motion dismissed this administrative citation for lack of timely service on respondent.	5-0
<b>AC 05-33</b>	<u>IEPA v. Leo and Debra Harn</u> – The Board accepted for hearing this petition for review of an administrative citation against these McDonough County respondents.	5-0

**AC 05-37**      City of Chicago Department of Environment v. AAA Dollar Disposal, Inc. – The Board accepted an administrative citation against this Cook County respondent.

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**AC 05-38**      County of Macon, Illinois v. Terry Cripe and Donna Cripe – The Board accepted an administrative citation against these Macon County respondents.

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**AC 05-39**      County of Macon, Illinois v. Richard Webb and Teresa Webb – The Board accepted an administrative citation against these Macon County respondents.

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**AC 05-40**      IEPA v. Northern Illinois Service Company – The Board accepted an administrative citation against this Winnebago County respondent.

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**AC 05-41**      County of Macon, Illinois v. Blue Mound Plumbing – The Board accepted an administrative citation against this Macon County respondent.

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## **ADJUDICATORY CASES**

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### Decisions

**PCB 04-101**      People of the State of Illinois v. DuPage Machine Products, Inc. – 5-0  
In this air enforcement action concerning a DuPage 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 respondent to pay a total civil penalty of \$37,500 and to  
cease and desist from further violations.

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### Motions and Other Matters

<b>PCB 96-98</b>	<u>People of the State of Illinois v. Skokie Valley Asphalt Co., Inc., and Richard J. Frederick</u> – No action taken.	Johnson W-E
<b>PCB 97-2</b>	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	L&W-E
<b>PCB 00-104</b>	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc.</u> – No action taken.	A-E
<b>PCB 01-2</b>	<u>People of the State of Illinois v. National Material L.P. d/b/a National Lamination Company, and NM Holding, 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
<b>PCB 02-115</b>	<u>People of the State of Illinois v. Blue Ridge Construction Corporation</u> – No action taken.	A&W-E
<b>PCB 04-90</b>	<u>A &amp; R, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
<b>PCB 04-108</b>	<u>Midwest Generation, L.L.C. (Collins Generating Station) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Grundy County facility.	5-0 P-A, Air
<b>PCB 04-162</b>	<u>People of the State of Illinois v. Asbestos Control and Environmental Services</u> – No action taken.	A-E

<b>PCB 04-183</b>	<u>Johnson Oil Company v. IEPA</u> – No action taken.	UST
<b>PCB 04-190</b> (not cons.)		Appeal
<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u>	T-S
<b>PCB 04-216</b> (not cons.)	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	Appeal
<b>PCB 05-29</b>	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	Citizens Land-E
<b>PCB 05-49</b>	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
<b>PCB 05-51</b>	<u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health and Safety</u> – No action taken.	A-E
<b>PCB 05-54</b>	<u>Rock Road Companies, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Winnebago County facility.	5-0 P-A, Air
<b>PCB 05-93</b>	<u>York High Neighborhood Committee (a voluntary organization) Janet and Fred Hodge, Patricia and David Bennett, Sheila and Mike Trant, Joe Vosicky, Jean and Peter Conroy, Frank Soldano, Joseph Reamer, Elizabeth and Charles Laliberte v. Elmhurst Public Schools, District 205</u> – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a DuPage County facility.	Citizens N-E
<b>PCB 05-94</b>	<u>APS Properties 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 Macon County facility.	5-0 UST Appeal 90-Day Ext.

<b>PCB 05-95</b>	<u>People of the State of Illinois v. Wienmar, Inc. d/b/a Marble Works</u> – The Board accepted for hearing this air enforcement action involving a site located in Kane County.	5-0 A-E
<b>PCB 05-96</b>	<u>People of the State of Illinois v. Village of North City, Lawrence A. Lipe &amp; Associates, Inc., Altman-Charter Company, and Furlong Excavating, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Franklin County facility, the Board ordered publication of the required newspaper notice as to Lipe & Associates, Inc. only. The Board accepted for hearing this complaint for hearing as to all respondents.	5-0 PWS-E
<b>PCB 05-97</b>	<u>Henson Oil Co. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McLean County facility.	5-0 UST Appeal
<b>PCB 05-98</b>	<u>People of the State of Illinois v. Oasis Industries, Inc., an Illinois corporation</u> – The Board accepted for hearing this air enforcement action involving a site located in Kane County.	5-0 A-E
<b>PCB 05-99</b>	<u>People of the State of Illinois v. James Zeller, Thomas Zeller, and Matthew Short</u> – The Board accepted for hearing this air and land enforcement action involving a site located in Williamson County.	5-0 A&L-E
<b>PCB 05-100</b>	<u>Estate of Irene Steinheimer 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 Morgan County facility.	5-0 UST Appeal 90-Day Ext.

<b>PCB 05-101</b>	<u>Mac's Convenience Stores, L.L.C. 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 Will County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 05-102</b>	<u>Village of Crainville 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.
<b>PCB 05-103</b>	<u>People of the State of Illinois v. Marc Realty, Inc. (55 E. Jackson L.L.C)</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E

### **CASES PENDING DECISION**

<b>R04-12</b>	<u>In the Matter of: Technical Correction to Formulas in 35 Ill. Adm. Code 214 “Sulfur Limitations”; In the Matter of: Clean-Up Part III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219 – Proposed Rule, First Notice, Opinion and Order</u>	Moore
<b>R04-20 (cons.)</b>		R, Air
<b>R05-1</b>	<u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 2004 through June 30, 2004) – Proposed Rule, Proposal for Public Comment, Proposed Opinion and Order</u>	Girard R, Land
<b>R05-2</b>	<u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2004 through June 30, 2004) – Proposed Rule, Proposal for Public Comment, Opinion and Order</u>	Girard R, Land



## **ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:25 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 16, 2004, by a vote of.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board