

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**November 4, 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 October 21, 2004 meeting were approved by a vote of 5-0.

### **RULEMAKINGS**

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<b>R05-8</b>	<u>In the Matter of: Mercury Wastes Under PA 93-0964:</u> <u>Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733) – The Board accepted for hearing the Illinois Environmental Protection Agency’s October 19, 2004 proposal to amend the Board’s land pollution control regulations. The Board adopted a proposal for public comment.</u>	5-0 R, Land
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## **ADJUSTED STANDARDS**

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<b>AS 02-5</b>	<u>In the Matter of: Petition of Noveon, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.122</u> – The Board granted this Marshall County petitioner an adjusted standard, with conditions, from the ammonia effluent limit.	5-0 Water
<b>AS 04-4</b>	<u>In the Matter of: Johns Manville for an Adjusted Standard from 35 Ill. Adm. Code Part 814, 811.310, 811.311, 811.318, 811.320</u> – The Board accepted petitioners’ amended petition, and on the Board’s own motion set it for hearing.	5-0 Land
<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> – No action taken.	Air

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## **ADMINISTRATIVE CITATIONS**

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<b>AC 04-27</b>	<u>IEPA v. Douglas S. Carrico d/b/a Carrico’s Auto Heap</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$390.89 and a civil penalty of \$1,500. This order follows the Board's interim order of September 2, 2004, which found that this respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)) at his Greene County facility.	5-0
<b>AC 04-46</b>	<u>IEPA v. Christopher Coleman</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (p)(7) (2002)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent.	5-0

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<b>AC 05-4</b>	<u>IEPA v. G.T.&amp;L., Inc.</u> – The Board dismissed this petition for review due to respondent’s failure to file an amended petition curing deficiencies. The Board found that this Cook County respondent violated Sections 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
<b>AC 05-21</b>	<u>IEPA v. Willis E. Farley, Jr.</u> – The Board found that this Mason County respondent violated Sections 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
<b>AC 05-22</b>	<u>County of Sangamon v. James Withers</u> – The Board found that this Sangamon County respondent 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.	5-0
<b>AC 05-24</b>	<u>City of Chicago Department of Environment v. Richland Group Enterprises, Inc.</u> – The Board found that this Cook County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
<b>AC 05-27</b>	<u>IEPA v. Lee County Landfill SC, L.L.C. and Dave Geier</u> – The Board found that these Lee County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2002)), and ordered respondent to pay a civil penalty of \$500.	5-0
<b>AC 05-32</b>	<u>IEPA v. James Haas, Jr.</u> – The Board accepted an administrative citation against this Carroll County respondent.	
<b>AC 05-33</b>	<u>IEPA v. Leo and Debra Harn</u> – The Board accepted an administrative citation against these McDonough County respondents.	

**AC 05-34**      County of LaSalle v. Earl Cazel – The Board accepted an administrative citation against this LaSalle County respondent.

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**ADJUDICATORY CASES**

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Decisions

**PCB 01-43**      People of the State of Illinois v. Michael Stringini –The Board found that respondent violated 415 ILCS 21(a),(e) and (f) (2002); and 35 Ill. Adm. Code 703.121, 703.150, 724.194(a), 725.113(b), 725.114, 725.115(a) and (b), 725.131, 725.173, 725.190, 725.271, 725.273(a) and (b), 725.274, 725.351, and 728.150(a). The Board ordered respondent to pay a total civil penalty of \$110,000 and to cease and desist from further violations.      5-0  
RCRA-E

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**PCB 04-227**      People of the State of Illinois v. Rogers Development Company – In this water enforcement action concerning a WinnebagoCounty 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 \$5,000 and to cease and desist from further violations.      5-0  
W-E

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Motions and Other Matters

**PCB 91-17**      Noveon, Inc. v. IEPA – The Board denied petitioner’s motion for oral arguments for reconsideration of the Board’s September 16, 2004 order, affirming the Illinois Environmental Protection Agency’s inclusion of condition’s in petitioner’s National Pollutant Discharge Elimination System permit.      5-0  
P-A,  
Water

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**PCB 97-2**      People of the State of Illinois v. Jersey Sanitation Corporation – No action taken.      L&W-E

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<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 01-102</b>	<u>Cassen and Sons, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 04-48</b>	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 04-101</b>	<u>People of the State of Illinois v. DuPage Machine Products, 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 DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
<b>PCB 04-183</b> <b>PCB 04-190</b> (not cons.)	<u>Johnson Oil Company v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 04-185</b>	<u>Midwest Generation EME, Inc. v. IEPA</u> – The Board denied the Sierra Club’s motion to intervene and petitioner’s motion to partially reconsider the Board order of May 6, 2004. The Board also ordered a limited remand to Illinois Environmental Protection Agency (Agency) for the Agency to specify its reasoning for denying trade secret protection.	5-0 T-S Appeal
<b>PCB 04-207</b>	<u>People of the State of Illinois v. Edward Pruum, an individual, and Robert Pruum, an individual</u> – The Board denied respondents’ motion to dismiss the complaint.	5-0 L-E
<b>PCB 04-215</b> <b>PCB 04-216</b>	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Appeal

<b>PCB 04-224</b>	<u>People of the State of Illinois v. Heritage FS, Inc.</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 Kankakee County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 05-15</b>	<u>Bill Carter d/b/a Carter Convenience v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a White County facility.	5-0 UST Appeal
<b>PCB 05-16</b>	<u>Royer Oil (Sorento Garage) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Bond County facility.	5-0 UST 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 &amp; Safety</u> – No action taken.	A-E
<b>PCB 05-54</b>	<u>Rock Road Companies, Inc. v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 05-67</b>	<u>John F. Nocita v. Application of Greenwood Transfer, L.L.C. for Transfer Station Local Siting Approval in Village of Maywood, Illinois</u> – The Board on its own motion dismissed this petition for review, finding that the Board lacks jurisdiction under the Environmental Protection Act to hear this appeal.	5-0 P-C-F-S-R 3 <sup>rd</sup> party
<b>PCB 05-72</b>	<u>Robert and Tony Thompson v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Alexander County facility.	5-0 UST Appeal

**PCB 05-73**      City of Sullivan 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 Moultrie County facility.      5-0  
UST  
Appeal  
90-Day  
Ext.

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**PCB 05-74**      Hartford Working Group v. IEPA – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion to stay effectiveness of the contested permit conditions.      5-0  
P-A, Air

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**PCB 05-75**      People of the State of Illinois v. Dennis Elahi d/b/a Paramount Management and Construction Company – 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

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**PCB 05-76**      Kramer’s Service Station 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 Vermilion County facility.      5-0  
UST  
Appeal  
90-Day  
Ext.

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**PCB 05-77**      Wiseman/PJ’s Shortstop v. IEPA – The Board accepted for hearing this underground storage tank appeal involving an Edgar County facility.      5-0  
UST  
Appeal

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**CASES PENDING DECISION**

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**OTHER ITEMS**

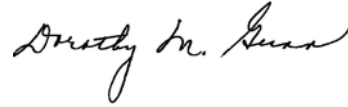
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## **ADJOURNMENT**

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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 November 18, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board