

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



FEBRUARY 17, 2005 CHICAGO, ILLINOIS
100 W. Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, Member Girard welcomed members of the public and staff.

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present except for Chairman Novak who was absent.

APPROVAL OF MINUTES

Minutes of the February 3, 2005 meeting were approved by a vote of 4-0.

RULEMAKINGS

R04-22	<u>In the Matter of: Proposed Amendments to Regulation of</u>	4-0
R04-23	<u>Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code</u>	Johnson
(Cons.)	<u>732); In the Matter of: Regulation of Petroleum Leaking</u>	concurred
	<u>Underground Storage Tanks (Proposed New 35 Ill. Adm. Code</u>	R, UST
	<u>734) – Following seven public hearings on the Illinois</u>	
	Environmental Protection Agency proposal, the Board adopted a	
	first notice proposal to amend the Board’s land pollution control	
	regulations.	

ADJUSTED STANDARDS

AS 04-2 In the Matter of: Petition of Jo'lyn Corporation and Falcon Waste and Recycling, Inc. for an Adjusted Standard from Portions of 35 Ill. Adm. Code 807.103 and 35 Ill. Adm. Code 810.103 or in the Alternative a Finding of Inapplicability – No action taken. Melas
Land

AS 05-3 In the Matter of: Waste Management of Illinois, Inc. for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122 for Solid Treatment Residual from CID Recycling and Disposal Facility Biological Liquid Treatment Center – Pending receipt of the certificate of publication, the Board held this DuPage County facility's petition for an adjusted standard from the Board's hazardous waste regulations. Land

AS 05-4 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) – Pending receipt of the certificate of publication, the Board held this Cook County facility's petition for an adjusted standard from the Board's organic material emission standards and limitations for the Chicago area. Air

ADMINISTRATIVE CITATIONS

AC 04-31 IEPA v. Equipping the Saints Ministry, International, Inc. – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Macoupin County facility, the Board found that respondent 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 respondent's petition for review and the alleged violations of 415 ILCS 5/21(p) (2), (7) (2002). 4-0

AC 05-19	<u>IEPA v. David and Shelby Hill and N.E. Finch Company</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Fulton 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)(3), (7) (2002).	4-0
AC 05-40	<u>IEPA v. Northern Illinois Service Company</u> – The Board accepted for hearing this amended petition for review of an administrative citation against this Winnebago County respondent.	4-0
AC 05-45	<u>IEPA v. Double S. Masonry, Inc., Curtis R. Seei and Ronald Seei</u> – The Board on its own motion dismissed the administrative citation as to Ronald Seei for lack of timely service. The Board found that the remaining Henry County respondents violated Sections 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2002)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
AC 05-47	<u>IEPA v. Stacy Hess</u> – The Board directed respondent to file an amended petition for review specifying the grounds for appeal within 30 days, or the Board will dismiss this matter.	4-0
AC 05-51	<u>County of Sangamon v. Patrick O’Keefe</u> – The Board accepted an administrative citation against this Sangamon County respondent.	
AC 05-52	<u>IEPA v. Robert Daniel Spears</u> – The Board accepted an administrative citation against this Cass County respondent.	
AC 05-53	<u>IEPA v. Judy Cornelison</u> – The Board accepted an administrative citation against this Peoria County respondent.	

AC 05-54 IEPA v. Ray Logsdon Estate, Logsdon Sand and Gravel, and M.K. O’Hara Construction, Inc. – The Board accepted an administrative citation against these Cass County respondents.

AC 05-55 IEPA v. Harold Bruley – The Board accepted an administrative citation against this Macoupin County respondent.

AC 05-56 IEPA v. Christopher A. and Jenny L. Good – The Board accepted an administrative citation against these Douglas County respondents.

ADJUDICATORY CASES

Motions and Other Matters

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Inc., 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. – No action taken. Johnson
W-E

PCB 99-187 Gina Pattermann v. Boughton Trucking and Materials, Inc. – The Board denied complainant’s motions for leave to file a reply and for expedited review, but granted its motion for voluntary dismissal without prejudice. The Board denied respondent’s motion requesting litigation expenses. 4-0
A&N-E

PCB 00-104 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. – No action taken. A-E

PCB 03-101	<u>People of the State of Illinois v. Werner, Co.</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.	4-0 A-E
PCB 04-88	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – No action taken.	P-A, NPDES
PCB 04-162	<u>People of the State of Illinois v. Asbestos Control and Environmental Services</u> – No action taken.	A-E
PCB 04-169	<u>Craig’s Service Station v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a McLean County facility.	4-0 UST Appeal
PCB 04-190	<u>Johnson Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 04-207 PCB 97-193	<u>People of the State of Illinois v. Edward Pruum an individual, and Robert Pruum, an individual; People v. Community Landfill Company, Inc.</u> – The Board granted respondent’s motion to consolidate PCB 04-207 with PCB 97-193, but took no action on the other pending motion.	4-0 L-E
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u>	T-S
PCB 04-216 (not cons.)	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	Appeal
PCB 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	Citizens L-E

PCB 05-32	<u>People of the State of Illinois v. GTC, International</u> – No action taken.	A-E
PCB 05-48	<u>Illinois Ayers Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 05-61	<u>Harold Hart Service v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	4-0 UST Appeal
PCB 05-82	<u>Bradley Mobil 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.	4-0 UST Appeal
PCB 05-90	<u>Harper Oil 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 Jefferson County facility.	4-0 UST Appeal
PCB 05-94	<u>APS Properties 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 Macon County facility.	4-0 UST Appeal
PCB 05-101	<u>Mac’s Convenience Stores L.L.C. v. IEPA</u> – The Board accepted for hearing this amended underground storage tank appeal involving a McLean County facility. The Board granted David L. Hatchett’s motion for leave to appear <i>pro hac vice</i> on behalf of petitioner.	4-0 UST Appeal
PCB 05-147	<u>Vision Properties Blue Island, L.L.C. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a Resource Conservation and Recovery Act appeal on behalf of this Cook County facility.	4-0 P-A, Land 90-Day Ext.

PCB 05-148	<u>People of the State of Illinois v. Concrete Specialties Company, an Illinois corporation</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
PCB 05-149	<u>People of the State of Illinois v. Truserv Corporation d/b/a True Value Manufacturing Company</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
PCB 05-150	<u>Kent Hildebrand (Property Identification Number 05-32-300-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kent Hildebrand located in Bureau County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Water
PCB 05-151	<u>John and Ann Beckman (Property Identification Number 13-09-025-015) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of John and Ann Beckman located in Effingham County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Land
PCB 05-152	<u>Robert Furtney (Property Identification Number 12-14-03-300-004) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Robert Furtney located in Champaign County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Water
PCB 05-153	<u>Harmet Farms (Property Identification Number 11-36-400-005) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Harmet Farms located in McLean County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C A&W

PCB 05-154 McLean County Asphalt v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a McLean County facility. 4-0
UST
Appeal

CASES PENDING DECISION

R04-21 In the Matter of: Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.307 and 302.525 – Proposed Rule, Second Notice, Opinion and Order R, Water

R05-2 In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2004 through June 30, 2004 and October 25, 2004) – Adopted Rule, Final Order, Opinion and Order R, Land

R05-16 In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2004 through December 31, 2004) – Proposed Rule, Proposal for Public Comment, Proposed Opinion and Order R, Air

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Member Girard 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 March 3, 2005, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board