

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



May 5, 2005
1021 N. Grand Avenue East
Conference Room 1244 N, First Floor
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Clerk of the Board, by her designee Connie Newman, called the roll. All Board Members answered present.

APPROVAL OF MINUTES

Minutes of the April 21, 2005 meeting were approved by a vote of 5-0,

RULEMAKINGS

R05-20	<u>In the Matter of: Plastic Injection Molding Operations: Proposed Amendments to Exemptions From State Permitting Requirements (35 Ill. Adm. Code 201.146)</u> – The Board granted the motion to waive the petition requirement and accepted for hearing the Chemical Industry Council of Illinois’ April 19, 2005 proposal to amend the Board’s air regulations.	5-0 R, Air
---------------	--	---------------

ADJUSTED STANDARDS

AS 05-6 In the Matter of: Petition of Schaeffer Enterprises of Wolf Lake, Inc. for an Adjusted Standard from Tire Storage Rules at 35 Ill. Adm. Code 848.202(b)(5) and 848.404 – Pending receipt of the certificate of publication, the Board held this DuPage County facility’s petition for an adjusted standard from the Board’s regulations for the management of used and waste tires. Land

ADMINISTRATIVE CITATIONS

AC 05-59 IEPA v. Dale and Carol Hartley – The Board found that these Edgar County respondents violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2002)), and ordered respondents to pay a civil penalty of \$3,000. 5-0

AC 05-66 County of Kankakee v. Municipal Trust & Savings Bank Trust #1697 – The Board accepted an administrative citation against this Kankakee County respondent.

AC 05-67 IEPA v. Donald E. and Mary A. Jennings – The Board accepted for hearing this petition for review of an administrative citation against these Brown County respondents.

AC 05-68 County of Jackson v. Elwood Glasper and Tony Glasper – The Board accepted for hearing this petition for review of an administrative citation against these Jackson County respondents.

ADJUDICATORY CASES

Decisions

PCB 04-135	<u>People of the State of Illinois v. GF Office Furniture, Ltd., L.P., Office Suites, Inc., and GF Furniture Holding, Inc.</u> – In this air enforcement action concerning a Cook 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)), and accepted a stipulation and settlement agreement. The Board ordered the respondents to pay a total civil penalty of \$30,000, to provide emissions excursion compensation in the amount of \$38,590.26 to the Environmental Protection Agency, pursuant to Section 205.720(b) of the Board’s Air Pollution Regulations. 35 Ill. Adm. Code 205.720(b), and to cease and desist from further violations.	5-0 A-E
-------------------	--	------------

Motions and Other Matters

PCB 97-2	<u>People of the State of Illinois v. Jersey Sanitation Corporation</u> – No action taken.	A&W-E
-----------------	--	-------

PCB 97-179	<u>People of the State of Illinois v. Midwest Grain Products of Illinois, Inc.</u> – No action taken.	A-E
-------------------	---	-----

PCB 00-104	<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> – The Board denied respondent Murphy Farms’ motion to dismiss the second amended complaint. The stay was lifted as of the date of this order and Murphy Farms has 30 days from the date of this order, to answer the complaint.	5-0 A-E
-------------------	--	------------

PCB 02-40	<u>Village of Round Lake Park v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this request for variance involving a Lake County facility.	5-0 W-V
------------------	--	------------

PCB 02-105	<u>Board of Trustees of Southern Illinois University Governing Southern Illinois University, Edwardsville v. IEPA</u> – No action taken.	P-A, NPDES
PCB 03-54	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST
PCB 03-56		Appeal
PCB 03-105		
PCB 03-179		
PCB 04-2		
(cons.)		
PCB 03-82	<u>PPG Industries, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Macon County facility.	5-0 P-A, Air
PCB 03-180	<u>Royer Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these underground storage tank appeals involving a Bond County facility.	5-0
PCB 03-186		UST
PCB 03-187		Appeal
(cons.)		
PCB 03-214	<u>Illinois Ayers Oil Company v. IEPA</u> – No action taken.	UST
PCB 05-48		Appeal
(not cons.)		
PCB 04-19	<u>Paul and Donna Fredrickson v. Jeff Grelyak</u> – The Board denied respondent’s motion for summary judgment and directed the hearing officer to proceed expeditiously to hearing.	5-0 Citizens A&N-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 04-100	<u>People of the State of Illinois v. 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 04-131	<u>Circle C, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Jersey County facility.	5-0 UST Appeal
PCB 04-162	<u>People of the State of Illinois v. Asbestos Control and Environmental Services</u> – No action taken.	A-E
PCB 04-167	<u>L. Keller Oil Properties, Inc./Effingham/Downtown Super K v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Effingham County facility.	5-0 UST Appeal
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 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
PCB 05-89	<u>People of the State of Illinois v. Redfearn Earthmoving, 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 Jo Daviess County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E

PCB 05-127	<u>Richard Karlock v. IEPA</u> – No action taken.	UST Appeal
PCB 05-138	<u>BP Products North America, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Madison County facility.	5-0 P-A, RCRA
PCB 05-157	<u>Grand Pier Center L.L.C. and American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C. v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Kerr-McGee Chemical L.L.C.</u> – No action taken.	L-E
PCB 05-179	<u>Arthur Keller-Willow Hill (Livestock Waste Management Facilities) (Property Identification Number 94-15-18-300-007) v. IEPA</u> – The Board did not receive any petition for review of the Agency’s recommendation to deny certification. Consistent with the Agency’s recommendation, the Board declined to certify that Arthur Keller-Willow Hill’s dead animal compost bin is a pollution control facility and dismissed this matter.	5-0 T-C Water
PCB 05-186	<u>Midwest Petroleum Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	5-0 UST Appeal
PCB 05-187	<u>Southeastern Community Unit School District No. 337 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 Hancock County facility.	5-0 UST Appeal 90-Day Ext.

PCB 05-188	<u>Road Ranger 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.
PCB 05-189	<u>Wayne & Dennis Swanson 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 Kane County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-190	<u>Stoller International, 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 Livingston County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-191	<u>People of the State of Illinois v. Castle Ridge Estates, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Madison County.	5-0 W-E
PCB 05-192	<u>People of the State of Illinois v. Bag Makers, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in McHenry County.	5-0 A-E

CASES PENDING DECISION

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

OTHER ITEMS

The Board granted Chairman's motion approving a proclamation commemorating Kathleen Crowley's 25th anniversary with the Board by a vote of 5-0.

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:26 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 19, 2005, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board