

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



APRIL 18, 2002
CHICAGO OFFICE-100 West Randolph
VIDEO CONFERENCE ROOM 11-512
and
SPRINGFIELD OFFICE-600 South Second Street
VIDEO CONFERENCE ROOM 402
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

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

APPROVAL OF MINUTES

The minutes were approved by a vote of 5-0, as amended to show Member Tristano joined in Member Lawton's concurrence in PCB 02-42, City of Canton v. IEPA. Chairman Manning abstained.

RULEMAKINGS

R01-26	<u>In the Matter of: Amendments to Regulation of Petroleum Leaking Underground Storage Tanks: 35 Ill. Adm. Code 732</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board's underground storage tank regulations.	6-0 R, Land
R01-27	<u>In the Matter of: Site Remediation Programs: Amendments to 35 Ill. Adm. Code 740; In the Matter of: Site Remediation Program: Proposed 35 Ill. Adm. Code 740.Subpart H (Schools, Public Parks, and Playgrounds)</u> – The Board adopted a final opinion and order in this consolidated rulemaking to amend the Board's site remediation program regulations.	6-0
R01-29 (Cons.)		R, Land

R02-1	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2001 through June 30, 2001); RCRA Subtitle C Update, USEPA Amendments (July 1, 2001 through December 31, 2001 and January 22, 2002), March 13, 2002, and April 9, 2002; UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001)</u> – The Board adopted a final opinion and order in this consolidated “identical-in-substance” rulemaking which amended the Board’s hazardous waste and underground injection control regulations.	6-0
R02-12		R, Land
R02-17		
(Cons.)		

ADMINISTRATIVE CITATIONS

AC 02-33	<u>IEPA v. Lisa Lewey-Shields and Paul Shields</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Champaign County facility.	6-0
AC 02-39	<u>IEPA v. Jerel Childers</u> – The Board accepted for hearing this petition for review of an administrative citation against this Massac County respondent.	6-0
AC 02-41	<u>IEPA v. Dwaine Bauer and Tim Tipsword</u> – The Board found that these Cumberland County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondents to pay a civil penalty of \$1,500.	6-0
AC 02-42	<u>IEPA v. Herbert L. Board</u> – The Board accepted for hearing this petition for review of an administrative citation against this Edgar County respondent.	6-0
AC 02-51	<u>IEPA v. Gerald Goines</u> – The Board accepted an administrative citation against this Johnson County respondent.	
AC 02-52	<u>IEPA v. Maurice Newcomer</u> – The Board accepted an administrative citation against this Carroll County respondent.	

AC 02-53 IEPA v. Edward E. Tucker and Gibson Materials Company – The Board accepted an administrative citation against these Ford County respondents.

Decisions

PCB 02-30 People of the State of Illinois v. Meridian Development Corporation – In this water enforcement action concerning a Lake 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) (2000)), accepted a final stipulation and settlement agreement, ordered this respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations. 6-0
W-E

ADJUDICATORY CASES

Motions and Other Matters

PCB 98-55 Donald McCarrell and Ann McCarrell v. Air Distribution Associates, Inc. – No action taken. Citizens
L-E

PCB 99-134 People of the State of Illinois v. Peabody Coal Company – The Board granted respondent’s motion for leave to file instanter, denied respondent’s motion for leave to file a reply, and denied all motions filed on April 17, 2002 as moot. Complainant must file any response to the motion to dismiss or strike no later than May 2, 2002. 6-0
W-E

PCB 00-33 People of the State of Illinois v. Laidlaw Corporation – 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 Massac County facility, the Board ordered publication of the required newspaper notice. 6-0
A-E

PCB 00-110 People of the State of Illinois v. Joe Decicco Demolition, Inc. – The Board granted complainant’s motion for summary judgment, and found respondent in violation of Section 9.1(d)(1) of the Act (415 ILCS 5/9.1(d)(1) (2000)), and Sections 61.145(b)(3), 61.145(b)(4)(i), 61.145(b)(4)(iii), 61.145(b)(4)(v), and 61.145(b)(4)(ix) of the asbestos National Emission Standards for Hazardous Air Pollutants (40 C.F.R. §§ 61.145(b)(3), 61.145(b)(4)(i), 61.145(b)(4)(iii), 61.145(b)(4)(v), and 61.145(b)(4)(ix)). 6-0
A-E

61.145(b)(4)(ix) (2000)). The Board directed this matter to hearing on the specific issues of the appropriate penalty amount, costs, and attorney fees.

PCB 00-111	<u>People of the State of Illinois v. R. Frietsch & Company, Inc.</u> – No action taken.	A-E
PCB 00-181	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties and the Board of Education of Belvidere District 100</u> – No action taken.	Citizens UST-E
PCB 01-144	<u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, PrairieLand Construction, Inc., and Rich Williams d/b/a C.R. Williams & Associates Architects Cross-Respondents</u> – No action taken.	PWS-E
PCB 02-1	<u>People of the State of Illinois v. Stein Steel Mill Services, Inc.</u> – The Board granted in part and denied in part complainant’s motion to strike affirmative defenses. This matter was ordered to hearing on the remaining allegations.	6-0 A-E
PCB 02-21	<u>People of the State of Illinois v. J&F Hauling, Inc.</u> – No action taken.	RCRA-E
PCB 02-41	<u>Milton and Virginia Kamholz v. Lawrence and Marianne Sporleder</u> – No action taken.	Citizens A&N-E
PCB 02-53	<u>E&L Trucking Company v. IEPA</u> – The Board denied both respondent’s motion for extension of time to file administrative record and petitioner’s motion for sanctions. The Board directed that the record be filed immediately, and that hearing be set within 30 days.	6-0 UST Appeal
PCB 02-56	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – The Board denied complainant’s motion to strike affirmative defenses.	6-0 W-E
PCB 02-58	<u>Sauer-Danfoss (US) Company v. IEPA</u> – The Board granted	6-0

petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a LaSalle County facility.

UST
Appeal

PCB 02-85	<u>MAC Investments 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 Cook County facility.	6-0 UST Fund
PCB 02-91	<u>Rezmar Corporation v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 Melas abstained UST Fund
PCB 02-94	<u>Illinois State Toll Highway Authority (Hinsdale Oasis – West) 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 DuPage County facility.	6-0 UST Fund
PCB 02-101	<u>E&L Trucking Company v. IEPA</u> – The Board denied respondent's motion for reconsideration or clarification of the Board's March 7, 2002 order dismissing this appeal.	6-0 UST Fund
PCB 02-108	<u>Saline County Landfill, Inc. v. IEPA; Saline County, intervenor</u> – The Board granted the County of Saline's (County) motion to intervene, but denied both the petitioner's and the County's motions for summary judgment. This matter was ordered to hearing on the remaining contested issues.	6-0 P-A, Land
PCB 02-157	<u>David L. Weber and Rachel B. Weber v. Cisco United Methodist Church</u> – The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Piatt County facility.	Citizens N-E
PCB 02-162	<u>People of the State of Illinois v. Fox Valley Dry Wall, Inc.</u> – The Board accepted for hearing this underground storage tank enforcement action involving a Kane County facility.	6-0 UST-E

PCB 02-163	<u>Illinois State Toll Highway Authority (Lincoln Oasis – North) 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 Cook County facility.	6-0 UST Appeal 90-Day Ext.
PCB 02-164	<u>Barbara and Ronald Stuart v. Franklin Fisher</u> – The Board held for a later duplicitous/frivolous determination this citizens’ noise enforcement action involving a Will County facility.	Citizens N-E
PCB 02-165	<u>Lyons Township High School District 204 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	6-0 UST Fund
PCB 02-166	<u>Mick’s Garage 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.	6-0 UST Appeal
PCB 02-167	<u>Novotny Farms, L.L.C v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Novotny Farms, L.L.C. 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 (2000)).	6-0 T-C
PCB 02-168	<u>Kathryn Bradley v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kathryn Bradley 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 (2000)).	6-0 T-C
PCB 02-169	<u>High View, L.L.C. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of High View, L.L.C. located in Stephenson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 T-C

PCB 02-170	<u>Charles L. Rich v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Charles L. Rich 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 (2000)).	6-0 T-C
PCB 02-171	<u>Reichhold Chemicals, 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 Cook County facility.	6-0 UST Fund
PCB 02-172	<u>Reichhold Chemicals, 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 Cook County facility.	6-0 UST Fund
PCB 02-173	<u>City of Waukegan et al. v. IEPA and North Shore Sanitary District</u> – No action taken.	P-A, Land, Air 3rd Party

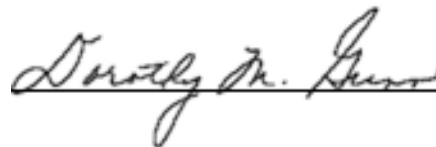
CASES PENDING DECISION

AS 02-2	<u>In the Matter of: Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u>	Land
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ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning 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 May 2, 2002 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

