

DRAFT ILLINOIS POLLUTION CONTROL BOARD MEETING MINUTES



MAY 16, 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 and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the May 2, 2002 meeting were approved by a vote of 7-0.

ADMINISTRATIVE CITATIONS

AC 01-29 IEPA v. Lesslie Yocum, Sandra Yocum, Rick L. Yocum, and
AC 01-30 Shawna B. Yocum (Birmingham/Yocum #1); IEPA v. Lesslie
(Cons.) Yocum and Sandra Yocum (Birmingham/Yocum #2) – No action
 taken.

AC 01-44 IEPA v. Charles Haley d/b/a Haley Brothers Construction – In 7-0
 response to a joint stipulation and settlement agreement in this
 administrative citation action involving an Iroquois County facility,
 the Board found respondent violated Section 21(p)(3) of the
 Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (2000))
 and ordered respondent to pay a civil penalty of \$1,500. The Board
 also granted the parties' joint motion to dismiss the alleged
 violation of Section 21(p)(1) of the Act. 415 ILCS 5/21(p)(1)
 (2000).

AC 02-35 IEPA v. E. Lewis Look – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss the alleged violation of Section 21(p)(7) of the Act. 415 ILCS 5/21(p)(7) (2000). 7-0

AC 02-49 Ogle County v. Loren and Mary Hart d/b/a Rolling Meadows Mobile Home Park and Jeff Hart – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Ogle County facility, the Board found respondent violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (2000)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss the alleged violation of Sections 21(p)(1) and (p)(7) of the Act. 415 ILCS 5/21(p)(1), (p)(7) (2000). 7-0

AC 02-50 IEPA v. Gordon Romine d/b/a Romine Disposal – The Board found that this Fulton County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondent to pay a civil penalty of \$1,500. 7-0

AC 02-51 IEPA v. Gerald Goines – The Board accepted for hearing this petition for review of an administrative citation against this Johnson County respondent. 7-0

AC 02-53 IEPA v. Edward E. Tucker and Gibson Materials, Company – The Board found that these Ford County respondents violated Sections 21(p)(1), (p)(3), (p)(4), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4), (p)(7) (2000)), and ordered respondents to pay a civil penalty of \$6,000. 6-1
Girard
dissented

AC 02-54 IEPA v. Rayetta Thompson – The Board accepted an administrative citation against this Union County respondent.

Decisions

PCB 00-33	<u>People of the State of Illinois v. Laidlaw Corporation</u> – In this air enforcement action concerning a Massac 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 the respondent to pay a total civil penalty of \$50,000, and to cease and desist from further violations.	7-0 A-E
PCB 00-219	<u>Stephen G. Brill v. Henry Latoria, individually and d/b/a TL Trucking Foodliner</u> – No action taken.	Citizens N&A-E
PCB 02-108	<u>Saline County Landfill, Inc. v. IEPA; County of Saline, Intervenor</u> – The Board affirmed the Illinois Environmental Protection Agency’s January 4, 2002 decision to deny Saline County Landfill, Inc.’s application for a development permit to expand the Saline County Landfill, due to lack of proof of local siting approval.	7-0 P-A, Land

ADJUDICATORY CASES

Provisional Variances

Since the Board must decide provisional variances within forty-eight hours of their filing, any provisional variances filed prior to this meeting will be included here.

PCB 02-200	<u>Precoat Metals v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Madison County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).	7-0 RCRA L-V
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Motions and Other Matters

PCB 92-102	<u>Moline/Dutchway Cleaners v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Rock Island County facility.	7-0 UST Fund
PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest f/d/b/a S&S Petroleum Products, Peter Anest f/d/b/a S&S</u>	7-0 L&W-E

Petroleum Products, Charles Abraham, Josephine Abraham, and Millstream Service, Inc.; Charles Abraham, Josephine Abraham, and Millstream Services, Inc., Cross-Complainants v. William Anest and Peter Anest, Cross-Respondents – The Board denied the motions for certification of issues for interlocutory appeal and to stay the proceedings. The Board directed this matter to hearing as expeditiously as practicable.

PCB 97-113	<u>People of the State of Illinois v. Homin Lee d/b/a Meisel Plating</u> – No action taken.	RCRA-E
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – No action taken.	W-E
PCB 00-110	<u>People of the State of Illinois v. Joe Decicco Demolition, Inc.</u> – The Board rescinded its interim order of April 18, 2002, denied complainant’s November 19, 2001 motion for summary judgment in its entirety, and directed this matter to hearing.	7-0 A-E
PCB 00-111	<u>People of the State of Illinois v. R. Frietsch & Company, Inc.</u> – No action taken.	A-E
PCB 00-160	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> – On receipt of the May 2, 2002 mandate from the Fourth District Appellate Court, the Board ordered this matter to proceed to hearing. (The Appellate Court reversed the Board’s August 24, 2000 decision in this proceeding finding that the Board had jurisdiction, and remanded the appeal for further proceedings.)	7-0 P-A, Land
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 02-48	<u>Economy Mechanical Industries, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST Fund

PCB 02-92	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Knox County facility.	7-0 UST Fund
PCB 02-96	<u>Estate of Edmund F. Radkiewicz v. IEPA</u> – No action taken.	UST Appeal
PCB 02-105	<u>Southern Illinois University, Edwardsville v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility.	7-0 P-A, NPDES
PCB 02-107	<u>Midway 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 Rock Island County facility.	7-0 UST Appeal
PCB 02-164	<u>Barbara and Ronald Stuart v. Franklin Fisher</u> – In this citizens’ noise enforcement action involving a Will County facility, the Board denied in part and granted in part the motion to dismiss, and struck as frivolous the alleged violations of Section 23 of the Environmental Protection Act (Act) (415 ILCS 5/23 (2000)) and of the Humane Care for Animals Act (510 ILCS 70/3.01, 3.02, and 3.03 (2000)). The Board found that the remaining alleged violation of the Board’s regulations is neither duplicitous nor frivolous, and accepted it for hearing.	7-0 Citizens N-E
PCB 02-191	<u>Dairy King Farms, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dairy King Farms, Inc. located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-192	<u>Probst Pork, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Probst Pork, Inc. located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	Manning T-C

PCB 02-193	<u>Illinois Valley Paving Company 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 Scott County facility.	7-0 UST Appeal 90-Day Ext.
PCB 02-194	<u>Cooperative Gas & Oil Company v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Cooperative Gas & Oil Co. located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-195	<u>R. Dean Lower v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of R. Dean Lower located in Carroll County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-196	<u>Smoot Oil Company 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 Union County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-197	<u>Nicor Gas v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Livingston and McLean County facility.	7-0 P-A, Air 90-Day Ext.
PCB 02-198	<u>People of the State of Illinois v. Olin Corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	7-0 RCRA-E

PCB 02-199 People of the State of Illinois v. Great Lakes Terminal & Transport Corporation – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.

7-0
RCRA-E

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:32 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 6, 2002 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board