

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JULY 7, 2005
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

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

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the June 16, 2005 meeting were approved by a vote of 4-0.

RULEMAKINGS

None.

ADJUSTED STANDARDS

AS 05-7	<u>In the Matter of: Petition of Waste Management of Illinois, Inc. for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721 and for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122 for Treatment Residual of CID Recycling and Disposal Facility Biological Liquid Treatment Center – No action taken.</u>	Land
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ADMINISTRATIVE CITATIONS

AC 04-79	<u>City of Chicago Department of Environment v. National Material Limited Partnership</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cook County facility, the Board found that respondent had violated Section 21(p)(4) of the Environmental Protection Act (415 ILCS 5/21(p)(4) (2004)) 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 violation of 415 ILCS 5/21(p) (6) (2004).	4-0
AC 04-82	<u>IEPA v. John Brown d/b/a John Brown Painting</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 \$404.83 and a civil penalty of \$3,000. This order follows the Board's interim order of May 19, 2005, which found that this respondent had violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2004)) at his Massac County facility.	4-0
AC 05-69	<u>IEPA v. Waste Management of Illinois, Inc. and Michael Wiersema</u> – The Board found that these DeKalb County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2004)), and ordered respondents to pay a civil penalty of \$500.	4-0
AC 05-70	<u>IEPA v. James Stutsman</u> – The Board accepted for hearing this petition for review of an administrative citation against this Mason County respondent.	4-0
AC 05-71	<u>IEPA v. Gene Breeden</u> – The Board found that this Iroquois County respondent violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)), and ordered respondent to pay a civil penalty of \$3,000.	4-0

AC 05-72	<u>IEPA v. Gary Clover d/b/a Clover Concrete</u> – The Board accepted for hearing this petition for review of an administrative citation against this Williamson County respondent.	4-0
AC 05-74	<u>IEPA v. Richard Holmes d/b/a Rich’s Towing and Linda Holmes</u> – The Board accepted for hearing respondent Linda Holmes’ petition for review of an administrative citation. Because Richard Holmes d/b/a Rich’s Towing (Richard Holmes) failed to timely file a petition for review, the Board found that this Jackson County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered Richard Holmes to pay a civil penalty of \$1,500.	4-0
AC 05-75	<u>County of Montgomery v. Lawrence & Tina Dickenson</u> – The Board found that these Montgomery County respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)), and ordered respondents to pay a civil penalty of \$3,000.	4-0
AC 05-76	<u>County of Jackson v. Gary D. Clover</u> – The Board accepted for hearing this petition for review of an administrative citation against this Jackson County respondent.	4-0
AC 05-78	<u>County of Kankakee v. Municipal Trust & Savings Bank Trust #1605</u> – No action taken.	
AC 05-79	<u>IEPA v. Richard Lee Tedrow and Penny E. Tedrow</u> – The Board accepted an administrative citation against these Pike County respondents.	
AC 05-80	<u>County of Kankakee v. John and Ella Hall and South Holland Trust #10897</u> – The Board accepted an administrative citation against these Kankakee County respondents.	

ADJUDICATORY CASES

Decisions

PCB 04-194 People of the State of Illinois v. Dur-O-Wal, Inc. – In this water enforcement action concerning a Kane 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$30,000, and to cease and desist from further violations. 4-0
W-E

Motions and Other Matters

PCB 02-105 Board of Trustees of Southern Illinois University Governing Southern Illinois University, Edwardsville v. IEPA – No action taken. P-A,
NPDES

PCB 03-54 Freedom Oil Company v. IEPA – No action taken. UST
PCB 03-56 Appeal

PCB 03-105

PCB 03-179

PCB 04-2

(cons.)

PCB 04-12 Teresa L. Shepro as Trustee of the Justice W. Shepro Trust, and Teresa L. Shepro and Frank Wiemerslage as Beneficiaries Under Trust No. 898 of the Chicago Trust Company v. Newby Oil Company, David E. Tripp, and Janice L. Tripp – The Board granted complainants' motion for voluntary dismissal of this citizens' land and water enforcement involving a DeKalb County facility. 4-0
Citizens
L&W-E

PCB 04-88 Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox – No action taken. P-A,
NPDES

PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County</u> – No action taken.	P-C-F-S-R
PCB 04-205	<u>People of the State of Illinois v. All States Painting, 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 and water enforcement action involving a Morgan County facility, the Board ordered publication of the required newspaper notice.	4-0 A&W-E
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u>	4-0
PCB 04-216 (not cons.)	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – The Board declined to consolidate these two trade secret appeals, PCB 04-215 and PCB 04-216, at this time. The Board directed the hearing officer to consider holding the two hearings consecutively and to otherwise manage these cases so as to allow for the most efficient use of the resources of the Board and the parties. In addition, the Board granted petitioner ComEd’s motion to strike from the PCB 04-215 docket pleadings unrelated to that appeal, and directed the Clerk to amend the records of each appeal as needed to ensure that neither record contains any filing related solely to the other appeal. The Board reserved ruling on all other pending issues.	T-S 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 05-127	<u>Richard Karlock v. IEPA</u> – No action taken.	UST Appeal
PCB 05-148	<u>People of the State of Illinois v. Concrete Specialities, 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 05-155	<u>Midwest Petroleum Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	4-0 UST Appeal
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 05-181	<u>People of the State of Illinois v. Pattison Associates, L.L.C. and 5701 South Calumet L.L.C.</u> – No action taken.	A-E
PCB 05-184	<u>Harvey B. Whitaker v. IEPA</u> – The Board dismissed this underground storage tank appeal due to petitioner’s failure to comply with the Board’s April 21, 2005 order, which ordered petitioner to file an amended petition to cure noted deficiencies within 30 days.	4-0 UST Appeal
PCB 05-193	<u>Vernon and Elaine Zohfeld v. Bob Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton, and Steve Kinder</u> – The Board found that the alleged violations were neither duplicative nor frivolous, struck complainants’ request for attorney fees and costs, and accepted for hearing this matter involving a Hamilton County site.	4-0 Citizens A-E
PCB 05-196	<u>Kapp, Inc. v. Hartley Carlton individually and d/b/a One Hour Cleaners</u> –The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Macon County site.	4-0 Citizens L-E
PCB 05-212	<u>John & Linda Maracic v. TNT Logistics</u> – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Will County facility.	Citizens N-E

PCB 05-213	<u>Vincent & Jennifer Neri v. TNT Logistics</u> – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Will County facility.	Citizens N-E
PCB 05-215	<u>People of the State of Illinois v. First Rockford Group, Inc., Village of Cherry Valley, Heritage Engineering, Ltd., and Schlichting & Sons Excavating, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Winnebago County.	4-0 PWS-E
PCB 05-216	<u>Wayne Haser v. TNT Logistics</u> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a Will County facility.	Citizens N-E
PCB 05-217	<u>Ken Blouin v. TNT Logistics</u> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a Will County facility.	Citizens N-E
PCB 05-218	<u>13 East Quick Stop v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Williamson County facility.	4-0 UST Appeal
PCB 05-219	<u>People of the State of Illinois v. Conair Corporation</u> – The Board accepted for hearing this air, land, and Resource Conservation and Recovery Act, enforcement action involving a site located in Champaign County.	4-0 A, L, & RCRA-E
PCB 05-220	<u>Kenneth E. Medema, Jr. v. TNT Logistics</u> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a Will County facility.	Citizens N-E
PCB 05-221	<u>People of the State of Illinois v. Ron Freeman individually and d/b/a Harbor Lites-Pistakee Fishing Club</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Lake County.	4-0 PWS-E

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Novak adjourned the meeting at 11:25 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 21, 2005, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board