

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



AUGUST 4, 2005 SPRINGFIELD OFFICE
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 called the roll. All Board Members answered present.

APPROVAL OF MINUTES

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

RULEMAKINGS

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| R06-8 | <u>In the Matter of: Proposed Site-Specific Perlite Waste Disposal Regulation Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810 – No action taken.</u> | R, Land |
| R06-9 | <u>In the Matter of: Amendments to the Procedural Rules – “Pollution Control Facility” Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) – The Board adopted for first notice its own proposal to amend its procedural rules. The proposed rules will reflect three recent amendments to the definition of “pollution control facility” in the Environmental Protection Act (Act) (415 ILCS 5/1 <i>et seq.</i> (2004)). The Board will accept written public comments but does not expect to hold a public hearing.</u> | 5-0
R, Proc.
Rules |
-

ADJUSTED STANDARDS

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) – The Board granted this Cook County petitioner an adjusted standard, with conditions, from the Board rules concerning the emission of volatile organic materials, for its facility that recycles magazines into tissue and toweling products. 5-0
Land

AS 05-7 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. Land

ADMINISTRATIVE CITATIONS

AC 04-80 IEPA v. Joseph Luparell and Troy Curley – The Board granted complainant’s motion for voluntary dismissal of this administrative citation. 5-0

AC 05-78 County of Kankakee v. Municipal Trust & Savings Bank Trust #1605 – The Board granted complainant’s motion to remove Municipal Trust & Savings Bank as respondent and to add James R. Vining as sole respondent. The Board found that this Kankakee County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$4,500. 5-0

AC 05-79 IEPA v. Richard Lee Tedrow and Penny E. Tedrow – The Board found that these Pike County respondents violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondents to pay a civil penalty of \$1,500. 5-0

AC 05-80 County of Kankakee v. South Holland Trust #10897 & John & Ella Hall – No action taken.

AC 06-1 County of Vermilion, Illinois v. Phil Rouse – The Board accepted for hearing this petition for review of an administrative citation against this Vermilion County respondent. 5-0

AC 06-2 County of LaSalle v. Harriet Baugher and John Baugher – The Board accepted an administrative citation against these LaSalle County respondents.

AC 06-3 IEPA v. Alva McDowell d/b/a McDowell Auction Service – The Board accepted an administrative citation against this Bond County respondent.

ADJUDICATORY CASES

Decisions

None

Motions and Other Matters

PCB 97-11 People of the State of Illinois v. White & Brewer Trucking – The Board granted complainant’s motion to voluntarily dismissal of this enforcement action involving a Montgomery County facility. 5-0
L,W-E

PCB 00-104 People of the State of Illinois v. The Highlands, L.L.C. and Murphy Farms, Inc. – No action taken. A-E

PCB 01-115 People of the State of Illinois v. Valley Petroleum, Inc. – 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 DuPage County facility, the Board ordered publication of the required newspaper notice. 5-0
A,W-E

PCB 02-11	<u>Doris Glave v. Brent Harris, Patty Harris, and Winds Chant Kennel, Inc.;</u>	5-0
PCB 02-32	<u>Village of Grayslake v. Winds Chant Kennel, Inc. – The</u>	Citizens
(Cons.)	Board granted the parties’ joint motion to stay the proceeding until May 3, 2006.	N-E
PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc, Sheri Clementi, Individually and as President of Millenium Recycling & Solid Waste Consultants, Inc., and Michael Lorence</u> – No action taken.	L-E
PCB 02-105	<u>Board of Trustees of Southern Illinois University Governing Southern Illinois University, Edwardsville v. IEPA</u> – The Board granted petitioner’s motion for summary judgment in part and denied the motion in part. Simultaneously, the Board granted the respondent’s motion for summary judgment in part and denied it in part. The Board ordered respondent to strike Special Condition 2.B and remove any reference to Section 302.211(e) from petitioner’s National Pollutant Discharge Elimination System permit no. IL 0075211. The Board affirmed the issuance of permit no. IL 0075211 with respect to the remaining contested conditions, Special Condition 2.A and 3.	5-0 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 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – No action taken.	L-E

PCB 04-84	<u>People of the State of Illinois v. Paramount Developers, 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 DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 W-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 04-209	<u>DiMucci Development Corporation v. IEPA</u> – No action taken.	UST Appeal
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> - No action taken.	T-S Appeal
PCB 04-216	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	Moore T-S Appeal
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
PCB 05-149	<u>People of the State of Illinois v. Truserv Corporation d/b/a True Value Manufacturing Company</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 05-157	<u>Grand Pier Center L.L.C. 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.	Citizens 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 05-183	<u>Webb & Sons, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Coles County facility.	5-0 UST Appeal
PCB 05-187	<u>Southeastern Community Unit School District No. 337 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 Hancock County facility.	5-0 UST Appeal
PCB 05-188	<u>Road Ranger 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.	5-0 UST Appeal
PCB 05-189	<u>Wayne & Dennis Swanson 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.	5-0 UST Appeal
PCB 05-190	<u>Stoller International, Inc. 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 Livingston County facility.	5-0 UST Appeal
PCB 05-193	<u>Vernon and Elaine Zohfeld v. Robert Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton and Steve Kinder</u> – No action taken.	Citizens A-E
PCB 05-207	<u>People of the State of Illinois v. Precision Twist Drill Company</u> – The Board granted John J. McAleese, III motion for leave to appear <i>pro hac vice</i> on behalf of respondent.	5-0 A-E

PCB 05-212	<u>John & Linda Maracic v. TNT Logistics</u> – No action taken.	Citizens N-E
PCB 05-216	<u>Wayne Haser v. TNT Logistics</u> – No action taken.	Citizens N-E
PCB 05-217	<u>Ken Blouin v. TNT Logistics</u> – No action taken.	Citizens N-E
PCB 05-220	<u>Kenneth E. Medema, Jr. v. TNT Logistics</u> – No action taken.	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> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 PWS-E
PCB 06-1	<u>Robert F. Kasella, Jr. v. Kellie R. Kasella v. TNT Logistics</u> – No action taken.	Citizens N-E
PCB 06-7	<u>Lawrence Keith Padgett and Charlotte Ann Padgett v. Attorney's Title Guaranty Fund, Inc.</u> – The Board held for a later duplicative/frivolous determination this citizens' noise enforcement action involving a Champaign County facility.	Citizens N-E
PCB 06-9	<u>The Estate of Gerald Hess v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal

PCB 06-10	<u>Kane Illinois Properties 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 Lake County facility.	5-0 UST Appeal 90-Day Ext.
PCB 06-11	<u>Silbrico Corporation v. IEPA</u> – No action taken.	L-V
PCB 06-12	<u>David Billington Farm-Cisne (Property Identification Number 03-24-025-001)</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of David Billington Farm located in Wayne County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C
PCB 06-13	<u>St. Francis Pet Crematory & Kennels, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Winnebago County facility.	5-0 P-A, Land
PCB 06-14	<u>Q&E Properties, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Sangamon County facility.	5-0 UST Appeal
PCB 06-15	<u>People of the State of Illinois v. Illinois-American Water Company</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.	5-0 PWS-E

CASES PENDING DECISION

AC 04-63 County of Jackson v. Egon Kamarasy – Final Opinion and Order
AC 04-64
 (cons.)

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:28 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 18, 2005, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board