

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

---



**SEPTEMBER 1, 2005 CHICAGO OFFICE**  
**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. (The audio connection between the Springfield and Chicago sites was of good quality throughout the meeting, but the video connection could not be established due to technical difficulties.)

### **ROLL CALL**

---

The Clerk of the Board called the roll. All Board Members answered present.

### **APPROVAL OF MINUTES**

---

Minutes of the August 18, 2005 meeting were approved by a vote of 4-0. Member Melas abstained.

### **RULEMAKINGS**

---

<b>R04-26</b>	<u>In the Matter of: Interim Phosphorus Effluent Standard, Proposed</u>	R, Water
	<u>35 Ill. Adm. Code 304.123(g-k) – No action taken.</u>	

---

**R06-1**            In the Matter of: UST Update, USEPA Regulations (January 1, 2005 through June 30, 2005) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of January 1, 2005 through June 30, 2005.            5-0  
R, Land

---

**R06-2**            In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2005 through June 30, 2005) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of January 1, 2005 through June 30, 2005.            5-0  
R, Water

---

**R06-3**            In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2005 through June 30, 2005) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic material emission regulations during the update period of January 1, 2005 through June 30, 2005.            5-0  
R, Air

---

**R06-4**            In the Matter of: SDWA Update, USEPA amendments (January 1, 2005 through June 30, 2005) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its public water supply regulations during the update period of January 1, 2005 through June 30, 2005.            5-0  
R, Land

---

**R06-8**            In the Matter of: Proposed Site-Specific Perlite Waste Disposal Regulation Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810) – The Board granted the motion to waive the petition requirement and accepted for hearing Silbrico Corporation's July 19, 2005 proposal for a site-specific rulemaking to amend the Board's land pollution control regulations.            5-0  
R, Land

---

## **ADJUSTED STANDARDS**

---

**AS 05-5**      In the Matter of: Petition of Ford Motor Company for an Adjusted Standard from 35 Ill. Adm. Code 218.586 – The Board granted this Cook County petitioner an adjusted standard, with conditions, from the Board’s organic material emission standards and limitations for the Chicago area with regard to gasoline dispensing and motor vehicle fueling operations, for its motor vehicle assembly plant.      5-0  
Air

---

**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 06-1**      County of Vermilion, Illinois v. Phil Rouse – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Vermilion County facility, the Board found that respondent had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2004)) and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review and the alleged violation of 415 ILCS 5/21(p) (1) (2004).      5-0

---

**AC 06-6**      County of Perry v. Joseph Gassell – The Board accepted an administrative citation against this Perry County respondent.

---

**AC 06-7**      County of Perry v. William Campbell, Jr. – The Board accepted an administrative citation against this Perry County respondent.

---

**AC 06-8**      County of Ogle v. Tommy Ray Ramando, DBA Oregon Iron Metal Reclaimers, Inc. – The Board accepted an administrative citation against this Ogle County respondent.

---

## ADJUDICATORY CASES

---

### Decisions

**PCB 01-115**     People of the State of Illinois v. Valley Petroleum, Inc. – In this air and water enforcement action concerning a DuPage 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 \$10,000 and to cease and desist from further violations.     5-0  
A,W-E

---

**PCB 04-139**     People of the State of Illinois v. Decatur Foundry, Inc. – In this land enforcement action concerning a Macon 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 \$40,000 and to cease and desist from further violations.     5-0  
L-E

---

**PCB 04-205**     People of the State of Illinois v. All States Painting, Inc. – In this air and water enforcement action concerning a Morgan 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 \$19,000 and to cease and desist from further violations.     5-0  
A&W-E

---

### Motions and Other Matters

**PCB 96-98**     People of the State of Illinois v. Skokie Valley Asphalt, Inc., an Illinois corporation, Edwin L. Frederick, Jr., individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc. – No action taken.     W-E

---

<b>PCB 00-104</b>	<u>People of the State of Illinois v. The Highlands, L.L.C. and Murphy Farms, Inc.</u> – No action taken.	A-E
<b>PCB 02-77</b>	<u>People of the State of Illinois v. Millenium Recycling &amp; Solid Waste Consultants, Inc, Sheri Clementi, individually and as President of Millenium Recycling &amp; Solid Waste Consultants, Inc., and Michael Lorence</u> – No action taken.	L-E
<b>PCB 03-54</b>	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 03-56</b>		
<b>PCB 03-105</b>		
<b>PCB 03-179</b>		
<b>PCB 04-2</b> (cons.)		
<b>PCB 03-191</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – No action taken.	L-E
<b>PCB 04-88</b>	<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
<b>PCB 04-216</b>	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
<b>PCB 05-49</b>	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
<b>PCB 05-83</b>	<u>Bowman Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Franklin County facility.	5-0 UST Appeal

<b>PCB 05-157</b>	<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. – No action taken.</u>	Citizens L-E
<b>PCB 05-181</b>	<u>People of the State of Illinois v. Pattison Associates, L.L.C. and 5701 South Calumet L.L.C. – No action taken.</u>	A-E
<b>PCB 05-193</b>	<u>Vernon and Elaine Zohfeld v. Robert Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton and Steve Kinder – No action taken.</u>	Citizens A-E
<b>PCB 05-197</b>	<u>Pete’s Marathon v. IEPA – 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 Marion County facility.</u>	5-0 UST Appeal
<b>PCB 05-198</b>	<u>Basic Wire &amp; Cable v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.</u>	5-0 UST Appeal
<b>PCB 05-212</b>	<u>John &amp; Linda Maracic v. TNT Logistics North America Inc. – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.</u>	5-0 Citizens N-E
<b>PCB 05-213</b>	<u>Vincent &amp; Jennifer Neri v. TNT Logistics North America Inc. – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.</u>	5-0 Citizens N-E
<b>PCB 05-216</b>	<u>Wayne Haser v. TNT Logistics North America Inc. – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.</u>	5-0 Citizens N-E
<b>PCB 05-217</b>	<u>Ken Blouin v. TNT Logistics North America Inc. – The Board</u>	5-0

	found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.	Citizens N-E
<b>PCB 05-220</b>	<u>Kenneth E. Medema, Jr. v. TNT Logistics North America Inc.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.	5-0 Citizens N-E
<b>PCB 06-1</b>	<u>Robert F. Kasella, Jr. v. Kellie R. Kasella v. TNT Logistics North America Inc.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.	5-0 Citizens N-E
<b>PCB 06-6</b>	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> – The Board granted petitioner's motion to file an amended petition accepted for hearing this permit appeal involving a Rock Island County facility.	5-0 P-A, Land
<b>PCB 06-11</b>	<u>Silbrico Corporation v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies on or before October 3, 2005, or the matter would subject to dismissal.	5-0 L-V
<b>PCB 06-18</b>	<u>Gold Star FS, Inc. (Lyndon Facility) (Property ID No. 15-15-302-006) v. IEPA</u> – No action taken.	T-C
<b>PCB 06-21</b>	<u>Gold Star FS, Inc. (Erie Facility) (Property ID No. 20-05-152-005) v. IEPA</u> – No action taken.	T-C
<b>PCB 06-23</b>	<u>Okawville Farmers Elevator Co. (Property ID No. 12-06-20-478-013) v. IEPA</u> – No action taken.	T-C

<b>PCB 06-26</b>	<u>Telzrow 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 Jersey County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 06-27</b>	<u>People of the State of Illinois v. Joel Hillman</u> – The Board accepted for hearing this air enforcement action involving a site located in Lake County.	5-0 A-E
<b>PCB 06-28</b>	<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
<b>PCB 06-29</b>	<u>Carroll Scientific, Inc. (Operating Permit) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	5-0 P-A, Air 90-Day Ext.
<b>PCB 06-30</b>	<u>People of the State of Illinois v. Heneghan &amp; Associates, P.C., an Illinois corporation</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Lake County.	5-0 PWS-E
<b>PCB 06-31</b>	<u>Carroll Scientific, Inc. (Construction Permit) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	5-0 P-A, Air 90-Day Ext.
<b>PCB 06-32</b>	<u>Beverly Bank 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.	5-0 UST Appeal 90-Day Ext.





**CASES PENDING DECISION**

---

None.

**OTHER ITEMS**

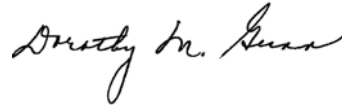
---

**ADJOURNMENT**

---

Moved and seconded, by a vote of 5-0, 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 September 15, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board