

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



NOVEMBER 21, 2002
Chicago/Springfield Videoconference
CHICAGO OFFICE – 100 W. Randolph Street
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. Chairman Manning noted that staff attorney Steve Langhoff, was leaving the Board for the private practice of law. The Chairman thanked him for his valuable contributions to the Board, and wish him well.

ROLL CALL

The Clerk of the Board called the roll and all Board Members answered present.

APPROVAL OF MINUTES

Minutes of the November 7, 2002 meeting were approved by a vote of 6-0.

ADJUSTED STANDARDS

AS 02-3	<u>In the Matter of: Petition of Ford Motor Company (Chicago Assembly Plant) for and Adjusted Standard from 35 Ill. Adm. Code 218.986) – The Board granted this Cook County facility a revision to the adjusted standard previously granted in <u>Petition of Ford Motor Company for an Adjusted Standard from 35 Ill. Adm. Code 218.986, AS 00-06 (Apr. 6, 2000)</u>. The adjusted standard is granted with conditions from the volatile organic material emissions regulations found at 35 Ill. Adm. Code 218.986 as that regulation applies to Ford Motor Company’s solvent clean-up operations.</u>	6-0 Air
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ADMINISTRATIVE CITATIONS

AC 03-10 IEPA v. Bobby Keller – The Board found that this Macoupin County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2000), *amended by* P.A. 92-0574, eff. June 26, 2002), and ordered respondent to pay a civil penalty of \$4,500. 5-1
Girard
dissented

AC 03-12 The Ogle County Solid Waste Management Department v. Merle and Joanne Cornelius and Dennis Bergmann – The Board accepted an administrative citation against these Ogle County respondents.

ADJUDICATORY CASES

Motions and Other Matters

Additional motions on the following cases filed prior to this meeting may be included here.

PCB 95-78 Vogue Tyre & Rubber Company v. Office of the State Fire Marshal UST Fund
– No action taken.

PCB 96-143	<u>People of the State of Illinois v. Michel Grain Company, Inc. d/b/a Michel Fertilizer, Caryle Michel, Ronnie Todd and Ronnie Todd Land Trust</u> – No action taken.	Manning W-E
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Member Marovitz excused himself from the meeting to take an urgent phone call.

PCB 97-69	<u>People of the State of Illinois v. Economy Plating, Inc.</u> – The Board granted complainant’s motion to file a late second amended complaint and accepted the November 14, 2002 amended complaint for hearing.	5-0 A-E
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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 Petroleum Products, Charles Abraham, Josephine Abraham, and Millstream Service, Inc.</u> – No action taken.	Johnson L&W-E
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PCB 99-19	<u>Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – The Board denied respondent’s motion to view of premises as unnecessary to its decision.	6-0 Citizens A-E
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PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board granted complainant’s motion for leave to amend its second amended complaint and accepted complainant’s third amended complaint filed October 24, 2002. The Board denied complainant’s motion for reconsideration of the October 3, 2002 Board Order as moot.	6-0 W-E
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Chairman Manning took the following cases assigned to Member Marovitz out of order: PCB 01-29, PCB-02-13 and PCB 03-55. Member Marovitz presented his draft orders for a vote to allow him to leave the meeting to tend to other pressing state business.

PCB 00-108 People of the State of Illinois v. BFI Waste Systems of North America, Inc. a foreign corporation and as successor-by merger to E & E Hauling, Inc. – The Board granted the parties motion to amend the caption as shown above. Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.

5-0

L-E

PCB 01-29 People of the State of Illinois v. Kiehl Engineering Company, Inc. d/b/a Thomas Foster Group, Inc. and United Plastics Group, Inc. – 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 DuPage County facility, the Board ordered publication of the required newspaper notice.

6-0

A-E

PCB 02-13 Bahlman Oil Company, Inc. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Will County facility.

6-0

UST Fund

PCB 02-56 People of the State of Illinois v. Chiquita Processed Foods, L.L.C. – The Board granted Chiquita's motion for summary judgment, and as to counts IV and V of the complaint and dismissed them without prejudice. The parties were directed to proceed expeditiously to hearing on the remainder of the complaint.

5-0

W-E

PCB 02-160 Rockford Stop-N-Go, Inc. v. IEPA – No action taken.

UST Fund

PCB 02-164 Barbara and Ronald Stuart v. Franklin Fisher – No action taken.

Citizens

N-E

PCB 02-208 Brian Finley, individually, Local 3315 of the American Federation of State County and Municipal Employees (Cook County Public Defenders Association.) and named others v. IFCO ICS-Chicago, Inc. – No action taken.

Citizens

A-E

PCB 03-9	<u>Piasa Motor Fuels, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 03-10	<u>Ralph’s Bonded Service 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 03-16	<u>King’s 66 Service Station v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 03-55	<u>2222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Co., Federal Chicago Corp., Raymond E. Cross, Beverly Bank Trust No. 8-7611, and Lakeside Bank Trust Nos. 10-1087 & 10-1343</u> – The Board granted respondent Purex Industries, Inc.’s motion for extension of time. In the interest of administrative economy, all respondents were granted until December 5, 2002, to file any motion addressing whether the complaint is duplicative or frivolous.	6-0 Citizens UST-E
PCB 03-65	<u>Knox College 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 Knox County facility.	5-0 UST Appeal 90-Day Ext.
PCB 03-66	<u>Klean Car Wash, 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.	5-0 UST Fund 90-Day Ext.

PCB 03-67	<u>Maryville Voice Newspaper Co. 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.	5-0 UST Fund 90-Day Ext.
PCB 03-68	<u>Campton Township Highway Department 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 Kane County facility.	5-0 UST Appeal 90-Day Ext.
PCB 03-69	<u>Cunningham Service 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 Edwards County facility.	5-0 UST Appeal 90-Day Ext.
PCB 03-70	<u>Illinois Ayers 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 Cass County facility.	5-0 UST Appeal 90-Day Ext.
PCB 03-71	<u>Wabash Valley Service 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 Gallatin County facility.	5-0 UST Appeal 90-Day Ext.

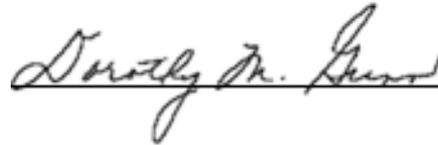
OTHER ITEMS

The Chairman's motion under Section 2(a)(4) of the Open Meetings Act to schedule a Closed Deliberative Session to be held on December 3, 2002 at 10:00 a.m. and for adoption of the Calendar Year 2003 Board Closed Deliberative Sessions Dates: January 16 and 30; February 13 and 27; March 13 and 27; April 10 and 24; May 6 and 22; June 12 and 26; July 3, 17, and 31; August 14 and 28; September 11 and 25; October 9 and 23; November 13, December 9, at 10:00 a.m. was adopted by a vote of 5-0.

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Manning adjourned the meeting at 11:30 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 21, 2002 by a vote of.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board