

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



OCTOBER 3, 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

The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.

Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Thank you for your interest.

ROLL CALL

APPROVAL OF MINUTES

September 19, 2002

RULEMAKINGS

R03-7	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</u> – Proposed Rule, Proposal for Public Comment, Opinion and Order	Tristano R, Land
R03-8	<u>In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903</u> – Proposed Rule, Proposal for Public Comment, Order	Tristano R, Noise

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 02-17	<u>IEPA v. Charles Goodwin</u> – Complainant’s Motion for Reconsideration (8/23)	Tristano
AC 02-40	<u>IEPA v. Robert and John Gray d/b/a Gray’s Material Service</u> – Stipulation of Settlement and Dismissal of Respondent’s Petition for Administrative Review (9/27)	Johnson
AC 03-1	<u>IEPA v. Tony Luttrell</u> – Complainant’s Motion to Amend Final Order (9/20)	Manning
AC 03-6	<u>IEPA v. Edward Sapp</u> – Default Order	Manning
AC 03-7	<u>IEPA v. Herb Flannel and Wallace Excavating Company</u> – Default Order	Manning
AC 03-9	<u>IEPA v. Robert Peters</u> – Stipulation of Settlement (9/27)	Manning

ADJUDICATORY CASES

Decisions

PCB 03-17	<u>People of the State of Illinois v. Petroleum Fuel & Terminal Company</u> – Stipulation	Manning A-E
------------------	-----------------------------------------------------------------------------------------------	----------------

PCB 03-23	<u>People of the State of Illinois v. City of Des Plaines and McDonough Associates, Inc.</u> – Stipulation	Manning PWS-E
------------------	------------------------------------------------------------------------------------------------------------	------------------

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 03-40	<u>Exelon Generation Company, L.L.C. (Dresden Nuclear Generating Station) v. IEPA</u> – Provisional Variance	Manning W-V
------------------	--------------------------------------------------------------------------------------------------------------	----------------

Motions and Other Matters

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

PCB 95-78	<u>Vogue Tyre & Rubber Company v. Office of the State Fire Marshal</u> – Respondent’s Motion for Summary Judgment (9/13), Petitioner’s Motion for Extension of Time to File Response to Respondent’s Motion for Summary Judgment (9/30)	Girard UST Fund
------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------

PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt Company</u> – Respondent’s Motion to Strike Complainant’s Second Amended Complaint (9/25)	Johnson W-E
------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------	----------------

PCB 96-143	<u>People of the State of Illinois v. Michel Grain Company, Inc. a/k/a Michel Fertilizer, Caryle Michel, and Ronnie Todd</u> – Complainant’s Motion to File Third Amended Complaint in Response to August 22, 2002 Board Order (9/20)	Manning W-E
-------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------

PCB 97-69	<u>People of the State of Illinois v. Economy Plating, Inc.</u> – Order (see First Amended Complaint filed 8/12)	Melas A-E
------------------	------------------------------------------------------------------------------------------------------------------	--------------

PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – Complainant’s Motion for Partial Summary Judgment (10/15), Respondent’s Response to Complainant’s Motion for Summary Judgment and Cross-Motion for Partial Summary Judgment (3/1), Complainant’s Reply in Support of its Motion for Partial Summary Judgment and Response to Respondent’s Cross-Motion for Summary Judgment (5/6), Respondent’s Reply in Support of its Cross-Motion for Partial Summary Judgment (6/10), Respondent’s Motion to Strike the Second Affidavit of Warren Weritz (6/11), Complainant’s Motion to Extend Time to File Response (8/13), Complainant’s Request to File Instanter and Response to Respondent’s Motion to Strike Affidavit (8/26)	Girard L-E
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – Order (see Third Amended Complaint filed 9/16)	Melas W-E
PCB 00-160	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> – Agency Motion to Supplement the Administrative Record Instanter (9/27)	Girard P-A, Land
PCB 02-6	<u>Gould Electronics, Inc. v. IEPA</u> – Petitioner’s Withdrawal of Appeal (9/19)	Girard P-A, Land
PCB 02-56	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – Respondent’s Motion for Summary Judgment on Counts IV and V of Complainant’s Amended Complaint and Memorandum in Support of Motion for Summary Judgment on Counts IV and V of Complainant’s Amended Complaint (9/20), Complainant’s Motion for Extension of Time to Respond to Respondent’s Motion for Summary Judgment (9/27)	Johnson W-E
PCB 02-157	<u>David L. Weber and Rachel B. Weber v. Cisco United Methodist Church</u> – Respondent’s Motion for Summary Judgment (9/5), Complainants’ Response to Respondent’s Motion for Summary Judgment (9/19)	Tristano Citizens N-E
PCB 02-187	<u>UOP L.L.C. v. IEPA</u> – Petitioner’s Motion to Stay Effectiveness of the CAAPP Permit (8/26)	Girard P-A, Air

PCB 02-210	<u>Elston/Webster, LP v. IEPA</u> – Petitioner’s Motion to Voluntarily Dismiss Action (9/20)	Manning UST Appeal
PCB 02-212	<u>Shearon, Inc. v. IEPA</u> – Dismissal Order	Manning UST Fund
PCB 02-216	<u>Prime Time Citgo, Inc. v. IEPA</u> – Dismissal Order	Manning UST Fund
PCB 02-218	<u>Ampco Pittsburgh Corporation v. IEPA</u> – Dismissal Order	Manning UST Appeal
PCB 02-220	<u>Newton Community High School v. IEPA</u> – Dismissal Order	Manning UST Appeal
PCB 02-224	<u>Atchison Amoco Service v. IEPA</u> – Dismissal Order	Manning UST Fund
PCB 03-21	<u>Clean The Uniform Company - Highland v. Aramark Uniform & Career Apparel, Inc.</u> – (see Respondent’s Motion to Dismiss Counts I, II, III, IV, and V filed 9/26) - Awaiting Duplicative/Frivolous Determination	Girard Citizens L&W-E
PCB 03-22	<u>People of the State of Illinois v. Saint-Gobain Containers, Inc.</u> – Respondent’s Request for Extension of Time to Answer Complaint (9/26)	Tristano A-E

PCB 03-30	<u>Jim Siddiqui Property v. IEPA</u> – Joint Request for 90-Day Extension of Appeal Period (9/18) – Order	Manning UST Fund 90-Day Ext.
PCB 03-31	<u>County of Kankakee and Edward D. Smith, States Attorney of Kankakee County v. The City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.</u> – (Consolidate with PCB 03-33 and PCB 03-35) - Accept for Hearing Order	Manning P-C-F-S-R 3rd Party
PCB 03-32	<u>People of the State of Illinois v. City of Chicago Heights and Robinson Engineering, Ltd.</u> – Complaint, Stipulation and Proposal for Settlement, and Request for Relief from Hearing Requirement (9/23) – Publication Order	Manning PWS-E
PCB 03-33	<u>Byron Sandberg v. The City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.</u> – (see Motion to Waive Filing Fee filed 9/23; Consolidate with PCB 03-31 and PCB 03-35) – Accept for Hearing Order	Manning P-C-F-S-R 3rd Party
PCB 03-34	<u>Barry Amoco, Inc. v. IEPA</u> – Joint Request for 90-Day Extension of Appeal Period (9/23) – Order	Manning UST Fund 90-Day Ext.
PCB 03-35	<u>Waste Management of Illinois, Inc. v. The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.</u> – (Consolidate with PCB 03-31 and PCB 03-33) - Accept for Hearing Order	Manning P-C-F-S-R 3rd Party

PCB 03-36	<u>D&R Service v. IEPA</u> – Joint Request for 90-Day Extension of Appeal Period (9/24) – Order	Manning UST Fund 90-Day Ext.
PCB 03-37	<u>Illinois Ayers Oil Company v. IEPA</u> – Joint Request for 90-Day Extension of Appeal Period (9/27) – Order	Manning UST Fund
PCB 03-38	<u>Morry Gabel, Myra Gabel, Don Foreman, Marsha Foreman, Keith Pinsoneault and Tracy Pinsoneault v. The Wealshire, Inc.</u> – Hold for Duplicative/Frivolous Determination	N-E
PCB 03-39	<u>Mineral Solutions, Inc. v. IEPA</u> – Accept for Hearing Order	P-A, Land

CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

CASE TYPE CODES:

3d P	Third Party Action	AC	Administrative Citation
A-E	Air Enforcement	AS	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist RCRA	Hazardous Waste Delisting
L-E	Land Enforcement	P-C-F-S-R	Pollution Control Facility Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S0 ₂	S0 ₂ Alternative Standards (35 Ill. Adm. Code 302.211(f))
SRP-Appeal	Site Remediation Program	SWH-E	Special Waste Hauling Enforcement
SWH-V	Special Waste Hauling Variance	T	Thermal Demonstration Rule
T-C	Tax Certifications	T-S	Trade Secrets
UST Appeal	Underground Storage Tank Corrective Action Appeal	UST-E	Underground Storage Tank Enforcement
UST Fund	Underground Storage Tank Fund Reimbursement Determination	W-E	Water Enforcement
W-V	Water Variance	WWS	Water-Well Setback Exception

ILLINOIS POLLUTION CONTROL BOARD

NEW CASE LISTING



NEW CASES FILED SINCE THE SEPTEMBER 19, 2002 BOARD MEETING

PCB 03-30	Jim Siddiqui Property v. IEPA
PCB 03-31	County of Kankakee and Edward D. Smith, States Attorney of Kankakee County v. The City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.
PCB 03-32	People of the State of Illinois v. City of Chicago Heights and Robinson Engineering, Ltd
PCB 03-33	Byron Sandberg v. The City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.
PCB 03-34	Barry Amoco, Inc. v. IEPA
PCB 03-35	Waste Management of Illinois, Inc. v. The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.
PCB 03-36	D&R Service v. IEPA
PCB 03-37	Illinois Ayers Oil Company v. IEPA
PCB 03-38	Morry Gabel, Myra Gabel, Don Foreman, Marsha Foreman, Keith Pinsoneault and Tracy Pinsoneault v. The Wealshire, Inc.
PCB 03-39	Mineral Solutions, Inc. v. IEPA
PCB 03-40	Exelon Generation Company, L.L.C. (Dresden Nuclear Generating Station) v. IEPA

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 2002

October 3 **

October 17

November 7 *

November 21 *

December 5 **

December 19

*** These Board meetings will be via Videoconference both in Chicago and Springfield**

**** These Board meetings will be in the Board's Springfield Office, 600 S. Second Street, Suite 403, Hearing Room**

All Board meetings in Chicago will be in Conference Room 9-040 unless noted otherwise, and will begin at 11:00 a.m.

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 2003

January 9	July 10
January 23	July 24
February 6	August 7
February 20	August 21
March 6	September 4
March 20	September 18
April 3	October 2
April 17	October 16
May 1	November 6
May 15	November 20
June 5	December 4
June 19	December 18