

# ILLINOIS POLLUTION CONTROL BOARD

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## DRAFT MEETING MINUTES



**DECEMBER 5, 2002 SPRINGFIELD OFFICE**  
**600 South Second Street - Room 403**  
**Hearing Room**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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

### **ROLL CALL**

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The Administrative Assistant to the Chairman called the roll. All Board Members were present.

### **APPROVAL OF MINUTES**

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Minutes of the November 21, 2002 meeting were approved by a vote of 6-0.

### **RULEMAKINGS**

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<b>R02-20</b>	<u>In the Matter of: Proposed Horween Leather Company Site-Specific Air Rule, 35 Ill. Adm. Code 218.112 and 218.929</u> – The Board adopted a second notice opinion and order in this matter to amend the Board’s air regulations.	6-0 R, Air
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### **ADMINISTRATIVE CITATIONS**

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<b>AC 03-11</b>	<u>City of Chicago Department of Environment v. City Wide Disposal, Inc.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cook County respondent.	6-0
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## ADJUDICATORY CASES

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### Decisions

**PCB 01-129** Mac Investments d/b/a Olympic Oldsmobile v. Office of the State Fire Marshal – No action taken. UST Appeal

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### Provisional Variances

**PCB 03-78** City of Benton v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from the monthly average chlorine residual, total suspended solids, and carbonaceous biochemical oxygen demand effluent limits in its National Pollutant Discharge Elimination System permit number IL0022365, and 35 Ill. Adm. Code 304.120(b) and 304.141(a). 6-0  
W-V

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### Motions and Other Matters

**PCB 95-78** Vogue Tyre & Rubber Company v. Office of the State Fire Marshal – The Board affirmed the Office of State Fire Marshal’s February 1, 1995 denial of eligibility. 6-0  
UST Fund

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**PCB 96-143** 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 – No action taken. W-E

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**PCB 97-103** 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. – No action taken. L&W-E

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**PCB 98-55** Donald McCarrell and Ann McCarrell v. Air Distribution Associates, Inc. – No action taken. Citizens  
L-E

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**PCB 99-103** Dynachem, Inc. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Vermilion County facility. 6-0  
P-A  
RCRA

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<b>PCB 00-110</b>	<u>People of the State of Illinois v. Joe Decicco Demolition, Inc.</u> – No action taken.	A-E
<b>PCB 01-60</b>	<u>Anthony J. Schlax v. Evanston Hospital</u> – The Board granted complainant’s motion for voluntary dismissal of this noise enforcement action involving a Cook County facility.	6-0 Citizens N-E
<b>PCB 02-9</b>	<u>Mahanbir Dhillon d/b/a Express Food and Gas v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST Fund
<b>PCB 02-18</b>	<u>People of the State of Illinois v. Williamsburg Place of Crete</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 Will County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
<b>PCB 02-160</b>	<u>Rockford Stop-N-Go, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Boone County facility.	6-0 UST Fund
<b>PCB 02-164</b>	<u>Barbara and Ronald Stuart v. Franklin Fisher</u> – No action taken.	Citizens N-E
<b>PCB 02-208</b>	<u>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.</u> – The Board denied the parties’ joint motion to dismiss the complaint and to accept the proposed stipulation and settlement agreement without hearing. This matter shall proceed to hearing on the proposed settlement.	4-2 Manning and Tristano dissented Citizens A-E
<b>PCB 02-225</b>	<u>Janet Wagner v. Lisa Parenchio and Jim Weihsmantel</u> – No action taken.	Citizens N-E
<b>PCB 03-3</b>	<u>Akzo Nobel Surface Chemistry L.L.C. v. IEPA</u> – The Board	6-0

granted petitioner's motion for voluntary dismissal of this variance request involving a Grundy County facility.

W-V  
NPDES

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<b>PCB 03-15</b>	<u>Rash, 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 Gallatin County facility.	6-0 UST Appeal
<b>PCB 03-18</b>	<u>Whole Sale Oil Company 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 Cook County facility.	6-0 UST Appeal
<b>PCB 03-24</b>	<u>Hannel Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Scott County facility and granted petitioner's motion to consolidate this matter with PCB 03-25.	6-0 UST Fund
<b>PCB 03-25</b>	<u>Hannel Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Scott County facility and granted petitioner's motion to consolidate this matter with PCB 03-24.	6-0 UST Fund
<b>PCB 03-26</b>	<u>Lake Shore National Bank Trust No. 2921 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 Lake County facility.	6-0 UST Fund
<b>PCB 03-42</b>	<u>Rantoul Township High School District No. 193 v. IEPA</u> – Respondent's motion for leave to file instant the administrative record and petitioner's motion to stay hearing were referred to the hearing officer for disposition.	UST Fund
<b>PCB 03-55</b>	<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 &amp; 10-1343</u> – The Board granted complainant's counsel's corrected motions to appear <i>pro hac vice</i> . Complainant's October 25, 2002 motion to appear <i>pro hac vice</i> was denied as moot.	6-0 Citizens UST-E

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<b>PCB 03-72</b>	<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.	6-0 UST Appeal
<b>PCB 03-73</b>	<u>People of the State of Illinois v. Riverdale Recycling, Inc., and Tri-State Disposal, Inc.</u> – The Board accepted for hearing this land enforcement action involving a Cook County facility.	6-0 L-E
<b>PCB 03-74</b>	<u>People of the State of Illinois v. City of Georgetown, and T.K. Fleming Construction, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a Vermilion County facility.	6-0 PWS-E
<b>PCB 03-75</b>	<u>Clinton County Oil Company, 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 Madison County facility.	6-0 UST Fund

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### **CASES PENDING DECISION**

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<b>PCB 00-140</b>	<u>Gladys L. Knox and David A. Knox v. Turriss Coal Company and AEI Resources, Inc.</u>	Citizens N-E
<b>PCB 00-177</b>	<u>Michael D. Logsdon, Darrell E. Mann, Kathy Mann, Russell Spillman, Marilyn Spillman, Rita Marti, Alvin W. Abbott, Kathy Abbott, Diana Collins, Dave Collins v. South Fork Gun Club</u>	Citizens N-E

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### **ADJOURNMENT**

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Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:25 a.m. to an Executive Session.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 19, 2002 by a vote of.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board