

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



APRIL 17, 2003
CHICAGO OFFICE – 100 W. Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present except for Board Member Girard who was absent.

APPROVAL OF MINUTES

Minutes of the April 3, 2003 meeting were approved by a vote of 6-0.

RULEMAKINGS

R02-21	<u>In the Matter of: Petition of Central Illinois Light Company (E.D. Edwards Generating Station) for a Site-Specific Air Regulation: 35 Ill. Adm. Code 214.561</u> – The Board adopted a second notice opinion and order in this matter to amend the Board’s air pollution control regulations.	5-0 Tristano abstained R, Air
R03-19	<u>In the Matter of: Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures</u> – No action taken.	R, Water

R03-21	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 602.105, 602.106, 602.108, and 602.115</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s April 7, 2003 proposal to amend the Board’s permitting rules for Illinois public water supplies.	6-0 R, PWS
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ADJUSTED STANDARDS

AS 00-5	<u>In the Matter of: Petition of The Ensign Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103</u> – No action taken.	Air
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ADMINISTRATIVE CITATIONS

AC 03-21	<u>IEPA v. John Smith and Twilla Williams Smith</u> – The Board accepted for hearing this petition for review of an administrative citation against these Union County respondents.	6-0
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ADJUDICATORY CASES

Decisions

PCB 02-71	<u>People of the State of Illinois v. FIC America Corporation</u> – In this 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) (2002)), accepted a final stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$25,000, and to cease and desist from further violations.	6-0 W-E
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PCB 02-91	<u>Rezmar Corporation v. IEPA</u> – The Board affirmed respondent’s December 3, 2001 reimbursement determination disallowing reimbursement of certain costs claimed by the petitioner.	5-0 Melas abstained UST Appeal
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PCB 03-12	<u>People of the State of Illinois v. Riverstone Group, Inc.</u> – In this water enforcement action concerning a LaSalle 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) (2002)), accepted a final stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$38,000, and to cease and desist from further violations.	6-0 W-E
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PCB 03-42	<u>Rantoul Township High School District No. 193 v. IEPA</u> – The Board affirmed respondent’s September 5, 2003 reimbursement determination, reversing only on a point the respondent conceded.	6-0 UST Appeal
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ADJUDICATORY CASES

Motions and Other Matters

PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – No action taken.	W-E
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PCB 01-153	<u>City of Salem v. IEPA</u> – No action taken.	P-A, Land
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PCB 02-56	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – The Board denied complainant’s motion to vacate its November 21, 2002 order, which granted partial summary judgment to the respondent.	6-0 W-E
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PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc., Sherri Clementi individually and as President of Millenium Recycling & Solid Waste Consultants, Inc.</u> – No action taken.	L-E
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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> – No action taken.	Citizens UST-E
PCB 03-96	<u>Martin E. & Kathy L. Geber v. Clayton Moushon and Carri Scharf Trucking and Materials</u> – No action taken.	Citizens N-E
PCB 03-97	<u>Illinois Department of Transportation 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 Sangamon County facility.	6-0 UST Appeal
PCB 03-99	<u>Sather Enterprises, LTD. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Dewitt County facility.	6-0 UST Appeal
PCB 03-104	<u>Waste Management of Illinois, Inc. v. County Board of Kane County, Illinois</u> – No action taken.	P-C-F-S-R
PCB 03-125	<u>City of Kankakee v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Merlin Karlock v. County Board of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Michael Watson v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Keith Runyon v. County of Kankakee, County Board of Kankakee and Waste Management of Illinois, Inc.; Waste Management of Illinois, Inc. v. County of Kankakee</u> – The Board denied respondent County of Kankakee’s motion to dismiss and granted respondent Waste Management of Illinois, Inc.’s motion to sever PCB 03-144 from this consolidated sitting appeal.	6-0
PCB 03-133		P-C-F-S-R
PCB 03-134		
PCB 03-135		
PCB 03-144 (Cons.)		

PCB 03-159	<u>Franklin T. Fowler and Franklin D. Fowler v. Remington Hybrid Seed Company, Inc.</u> – The Board held for a later duplicative/frivolous determination this citizen’s air and noise enforcement action involving a Henry County facility. No action taken was taken on the other pending motions.	Johnson Citizens A& N-E
PCB 03-161	<u>Solid Waste Agency of Northern Cook County v. City of Des Plaines, Illinois</u> – The Board dismissed this action for failure to timely name all necessary parties. The Board denied petitioner’s motion for leave to amend and respondent’s motion to dismiss as moot, citing lack of jurisdiction over this proceeding.	6-0 P-C-F-S-R
PCB 03-178	<u>Bill’s Full 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 McLean County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-179	<u>Freedom Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Edgar County facility and granted petitioner’s motion to consolidate this matter with PCB 03-54, PCB 03-56, and PCB 03-105.	6-0 UST Fund
PCB 03-180	<u>Royer 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 Bond County facility.	6-0 UST Fund 90-Day Ext.
PCB 03-181	<u>Gary Lewis 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 Clinton County facility.	6-0 UST Appeal 90-Day Ext.

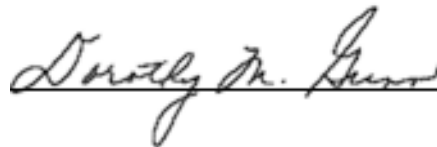
PCB 03-182	<u>People of the State of Illinois v. Reilly Industries, Inc.</u> – The Board accepted for hearing this Resource Conservation and Recovery Act, air, and water enforcement action involving a Madison County facility.	6-0 A&W-E
PCB 03-183	<u>People of the State of Illinois v. Passavant Area Hospital</u> – The Board accepted for hearing this air enforcement action involving a Morgan County facility.	6-0 A-E
PCB 03-184	<u>Northrup 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 Bureau County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-185	<u>Swif-T-Food Mart 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.	6-0 UST Appeal 90-Day Ext.
PCB 03-186	<u>Royer 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 Bond County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-187	<u>Royer 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 Bond County facility.	6-0 UST Appeal 90-Day Ext.

PCB 03-188	<u>Prime Time Citgo 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.	6-0 UST Appeal 90-Day Ext.
PCB 03-189	<u>Brock 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 McLean County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-190	<u>People of the State of Illinois v. Village of Cherry Valley</u> – The Board accepted for hearing this public water supply enforcement action involving a Winnebago County facility.	6-0 PWS-E

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Johnson 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 May 1, 2003 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board