

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



OCTOBER 17, 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.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the October 3, 2002 meeting were approved by a vote of 5-0. Member Marovitz abstained.

RULEMAKINGS

R02-11 R, Water	<u>In the Matter of: Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157</u> – The Board adopted a second notice opinion and order in this matter to amend the Board’s water regulations.	6-0
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R02-19 R, Water	<u>In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122</u> – The Board adopted a final opinion and order in this matter to amend the Board’s water regulations.	6-0
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ADMINISTRATIVE CITATIONS

AC 02-7	<u>IEPA v. Terry and Latisha Springer</u> – No action taken.	
AC 03-1	<u>IEPA v. Tony Luttrell</u> – The Board granted complainant’s motion to amend its September 5, 2002 final opinion in this administrative citation involving a Clay County facility.	6-0
AC 03-10	<u>IEPA v. Bobby Keller</u> – The Board accepted an administrative citation against this Macoupin County respondent.	

ADJUDICATORY CASES

Decisions

PCB 97-20	<u>People of the State of Illinois v. Bentronics Corporation</u> – The Board granted complainant’s motion to withdraw its request for attorney fees. Having previously found that respondent violated Section 12(a), (d), and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d) and (f) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and 35 Ill. Adm. Code 307.1101(a)(1), 307.2301(c)(1) and (2) of the Board’s water pollution regulations, the Board ordered the respondent to pay a total civil penalty of \$110,000 and to cease and desist from further violation of the Act.	5-1 Marovitz dissented W-E
PCB 03-6	<u>The City of Farmington, Farmington Sanitary District, and the Farmington Central Community Unit School District No. 265 v. IEPA</u> – No action taken.	W-V, NPDES

Provisional Variances

PCB 03-47	<u>City of Benton v. IEPA</u> – 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

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> – No action taken.	UST Fund
PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt Company</u> – The Board accepted the second amended complaint, denying the motion to strike.	6-0 W-E
PCB 00-160	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> – No action taken, respondent’s motion to supplement the record was previously disposed of by the hearing officer.	P-A, Land
PCB 00-181	<u>MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties, and Board of Education of Belvidere District 100</u> – Complainant’s motion for leave to file motion for summary judgment was referred to the hearing officer for disposition.	Citizens UST-E
PCB 01-39	<u>Lannis Walters d/b/a Fat Boy Pizza (Get & Go) v. IEPA</u> – The Board granted respondent’s motion to dismiss this underground storage tank appeal involving a Massac County facility.	6-0 UST Fund
PCB 02-56	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – No action taken.	W-E
PCB 02-157	<u>David L. Weber and Rachel B. Weber v. Cisco United Methodist Church</u> – No action taken.	Citizens N-E
PCB 02-221	<u>Crazy D’s Peru, 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 LaSalle County facility.	6-0 UST Fund

PCB 03-1	<u>Illinois State Toll Highway Authority v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a DeKalb County facility.	6-0 UST Fund
PCB 03-2	<u>Todd’s Service Station v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Tazewell County facility.	6-0 UST Fund
PCB 03-21	<u>Clean The Uniform Company - Highland v. Aramark Uniform & Career Apparel, Inc.</u> – The Board held for a later duplicative/frivolous determination this citizen’s land and water enforcement action involving a Madison County facility.	Citizens L&W-E
PCB 03-38	<u>Morry Gabel, Myra Gabel, Don Foreman, Marsha Foreman, Keith Pinsoneault and Tracy Pinsoneault v. The Wealshire, Inc.</u> – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Lake County facility.	Citizens N-E
PCB 03-39	<u>Mineral Solutions, Inc. v. IEPA</u> – Petitioner’s motion for extension of time to file the administrative record was referred to the hearing officer for disposition.	P-A, Land
PCB 03-41	<u>Newton Community High School 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 Jasper County facility.	6-0 UST Fund 90-Day Ext.
PCB 03-42	<u>Rantoul Township High School District No. 193 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.	6-0 UST Fund

ADJOURNMENT

Moved and seconded, by a vote of 6-0, Chairman Manning adjourned the meeting at 11:20 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 7, 2002 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board