

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 3, 2005
Chicago/Springfield Videoconference
CHICAGO OFFICE - 100 W. Randolph Street
Videoconference Room 11-512
and
SPRINGFIELD OFFICE – 1021 N. Grand Avenue East
Oliver Holmes Conference Room 2012 N – Second Floor
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present.

APPROVAL OF MINUTES

Minutes of the October 20, 2005 meeting were approved by a vote of 5-0.

RULEMAKINGS

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| R06-8 | <u>In the Matter of: Proposed Site-Specific Perlite Waste Disposal Regulation Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810)</u> – No action taken. | R, Land |
| R06-11 | <u>In the Matter of: Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site Specific Rule 35 Ill. Adm. Code 901.121</u> – No action taken. | R, Noise |
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ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 05-80 County of Kankakee v. South Holland Trust #10897 and John & Ella Hall – No action taken.

AC 06-13 IEPA v. Lyndell Heinzman – The Board accepted an administrative citation against this Marion County respondent.

AC 06-14 County of Jackson v. Rocky Lee Morse – The Board accepted an administrative citation against this Jackson County respondent.

AC 06-15 IEPA v. Allen Noltensmeier – The Board accepted an administrative citation against this Mason County respondent.

ADJUDICATORY CASES

Decisions

PCB 05-215 People of the State of Illinois v. First Rockford Group, Inc., Village of Cherry Valley, Heritage Engineering, Ltd., and Schlichting & Sons Excavating, Inc. – In this public water supply enforcement action concerning a Winnebago 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) (2004)), accepted a stipulation and settlement agreement as to Heritage Engineering, Ltd. only, and ordered the respondent to pay a total civil penalty of \$2,500 and to cease and desist from further violations. 5-0
PWS-E

Motions and Other Matters

PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt, Inc., an Illinois corporation, Edwin L. Frederick, Jr., individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc.</u> – No action taken.	W-E
PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C. and Murphy Farms, Inc.</u> – No action taken.	A-E
PCB 03-22	<u>People of the State of Illinois v. Saint-Gobain Containers, Inc.</u> – No action taken.	A-E
PCB 03-54	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST
PCB 03-56		Appeal
PCB 03-105		
PCB 03-179		
PCB 04-2		
(cons.)		
PCB 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – No action taken.	L-E
PCB 04-7	<u>People of the State of Illinois v. 4832 S. Vincennes, L.P. and Batteast Construction Company, Inc.</u> – No action taken.	A-E
PCB 04-48	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – No action taken.	P-A, Land
PCB 04-88	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – No action taken.	P-A, NPDES

PCB 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-192	<u>People of the State of Illinois v. Smithfield, L.L.C., Wooten Construction, Ltd., and Chicago Sun-Times, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement as to the Chicago Sun-Times, Inc. only, and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 L&W-E
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-216	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
PCB 05-99	<u>People of the State of Illinois v. James Zeller, Thomas Zeller, and Matthew Short</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air and land enforcement action involving a Williamson County facility, the Board ordered publication of the required newspaper notice.	5-0 A&L-E
PCB 05-157	<u>Grand Pier Center L.L.C. American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C, v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Kerr-McGee Chemical L.L.C.</u> – No action taken.	Citizens L-E
PCB 05-193	<u>Vernon and Elaine Zohfeld v. Robert Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton and Steve Kinder</u> – No action taken.	Citizens A-E
PCB 06-11	<u>Silbrico Corporation v. IEPA</u> – No action taken.	L-V

PCB 06-50 E&L Trucking Company v. IEPA – The Board granted respondent’s motion in part. Petitioner was directed to file an amended petition to cure noted deficiencies within 30 days from the date of this order, or the Board will dismiss this matter. 5-0
UST
Appeal

PCB 06-53 C&F Packing Company, Inc. v. IEPA and Lake County – No action taken. W-V

CASES PENDING DECISION

R04-22 In the Matter of: Proposed Amendments to Regulation of R, Land
R04-23 Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code
(cons.) 732); In the Matter of: Regulation of Petroleum Leaking
Underground Storage Tanks (Proposed New 35 Ill. Adm. Code
734) – Proposed Rule, Second Notice, Opinion and Order

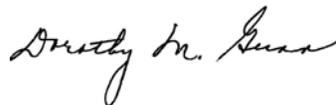
R05-9 In the Matter of: Setback Zone for City of Marquette Heights R, PWS
Community Water Supply, New 35 Ill. Adm. Code 618 – Proposed
Rule, First Notice, Opinion and Order

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Novak 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 17, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board