

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



NOVEMBER 17, 2005 CHICAGO OFFICE
100 W. Randolph Street
Conference Room 9-040
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 except for Member Moore who was absent.

APPROVAL OF MINUTES

Minutes of the November 3, 2005 meeting were approved by a vote of 4-0.

RULEMAKINGS

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| R05-9 | <u>In the Matter of: Setback Zone for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618</u> – The Board adopted a first notice opinion and order in this [site-specific rulemaking] to amend the Board’s public water supply regulations, as requested. | 4-0
R, PWS |
| 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 |
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R06-9 In the Matter of: Amendments to the Procedural Rules – “Pollution Control Facility” Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) – The Board adopted a final opinion and order in this rulemaking amending its procedural rules. The adopted rules reflect three recent amendments to the definition of “pollution control facility” in the Environmental Protection Act (Act) (415 ILCS 5/1 et seq. (2004)). 4-0
R, Proc.
Rules

R06-11 In the Matter of: Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site Specific Rule 35 Ill. Adm. Code 901.121 – No action taken. R, Noise

ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 05-52 IEPA v. Robert Daniel Spears – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cass County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2004)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review and the alleged violation of 415 ILCS 5/21(p) (3) (2004). 4-0

AC 05-64 IEPA v. Charles Bellamey – The Board granted complainant's motion to withdraw and dismiss this administrative citation action involving a Champaign County facility. 4-0

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

ADJUDICATORY CASES

Decisions

PCB 04-13 People of the State of Illinois v. Intermatic Incorporated – In this air enforcement action concerning a McHenry 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)), and accepted a stipulation and settlement agreement, directing the respondent to pay a total civil penalty of \$30,957, and to cease and desist from further violations. 4-0
A-E

PCB 04-226 People of the State of Illinois v. P&J Super Auto Body Shop, Inc. and Julio Gallegos – In this land enforcement action concerning a Cook 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)), and accepted a stipulation and settlement agreement, directing the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations. 4-0
L-E

Motions and Other Matters

PCB 96-98 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. – The Board denied the respondents' motion to strike the People's discovery requests and objections to discovery, as well as the respondents' motion to strike the People's motion for a protective order and the People's response to the respondents' motion to strike objections. The People's motion for protective order was accepted, but denied. The Board denied the respondents' motions to strike letters of May 24, 2005 and June 14, 2005. Both letters are accepted into the record. In so doing, the Board also denied respondents' motion to strike the People's response to the respondents' motion to strike the letters. 4-0
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> – The Board granted petitioners’ separate motions for voluntary dismissal of this permit appeal involving a Cook County facility.	4-0 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> – The Board denied petitioners’ motion for summary judgment as to each of the three issues presented: nutrient loadings, offensive conditions water quality standard, and copper water quality standard. The Board also determined that neither the Illinois Environmental Protection Agency nor the Village of New Lenox had justified the discovery sought in their respective submissions, and ordered the case to hearing.	4-0 P-A, NPDES

PCB 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
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 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
PCB 05-103	<u>People of the State of Illinois v. Marc Realty, Inc. and 55 E. Jackson, L.L.C.</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 Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 05-139	<u>People of the State of Illinois v. Bath Incorporated</u> – No action taken.	L-E
PCB 05-154	<u>McLean County Asphalt v. IEPA</u> – No action taken.	UST Appeal
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 06-17	<u>Morgan Southern Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
PCB 06-44	<u>People of the State of Illinois v. Weis Builders, Inc., a Minnesota corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Will County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
PCB 06-54	<u>People of the State of Illinois v. Webb AG, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Fulton County.	4-0 L-E
PCB 06-55	<u>Soyland Power Cooperative, Inc. v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Pike County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP Permit.	4-0 P-A, Air
PCB 06-56	<u>Midwest Generation, L.L.C., Crawford Generating Station v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-57	<u>Midwest Generation, L.L.C., Fisk Generating Station v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air

PCB 06-58	<u>Midwest Generation, L.L.C., Joliet Generating Station v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Will County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-59	<u>Midwest Generation, L.L.C., Powerton Generating Station v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Tazewell County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-60	<u>Midwest Generation, L.L.C., Will County Generating Station v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Will County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-61	<u>Southern Illinois Power Cooperative v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Williamson County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-62	<u>Kincaid Generation, L.L.C. v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Christian County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-63	<u>Dynegy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Randolph County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air

PCB 06-64	<u>Ameren Energy Generating Company, Coffeen Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Montgomery County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-65	<u>Electric Energy, Incorporated v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Massac County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-66	<u>AmerenEnergy Resources Generating Company, Duck Creek Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Fulton County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-67	<u>AmerenEnergy Resources Generating Company, Edwards Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Peoria County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-68	<u>Ameren Energy Generating Company, Newton Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to a file reduced number of copies of the permit in this permit appeal involving a Jasper County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air

PCB 06-69	<u>Ameren Energy Generating Company, Meredosia Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Morgan County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-70	<u>Ameren Energy Generating Company, Hutsonville Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Crawford County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-71	<u>Dynegy Midwest Generation, Inc. (Havana Power Station) v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Mason County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-72	<u>Dynegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Putman County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-73	<u>Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Vermilion County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-74	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air

PCB 06-75	<u>The City of Springfield v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit and to exceed page limits in this permit appeal involving a Kane County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
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PCB 06-76	<u>Gateway FS, 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 Monroe County facility.	4-0 UST Appeal 90-Day Ext.
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PCB 06-77	<u>People of the State of Illinois v. Dennis K. Stiegemeier d/b/a I.L.C. Development</u> – The Board accepted for hearing this water enforcement action involving a site located in Macoupin County.	4-0 NPDES-E
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CASES PENDING DECISION

R04-22	<u>In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 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</u>	R, Land
R04-23 (cons.)		

R04-26	<u>In the Matter of: Interim Phosphorus Effluent Standard, Proposed 35 Ill. Adm. Code 304.123(g-k) – Adopted Rule, Final Opinion and Order</u>	R, Water
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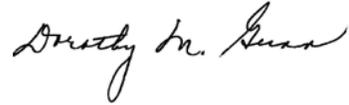
OTHER ITEMS

Member Girard expressed the appreciation of the Members and Staff for Chairman Novak’s 2 years service to the Board, during the transition from a seven to five member Board. Chairman Novak’s Board tenure followed a 28-year span of devoted public service to the People of the State of Illinois in the General Assembly.

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Novak adjourned the meeting at 11:45 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 1, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board