

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 15, 2006
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

Chairman Girard 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 June 1, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

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| R06-25 | <u>In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury)</u> – The Board denied participant's request for issuance of Board directions to the hearing officer, finding such request premature. The Board instructed that any motions seeking change in scheduling or conduct of hearing should be first addressed to the hearing officer | 4-0 R, Air |
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R06-26 In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D and E – The Board accepted for hearing petitioner’s May 30, 2006 proposal to amend the Board’s air pollution control regulations. The Board reserved ruling on the motions for waiver of requirements, expedited review, and to hold required hearings in Springfield and Collinsville.

4-0
R, Air

R07-1 In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

R, Air

R07-2 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

R, Water

R07-3 In the Matter of: UIC Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

R, Land

R07-4 In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

R, Land

R07-5 In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006. R, Land

R07-6 In the Matter of: UST Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006. R, Land

R07-7 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006. R, Water

ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 05-17 IEPA v. Roger and Joan Miller – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found that respondent Roger Miller had violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (2004)) and ordered this respondent to pay a civil penalty of \$1,500. The Board dismissed the alleged violations of Section 415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2002) of the Act as to Joan Miller. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review, as well as the violation of 415 ILCS 5/21(p) (1), (p)(7) (2004) alleged in the administrative citation. 4-0

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| AC 06-39 | <u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cook County respondent. | 4-0 |
| AC 06-40 | <u>City of Chicago Department of Environment v. Jose R. Gonzalez</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cook County respondent. | 4-0 |
| AC 06-41 | <u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, L.L.C.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cook County respondent. | 4-0 |
| AC 06-46 | <u>City of Chicago Department of Environment v. Mr. Bult’s, Inc.</u> – The Board accepted an administrative citation against this Cook County respondent. | |
| AC 06-47 | <u>IEPA v. Landfill L.L.C. and Danny Bowman</u> – The Board accepted an administrative citation against these Saline County respondents. | |
| AC 06-48 | <u>IEPA v. Larry Payne, Sr.</u> – The Board accepted an administrative citation against this Fulton County respondent. | |
| AC 06-49 | <u>IEPA v. Michael Gruen and Jon Eric Gruen d/b/a Jon’s Tree Service</u> – The Board accepted an administrative citation against these Macoupin County respondents. | |
| AC 06-50 | <u>IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kinsley Lewis</u> – The Board accepted an administrative citation against these Logan County respondents. | |

ADJUDICATORY CASES

Decisions

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| PCB 03-183 | <u>People of the State of Illinois v. Passavant Area Hospital</u> – In this air enforcement action concerning a Jackson 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, and ordered the respondent to permanently cease operation of its hospital/medical/infectious waste incinerator by either removing it or rendering it inoperable. In addition, respondent must continue to take necessary actions to dispose of all hospital/medical/infectious waste. No civil penalty was requested or imposed. | 4-0 A-E |
| PCB 03-215 | <u>People of the State of Illinois v. Huck Store Fixture Co., Inc.</u> – In this air enforcement action concerning an Adams 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, and ordered the respondent to pay a total civil penalty of \$20,000, and to cease and desist from further violations. | 4-0 A-E |
| PCB 05-180 | <u>People of the State of Illinois v. ACI Environmental Corporation</u> – In this air 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$2,500, and to cease and desist from further violations. | 4-0 A-E |
| PCB 06-2 | <u>People of the State of Illinois v. Laidlaw Corporation</u> – Stipulation In this land enforcement action concerning a Massac 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, and ordered the respondent to pay a total civil penalty of \$25,000, and to cease and desist from further violations. | 4-0 L-E |

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| PCB 06-172 | <u>People of the State of Illinois v. The Carle Foundation Hospital</u> – In this land enforcement action concerning a Champaign 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, and ordered the respondent to pay a total civil penalty of \$6,200, and to cease and desist from further violations. The Carle Foundation Hospital further agrees to undertake a supplemental environmental project, consisting of a mercury thermometer exchange and related disposal for up to 500 mercury thermometers. | 4-0 L-E |
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Motions and Other Matters

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| PCB 96-98 | <u>People of the State of Illinois v. Skokie Valley Asphalt, Co., Inc., 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 Asphalt Co., Inc.</u> – No action taken. | W-E |
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| PCB 97-193 | <u>People of the State of Illinois v. Community Landfill Company, Inc.;</u> | 4-0 |
| PCB 04-207 (cons.) | <u>People of the State of Illinois v. Edward Pruim and Robert Pruim</u> – The Board denied respondents’ motion for reconsideration of the Board’s April 20, 2006 order. In that order, the Board denied the Pruims’ motion for summary judgment and granted complainant’s motion to dismiss counts III, XIV, XV, XVI, and XVIII in PCB 04-207. | L-E |

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| PCB 00-104 | <u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc.</u> – The Board denied complainant’s motion to strike respondent Murphy Farms, Inc.’s amended affirmative defense. | 4-0 A-E |
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| PCB 03-106 | <u>Village of South Elgin v. Waste Management of Illinois, Inc.</u> – The Board granted complainant’s motion for voluntary dismissal of this citizen land enforcement involving a Kane County facility. | 4-0 L-E |
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| PCB 04-9 | <u>People of the State of Illinois v. Aargus Plastics, Inc.</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 04-19 | <u>Paul and Donna Fredrickson v. Jeff Grelyak</u> – The Board granted complainant’s motion for voluntary dismissal of this citizen air and noise enforcement involving a McHenry County facility. | 4-0 A&N-E |
| PCB 04-31 PCB 05-43 (cons.) | <u>Broadus Oil v. IEPA</u> – No action taken. | UST Fund |
| PCB 04-193 | <u>People of the State of Illinois v. Fellowes Manufacturing Company a/k/a Fellowes, Inc.</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 DuPage County facility, the Board ordered publication of the required newspaper notice. | 4-0 A-E |
| PCB 06-33 | <u>People of the State of Illinois v. J&S Companies, Inc. and First Choice Construction, Inc.</u> – The Board granted the complainant’s motion for summary judgment and against J&S Companies, Inc. on Sections 415 ILCS 5/21(a), (d)(1), (e), (p)(1), and (7) (2004) of the Act as alleged in the two-count complaint. The Board directed the case to hearing on the remaining issues. | 3-1 Johnson dissented L-E |
| PCB 06-53 | <u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken. | Johnson W-V |
| PCB 06-148 | <u>Caterpillar Logistics, Inc. v. IEPA</u> – The Board granted this Tazewell County facility’s motion for voluntary dismissal of this permit appeal. | 4-0 P-A, Air |
| PCB 06-156 | <u>Midwest Generation, L.L.C., Will County Generating Station v. IEPA</u> – No action taken. | P-A, Air |

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| PCB 06-158 | <u>Memorial Hospital v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this St. Clair County facility. | 4-0 P-A, Air |
| PCB 06-171 | <u>American Bottom Conservancy v. IEPA and United States Steel Corporation – Granite City Works</u> – No action taken. | P-A, NPDES 3d Party |
| PCB 06-179 | <u>Illinois State Toll Highway Authority 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 Cook County facility. | 4-0 UST Appeal 90-Day Ext. |
| PCB 06-180 | <u>Marquis MTD, Inc.-Hennepin (Property Identification Number H01-10-204-000) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that certain agrichemical containment facilities of Marquis MTD, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the recommendation to deny certification for the portion of the building over the dry fertilizer storage and two main areas in front of the dry fertilizer storage bins at the site. | 4-0 T-C |
| PCB 06-181 | <u>People of the State of Illinois v. Quad-County Ready Mix Corporation</u> – The Board accepted for hearing this air, land and water enforcement action involving a site located in St. Clair County. | 4-0 A&L-E |
| PCB 06-182 | <u>People of the State of Illinois v. Kirsea Builders, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Will County. | 4-0 W-E |

PCB 06-183 People of the State of Illinois v. Lazar Brothers Trucking, Inc. – 4-0
The Board accepted for hearing this water enforcement action W-E
involving a site located in Kane County.

PCB 06-184 Peoria Disposal Company v. Peoria County Board – The Board 4-0
accepted for hearing this pollution control facility siting appeal P-C-F-S-R
involving a Peoria County facility.

CASES PENDING DECISION

R06-19 In the Matter of: Clean Construction or Demolition Debris Fill R, PWS
Operations Under P.A. 94-272 (35 Ill. Adm. Code 1100) –
Proposed Rule, Second Notice, Opinion and Order

R06-23 In the Matter of: Standards and Requirements for Potable Water R, PWS
Well Surveys and for Community Relations Activities Performed in
Conjunction with Agency Notices of Threats from Contamination
Under P.A. 94-134: New 35 Ill. Adm. Code Part 1505 – Proposed
Rule, Second Notice, Opinion and Order

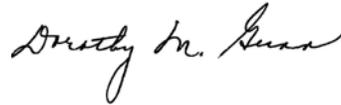
PCB 06-131 Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President, Village of P-A,
Hampshire and IEPA (due 7/6) – (see Motion for Leave to File an NPDES
Amicus Curiae Brief and the Amicus Curiae Brief in Support of
Petitioner filed 6/6)

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:40 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 6, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board