

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



December 7, 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 November 16, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

R06-10	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)</u> – The Board adopted a second notice proposal to amend the Board’s land pollution control regulations.	4-0 R, Land
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R06-24 In the Matter of: Revisions to Water Quality Standards for Total Dissolved Solids in the Lower Des Plaines River for ExxonMobil Oil Corporation: Proposed 35 Ill. Adm. Code 303.445 – The Board adopted a second notice proposal to amend the Board’s water pollution control regulations. 4-0
R, Water

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 – No action taken. Johnson
R, Air

ADJUSTED STANDARDS

AS 07-2 In the Matter of: Proposed Extension of Adjusted Standard Applicable to Illinois-American Water Company’s Alton Public Water Supply Facility Discharge to the Mississippi River – The Board found that petitioner satisfied jurisdictional requirement of providing notice of its petition for an adjusted standard; granted the motion to incorporate by reference both the petition for adjusted standard and site-specific impact study filed in Petition of Illinois-American, AS 99-6. 4-0
PWS

ADMINISTRATIVE CITATIONS

AC 05-40 IEPA v. Northern Illinois Service Company – Due to the delay of seven weeks between service of the Illinois Environmental Protection Agency’s statement of hearing costs and its arrival in the Board’s office, the Board on its own motion reconsiders its final opinion and order of November 16, 2006, and vacates that order. The Board allows the respondent 21 days, or until Friday, December 22, 2006, to file a response limited to the issue of the Agency’s claimed costs. The Agency then has 14 days after service of the response to file any reply. When that reply period has elapsed, the Board will issue a final opinion and order restating a finding of violations and assessing the civil penalty and appropriate hearing costs. 4-0

AC 05-70	<u>IEPA v. James Stutsman</u> – Due to the delay of seven weeks between service of the Illinois Environmental Protection Agency’s statement of hearing costs and its arrival in the Board’s office, the Board on its own motion reconsiders its final opinion and order of November 16, 2006, and vacates that order. The Board allows the respondent 21 days, or until Friday, December 22, 2006, to file a response limited to the issue of the Agency’s claimed costs. The Agency then has 14 days after service of the response to file any reply. When that reply period has elapsed, the Board will issue a final opinion and order restating a finding of violations and assessing the civil penalty and appropriate hearing costs.	4-0
AC 06-50	<u>IEPA v. Mark Gates</u> – No action taken.	
AC 06-53	<u>County of Ogle v. George C. Heal</u> – The Board granted complainant’s motion to dismiss.	4-0
AC 07-21	<u>County of Macon v. Tim Walker</u> – The Board directed complainant to file, on or before January 4, 2007, the proof of service of the administrative citation on respondent. The Board also directed respondent to file, on or before January 4, 2007, an amended petition stating the date on which he received service of the administrative citation from the County and stating the reasons for appeal as required by 35 Ill. Adm. Code 108.206.	4-0
AC 07-22	<u>County of Sangamon v. Jack Caldwell</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Sangamon County facility, the Board found that respondent had violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2004)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties’ joint motion to dismiss the alleged violation of 415 ILCS 5/21(p)(3) (2004).	4-0
AC 07-23	<u>IEPA v. Curtis Jim Hammond</u> – The Board found that this Fulton County respondents violated Section (p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$4,500.	4-0

AC 07-25 City of Chicago Department of Environment v. 1601-1759 East 130th Street, L.L.C. – The Board accepted an administrative citation against this Cook County respondent.

AC 07-26 IEPA v. Leonard Hostetler – The Board accepted an administrative citation against this Macon County respondent.

AC 07-27 IEPA v. Paul Sahlstrom – The Board accepted an administrative citation against this Winnebago County respondent.

ADJUDICATORY CASES

Decisions

PCB 06-104 People of the State of Illinois v. Moore Painting and Illinois-American Water Company – In this air, land and water enforcement action concerning a Madison 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 respondents to pay a total civil penalty of \$26,000, and to cease and desist from further violations. 4-0
A,L,&W

Motions and Other Matters

PCB 96-98 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 Valley Asphalt Co., Inc. – The Board denied respondents’ November 15, 2006 motion for sanctions. 4-0
W-E

PCB 97-179	<u>People of the State of Illinois v. Midwest Grain Products of Illinois, 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 Tazwell County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 04-31 PCB 05-43 (cons.)	<u>Broadus Oil v. IEPA</u> – No action taken.	UST Appeal
PCB 04-213	<u>The Village of Lombard, Illinois v. Bill’s Auto Center, Bill’s Standard Service, and William Kovar</u> – The Board granted complainant’s motion to stay this matter for 210 days through and including June 27, 2007.	4-0 Citizens UST Cost Recovery- E
PCB 05-157	<u>Grand Pier Center L.L.C. and 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 06-52	<u>Knapp Oil Company, Don’s 66 v. IEPA</u> – No action taken.	UST Appeal
PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
PCB 06-150	<u>People of the State of Illinois v. Stoecker Farms, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Macoupin County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – No action taken.	L-E
PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – The Board denied petitioner’s motion for partial summary judgment and granted the Opposition Groups’ motion for leave to file an <i>amicus curiae</i> brief in this proceeding.	4-0 P-C-F-S-R
PCB 07-1	<u>People of the State of Illinois v. Kurt Carlson</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 07-12	<u>Fedex Ground Package System, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-17	<u>Dale L. Stanhibel v. Tom Halat d/b/a Tom’s Vegetable Market</u> – The Board granted respondent’s motion for leave to file a motion to dismiss. Respondent is directed to file his motion to dismiss by Monday, January 8, 2007, which is the first business day after the 30th day from the date of this order. Because service of the complaint did not fully comply with the Board’s procedural rules, the Board will accept as timely a motion to dismiss filed by January 8, 2007. Because the deadline for filing an answer is stayed by operation of the Board’s procedural rules, the Board denied as unnecessary respondent’s motion to extend the time to respond to the complaint. Also, because the Board does not have before it a motion for default and does not address the issue of default in this order, respondent’s motion to vacate any possible default is denied as moot. Finally, the Board reserved ruling on whether the complaint is frivolous or duplicative and whether to accept the complaint for hearing.	4-0 Citizens A&N – E
PCB 07-27	<u>Village of Wilmette v. IEPA</u> – No action taken.	UST Appeal

PCB 07-30	<u>The Premcor Refining Group, Inc. v. IEPA</u> – No action taken.	P-A, Air
PCB 07-36	<u>Noveon, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	4-0 P-A, Air 90-Day Ext.
PCB 07-37	<u>People of the State of Illinois v. Village of Dorchester</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Macoupin County.	4-0 PWS-E
PCB 07-38	<u>City of Joliet v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Will County facility.	4-0 P-A, Water 90-Day Ext.
PCB 07-39	<u>City of Geneva v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Kane County facility.	4-0 P-A, Water
PCB 07-40	<u>People of the State of Illinois v. Village of Browning</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Schuyler County.	4-0 PWS-E
PCB 07-41	<u>People of the State of Illinois v. Village of Nebo</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Pike County.	4-0 PWS-E
PCB 07-42	<u>People of the State of Illinois v. Environmental Reclamation Company</u> – The Board accepted for hearing this land enforcement action involving a site located in Coles County.	4-0 L-E

PCB 07-43 Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Williamson County facility. 4-0
P-A, Land

PCB 07-44 Indian Creek Development Company individually as beneficiary under Trust 3291 of the Chicago Title and Trust Company dated December 15, 1981 and the Chicago Title and Trust Company, as trustee under trust 3291 dated December 15, 1981 v. The Burlington Northern Santa Fe Railway Company, a Delaware company – The Board held for a later duplicative/frivolous determination this citizens’ land and water enforcement action involving a Kane County facility. Citizens
L&W-E

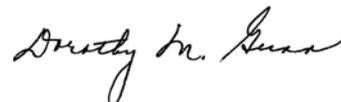
CASES PENDING DECISION

PCB 04-36 Michael A. Petrosius and Darla G. Petrosius v. Illinois State Toll Highway Authority Johnson
Citizens
N-E

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 December 21, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board