

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 16, 2006
NOVEMBER 16, 2006 - CHICAGO OFFICE
100 W. Randolph Street
Conference Room 9-040
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 2, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

R06-16	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2005</u>	4-0
R06-17	<u>through December 31, 2005; In the Matter of: RCRA Subtitle D</u>	R, Land
R06-18	<u>(Municipal Solid Waste Landfill) Update, USEPA Amendments</u>	
(cons.)	<u>(July 1, 2005 through December 31, 2005); In the Matter of:</u>	
	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA</u>	
	<u>Amendments (July 1, 2005 through December 31, 2005) – The</u>	
	Board first extended the filing deadline until December 26, 2006.	
	Then, the Board adopted a final opinion and order in this	
	consolidated “identical-in-substance” rulemaking amending the	
	Board’s underground injection control, municipal solid waste	
	landfill, and hazardous waste regulations.	

R06-26	<u>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</u> – The Board granted the Illinois Environmental Protection Agency motion to withdraw the October 11, 2006 motion to amend rulemaking proposal.	4-0 R, Air
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R07-9	<u>In the Matter of: Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards: Proposed Amendments to 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(4)(A), 409.109(b)(2)(B), 406.100(d): Repealer of 35 Ill. Adm. Code 406.203 and Part 407; and Proposed New 35 Ill. Adm. Code 302.208(h)</u> – The Board accepted for hearing petitioner’s October 23, 2006 proposal to amend the Board’s land pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signatures. The Board also requested that petitioner address the deficiencies noted in the order in writing prior to any hearing scheduled in this proceeding at such time as directed by the hearing officer.	4-0 R, Water
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ADJUSTED STANDARDS

AS 06-4	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c)</u> – The Board granted this St. County petitioner a “waste delisting” adjusted standard, with conditions, for electric arc furnace dust (EAFD) from the primary production of steel (K061 under 35 Ill. Adm. Code 721.132) (EAFD) received by Big River Zinc Corporation (BRZ) at its zinc refinery (2401 Mississippi Avenue, Sauget, St. Clair County, Illinois) (BRZ Facility). The Board found when placed directly into the BRZ Facility’s Leaching, Solvent Extraction, Electrowinning (LSXEW) zinc recycling process is feedstock, upon receipt by BRZ at the BRZ facility, EAFD is not a solid waste.	4-0 Land
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AS 07-2	<u>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</u> – No action taken.	PWS
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ADMINISTRATIVE CITATIONS

AC 05-40	<u>IEPA v. Northern Illinois Service Company</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$406.50 and a civil penalty of \$3,000. This order follows the Board's interim order of September 21, 2006, which found that this respondent had violated Sections 21(p)(1) and (p)(7) of the Illinois Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2004)).	4-0
AC 05-70	<u>IEPA v. James Stutsman</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$296.25 and a civil penalty of \$3,000. This order follows the Board's interim order of September 21, 2006, which found that this respondent had violated Sections 21(p)(1) and (p)(7) of the Illinois Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2004)).	4-0
AC 06-10	<u>IEPA v. Guiffre II, L.L.C.</u> – The Board granted complainant's motion for withdrawal of administrative citation and closed the docket.	4-0
AC 07-24	<u>IEPA v. C. John Blickhan</u> – The Board accepted for hearing this petition for review of an administrative citation against this Adams County respondent.	4-0

ADJUDICATORY CASES

Decisions

None

Motions and Other Matters

PCB 04-31	<u>Broadus Oil v. IEPA</u> – No action taken.	UST Appeal
PCB 05-43 (cons.)		
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 06-175	<u>People of the State of Illinois v. Tres Amigos Properties, 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 water enforcement action involving a Sangamon 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> – No action taken.	P-C-F-S-R
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> – No action taken.	Citizens A&N – E
PCB 07-21	<u>Maple Quick Mart and Ranjit Singh v. IEPA</u> – Having found no appealable action to review, the Board denied petitioners' request for 90-Day extension of appeal period and closed this docket.	4-0 UST Appeal 90-Day Ext.
PCB 07-30	<u>The Premcor Refining Group, Inc. v. IEPA</u> – The Board accepted for hearing this air permit appeal involving a Madison County facility. The Board reserved ruling on petitioner's motion to stay the effectiveness of the Clean Air Act Permit Program permit to allow for a response from the Illinois Environmental Protection Agency.	4-0 P-A, Air
PCB 07-32	<u>People of the State of Illinois v. Lake Arlann Drainage District, Cochran & Wilkens, Inc., and Southwind Construction Corp.</u> – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.	4-0 W-E
PCB 07-33	<u>Oink Inc.-Morrison (Property Identification Number 09-26-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Oink, Inc.'s pork finishing operation located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 07-34	<u>Knapp Oil Company, 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 Massac County facility.	4-0 UST Appeal 90-Day Ext.

PCB 07-35 People of the State of Illinois v. Bradshaw Enterprises, L.L.C. and Brian Bradshaw individually – 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 Clark County facility, the Board ordered publication of the required newspaper notice. 4-0
W-E

CASES PENDING DECISION

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 – Proposed Rule, Second Notice, Opinion and Order Johnson
Water

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 7, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board