

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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December 21, 2006 - CHICAGO OFFICE  
100 W. Randolph Street  
Conference Room 9-040  
11:00 A.M.

### ANNOUNCEMENTS

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Chairman Girard welcomed members of the public and staff.

### ROLL CALL

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

### APPROVAL OF MINUTES

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Minutes of the December 7, 2006 meeting were approved by a vote of 4-0.

### RULEMAKINGS

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<b>R06-25</b>	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury)</u> – The Board adopted a final opinion and order in this rulemaking which amends the Board’s air pollution control regulations. The final adopted rules require compliance beginning July 1, 2009 with a mercury emission standard of 0.00801lb/gwh or a 90% reduction from input mercury. The rule also includes two alternate compliance mechanisms: a temporary technology-based standard (TTBS) and a multi-pollutant control system (MPS).	4-0 R, Air
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<b>R06-26</b>	<u>In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO<sub>2</sub>, NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D and E – No action taken.</u>	R, Air
<b>R07-2</b> <b>R07-11</b> <b>(cons.)</b>	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 through June 30, 2006); In the Matter of: SDWA Update, USEPA Amendments (July 1, 2006 through December 31, 2006) –</u> The Board consolidated these two dockets containing related amendments and extended the deadline for completion of rulemaking the consolidated docket from January 4, 2007 to April 30, 2007.	4-0 R, PWS
<b>R07-10</b>	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2006 through December 31, 2006) –</u> 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 July 1, 2006 through December 31, 2006.	R, Air
<b>R07-12</b>	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2006 through December 31, 2006) –</u> 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 July 1, 2006 through December 31, 2006.	R, Land
<b>R07-13</b>	<u>In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2006 through December 31, 2006) –</u> 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 July 1, 2006 through December 31, 2006.	R, Land

**R07-14**      In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2006 through December 31, 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 July 1, 2006 through December 31, 2006.      R, Land

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**R07-15**      In the Matter of: UST Update, USEPA Amendments (July 1, 2006 through December 31, 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 July 1, 2006 through December 31, 2006.      R, Land

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**R07-16**      In the Matter of Wastewater Pretreatment Update, USEPA Amendments (July 1, 2006 through December 31, 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 July 1, 2006 through December 31, 2006.      R, Water

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## **ADJUSTED STANDARDS**

## **ADMINISTRATIVE CITATIONS**

**AC 05-40**      IEPA v. Northern Illinois Service Company – No action taken.

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**AC 06-50**      IEPA v. Mark Gates – The Board grants respondent Gates’ motion for reconsideration. Gates must amend his original petition for review as directed on or before January 22, 2007.      4-0

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<b>AC 06-56</b>	<u>IEPA v. Lake Wildwind Park, L.L.C.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Woodford County facility, the Board found that respondent had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2004)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violation of 415 ILCS 5/21(p) (1) (2004).	4-0
<b>AC 07-2</b>	<u>IEPA v. Norbert and Wilma Adams</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Woodford County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2004)) and ordered respondents 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) (7) (2004).	4-0
<b>AC 07-15</b>	<u>IEPA v. Glenn and Brenda York</u> – The Board found that these Morgan County respondents violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
<b>AC 07-18</b>	<u>County of Ogle v. Donald and Linda Ebersole and Nathan Mattison</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 07-19</b>	<u>County of Ogle v. Michael Johnson</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 07-20</b>	<u>County of Macon v. Phillip Pugsley</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 07-28</b>	<u>IEPA v. Charles Norman Bartlett</u> – The Board accepted an administrative citation against this Calhoun County respondent.	

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## ADJUDICATORY CASES

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### Decisions

<b>PCB 04-36</b>	<u>Michael A. Petrosius and Darla G. Petrosius v. Illinois State Toll Highway Authority</u> – No action taken.	Johnson Citizens N-E
<b>PCB 06-43</b>	<u>Sangamon Valley Farm Supply v. IEPA and Village of Saybrook, Illinois</u> – The Board granted, Sangamon Valley Farm Supply a water well setback exception from Section 14.2 of the Environmental Protection Act (415 ILCS 5/14.2(c), (d) (2004)), subject to conditions. The exception allows petitioner to remediate on-site pollution by enhanced natural attenuation utilizing the direct push technology to inject oxygen release compound (ORC) at the property located at the corner of Lincoln and Main Streets in the Village of Saybrook, McLean County.	4-0 WWS

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### Motions and Other Matters

<b>PCB 96-98</b>	<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 Valley Asphalt Co., Inc.</u> – No action taken.	W-E
<b>PCB 04-31</b> <b>PCB 05-43</b> (cons.)	<u>Broadus Oil v. IEPA</u> – The Board granted respondent’s motion for summary judgment and denied the petitioner’s motion for summary judgment.	3-1 Johnson dissented UST Appeal
<b>PCB 04-185</b>	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S



<b>PCB 04-216</b>	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
<b>PCB 05-157</b>	<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> – Reserving ruling on complainant’s motion for default judgement, the Board granted additional time to respondents River East and Chicago Trust until January 22, 2007, to either contact the hearing officer or enter an appearance in this proceeding. The Board will then take appropriate action.	4-0 Citizens L-E
<b>PCB 06-52</b>	<u>Knapp Oil Company, Don’s 66 v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 06-53</b>	<u>C&amp;F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
<b>PCB 06-177</b>	<u>People of the State of Illinois v. Sheridan Sand &amp; Gravel Co.</u> – No action taken.	L-E
<b>PCB 06-184</b>	<u>Peoria Disposal Company v. Peoria County Board</u> – The Board granted respondent’s motion for leave to supplement the record and incorporates the Supplemental Staff Report and Findings Page into the record. The Board orders respondent to file a clean copy of the April 6, 2006 Peoria County Staff Proposed Findings, or an explanation of why the Board should accept the version including handwritten notes, by January 5, 2007. For purposes of administrative efficiency and accurate reference at hearing, the Board also orders respondent to file an amended index reflecting any changes in pagination.	4-0 P-C-F-S-R

<b>PCB 07-12</b>	<u>Fedex Ground Package System, Inc. v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with PCB 04-31 and PCB 05-43 (cons). The Board then granted the parties’ motions to supplement the administrative record. The Board granted the Illinois Environmental Protection Agency’s (Agency) motion for summary judgment and denied Fedex’s cross-motion for summary judgment. The Board found that the Agency properly rejected an amended budget under 35 Ill. Adm. Code 734.335 of the Board’s regulations.	3-1 Johnson dissented  UST Appeal
<b>PCB 07-17</b>	<u>Dale L. Stanhibel v. Tom Halat d/b/a Tom’s Vegetable Market</u> – No action taken.	Citizens A&N – E
<b>PCB 07-24</b>	<u>Webb &amp; Sons, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-27</b>	<u>Village of Wilmette v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-30</b>	<u>The Premcor Refining Group, Inc. v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 07-44</b>	<u>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</u> – No action taken.	Johnson L&W-E
<b>PCB 07-45</b>	<u>People of the State of Illinois v. General Waste Services, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in St. Clair County.	4-0 A-E
<b>PCB 07-46</b>	<u>People of the State of Illinois v. D&amp;L Disposal, L.L.C.</u> – The Board accepted for hearing this land enforcement action involving a site located in Bond County.	4-0 L-E

**PCB 07-47**      People of the State of Illinois v. City of Pekin – The Board  
accepted for hearing this water enforcement action involving a site  
located in Tazewell County.      4-0-  
W-E

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**PCB 07-48**      Village of Wilmette v. IEPA – The Board accepted for hearing this  
underground storage tank appeal involving a Cook County facility.      4-0  
UST  
Appeal

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### **CASES PENDING DECISION**

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**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 – Adopted Rule, Final Opinion and Order      R, Noise

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### **ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:25  
a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board  
approved the above minutes on January 4, 2007, by a vote of.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board