

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**NOVEMBER 15, 2007, 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 Assistant Clerk of the Board called the roll. All four Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the November 1, 2007 open meeting and November 8, 2007 closed deliberative session were approved by a vote of 4-0.

### **RULEMAKINGS**

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<b>R04-25</b>	<u>In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s general use water quality standard for dissolved oxygen.	4-0 R, Water
<b>R06-20</b>	<u>In the Matter of: Proposed Amendments to the Board’s Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808, 809</u> – No action taken.	4-0 R, Land

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<b>R07-8</b>	<u>In the Matter of: Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811</u> – The Board adopted a final opinion and order in this rulemaking to update the Board’s solid waste disposal regulations.	4-0 R, Land
<b>R07-17</b>	<u>In the Matter of: Amendments to the Board's Procedural Rules and Underground Storage Tank Rules to Reflect P. A. 94-0274, P.A. 94-0276, P.A. 94-0824, P.A. 95--031, P.A. 95-0177, and P.A. 95-0408 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 634.115, and 734.710</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s procedural rules and underground storage tank regulations to reflect recent legislation.	4-0 Procedural, Land
<b>R08-9</b>	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendmends to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – The Board granted the motion to hold hearings in Chicago and Joliet, Illinois.	4-0 R, Water

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## **ADJUSTED STANDARDS**

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## **ADMINISTRATIVE CITATIONS**

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<b>AC 06-39</b>	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u> – No action taken.
<b>AC 06-40</b>	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u> - No action taken.
<b>AC 06-41</b>	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> - No action taken.
<b>AC 07-25</b>	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> - No action taken.

## ADJUDICATORY CASES

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<b>PCB 04-185</b>	<u>Midwest Generation EME, LLC v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through April 17, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through April 17, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
<b>PCB 04-216</b>	<u>Midwest Generation v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through April 17, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
<b>PCB 06-33</b>	<u>People of the State of Illinois v. First Choice Construction, Inc.</u> – In this land enforcement action concerning a St. Clair 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, ordering the respondent to pay a total civil penalty of \$2,000, and to cease and desist from further violations.	4-0 L-E
<b>PCB 06-82</b>	<u>People of the State of Illinois v. Barger Engineering, Inc.</u> – The Board granted complainant's motion to file a second amended complaint and accepted the amended complaint.	4-0 W-E
<b>PCB 07-44</b>	<u>Indian Creek Development Company, an Illinois partnership, 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</u> – No action taken.	Citizens L, W-E
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal

<b>PCB 07-85</b>	<u>TT-Town Drive Thru, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-135</b>	<u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</u> – No action taken.	A, N, W-E
<b>PCB 08-10</b>	<u>Dunn’s University BP (Corrective Action Plan dated March 5, 2007) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility.	4-0 UST Appeal
<b>PCB 08-28</b>	<u>People of the State of Illinois v. City of Jerseyville</u> – In this water enforcement action concerning a St. Clair 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, ordering the respondent to pay a total civil penalty of \$1,080, and to cease and desist from further violations.	4-0 W-E
<b>PCB 08-32</b>	<u>Partylite Worldwide, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Kane County facility.	4-0 P-A, Air

## **CASES PENDING DECISION**

<b>AC 05-72</b>	<u>IEPA v. Gary Clover, d/b/a Clover Concrete, Marion, IL</u> <ul style="list-style-type: none"> <li>• Complainant’s Closing Brief (6/4)</li> <li>• Respondent’s Letter Construed as Brief (6/13) <ul style="list-style-type: none"> <li>– Interim Opinion and Order</li> </ul> </li> </ul>	
<b>PCB 07-84</b>	<u>American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc.</u> <ul style="list-style-type: none"> <li>• Petitioner’s Brief (9/17)</li> <li>• Response Brief of Waste Management (10/9)</li> <li>• Petitioner’s Reply Brief (10/15) <ul style="list-style-type: none"> <li>– Due December 6</li> </ul> </li> </ul>	L-S-R
<b>PCB 07-147</b>	<u>L. Keller Oil Properties, Inc. / Farina v. IEPA</u> <ul style="list-style-type: none"> <li>• Petitioner’s Post Hearing Brief (9/18)</li> <li>• Agency Response Brief (10/9)</li> <li>• Petitioner’s Reply Brief, Motion for Leave to File (10/22)</li> <li>• Waiver until 12/6/07 (10/24)</li> </ul>	UST Appeal

## **OTHER ITEMS**

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The Board granted the Chairman's motion to change the December 6, 2007 Meeting from a video meeting to one held in the James R. Thompson Center, Chicago, Room 11-512 (or larger room to be announced later).

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## **ADJOURNMENT**

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Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:15.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 6, 2007, by a vote of.

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board