

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**DECEMBER 20, 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 December 6, 2007 open meeting were approved by a vote of 4-0.

### **RULEMAKINGS**

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NONE

### **ADJUSTED STANDARDS**

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| AS 07-3 | <u>In the Matter of: Petition of Midwest Generation, LLC, Waukegan Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230</u> – No action taken.    | Air |
| AS 07-4 | <u>In the Matter of: Petition of Midwest Generation, LLC, Will County Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230</u> – No action taken. | Air |

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|----------------|--|-----------------|
| <b>AS 08-1</b> | <u>In the Matter In the Matter of: Petition of Illinois Department of Transportation, District 8, Bowman Avenue Pump Station and Deep Well System, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. IL0070955) – The Board granted petitioners motion to stay this adjusted standard proceeding, pending final action in rulemaking docket <u>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)(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), R07-9</u></u> | 4-0<br>Water    |
| <b>AS 08-3</b> | <u>In the Matter of: Petition for Adjusted Standard from 35 Ill. Adm. Code 620.420 for Nobel Risley's Landfill #2 – No action taken.</u>   | Ground<br>Water |
| <b>AS 08-4</b> | <u>In the Matter of: Petition of the City of Chicago Heights for an Adjusted Standard from 35 IAC 810.103, 814.102, and 814.501(c) – The Board dismissed this petition for an adjusted standard for petitioner’s failure to timely publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected, as required by Section 28.1 of the Environmental Protection Act (415 ILCS 5/28.1(d)(1) (2006)).</u>  | 4-0<br>Land     |
| <b>AS 08-5</b> | <u>In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting – No action taken.</u>   | Land            |
| <b>AS 08-6</b> | <u>In the Matter of: Petition of BioMedical Technology Solutions, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422 – The Board ordered petitioner to file an amended petition to cure noted deficiencies on or before January 7, 2008.</u>  | 4-0<br>Land     |

### **ADMINISTRATIVE CITATIONS**

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|-----------------|--|--|
| <b>AC 06-39</b> | <u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc. – No action taken.</u> |  |
| <b>AC 06-40</b> | <u>City of Chicago Department of Environment v. Jose R. Gonzalez – No action taken.</u>                  |  |

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|-----------------|--|-----|
| <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.  |     |
| <b>AC 08-6</b>  | <u>IEPA v. Salam H. Nijme and Shasban Karam A. Nijme</u> – The Board granted complainant’s motion to dismiss the administrative citation due to failure of service.  | 4-0 |
| <b>AC 08-8</b>  | <u>IEPA (File No. 318-07-AC) v. James and Mildred Taviner</u> – The Board found that these respondents violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2006)), assessing a penalty of \$4,500 in this administrative citation involving a Calhoun County facility. | 4-0 |
| <b>AC 08-9</b>  | <u>IEPA v. Gene &amp; Elena Greenwood</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Williamson County facility.  | 4-0 |
| <b>AC 08-11</b> | <u>IEPA v. Ken and Ella Cook</u> – The Board accepted an administrative citation against these Williamson County respondents.  |     |

## **ADJUDICATORY CASES**

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| <b>PCB 96-98</b>  | <u>People of the State of Illinois v. Skokie Valley Asphalt, 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 04-133</b> | <u>Keller Oil Company/Sullivan Super K v. IEPA</u> – The Board granted this Moultrie County facility’s motion for voluntary dismissal of this underground storage tank appeal.   | 4-0<br>UST Appeal |
| <b>PCB 06-38</b>  | <u>Downtown Shell (Greenville) v. IEPA</u> – The Board granted this Bond County facility’s motion for voluntary dismissal of this underground storage tank appeal.   | 4-0<br>UST Appeal |

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| <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<br>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 07-96</b>  | <u>Kyle Nash v. Karen Sokolowski</u> – No action taken.   | N-E                |
| <b>PCB 07-97</b>  | <u>Kyle Nash v. Louis Jimenez</u> – No action taken.  | N-E                |
| <b>PCB 07-135</b> | <u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</u> – The Board granted respondent’s second motion to dismiss, dismissed the amended complaint in its entirety, and closed the docket   | 4-0<br>A, N, W-E   |
| <b>PCB 07-146</b> | <u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – Referred to hearing officer for evaluation.   | LSR                |
| <b>PCB 08-8</b>   | <u>People of the State of Illinois v. Arona Corporation, d/b/a Aaron's Sales &amp; Lease Ownership</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice. | 4-0<br>L,W-E       |
| <b>PCB 08-17</b>  | <u>People of the State of Illinois v. Felker Pharmacy, Inc. and Rod Bennett Construction, Inc. v. McClellan Blakemore Architects, Inc. and Wendler Engineering Services, Inc.</u> – No action taken.  | W-E                |
| <b>PCB 08-32</b>  | <u>Partylite Worldwide, Inc. v. IEPA</u> – No action taken.   | P-A, Air           |
| <b>PCB 08-33</b>  | <u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – The Board directed petitioner to file an amended petition to cure noted deficiencies on or before January 22, 2008, or the petition would be subject to dismissal.  | 4-0<br>W-V         |

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| <b>PCB 08-36</b> | <u>Dave McGhee v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a site located in Douglas County.  | 4-0<br>UST Appeal |
| <b>PCB 08-37</b> | <u>Woodworth &amp; Sons, 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 Champaign County facility. | 4-0<br>UST Appeal |
| <b>PCB 08-38</b> | <u>Interstate Oil, Inc. v. IEPA</u> – No action taken.  | P-A, NPDES        |

### **CASES PENDING DECISION**

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|------------------|--|-----------|
| <b>R08-6</b>     | <u>Definition of VOM Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u><br>– Adopted Rule, Final Order | R-Air     |
| <b>PCB 08-25</b> | <u>Peoria Disposal Company v. IEPA</u><br>– Due 1/10/08  | P-A, Land |

### **OTHER ITEMS**

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|  | The Board granted the Chairman’s Motion to change January 10, 2008, Meeting from a Video Meeting to One Held in the James R. Thompson Center, Chicago, Room 11-512. | 4-0 |
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### **ADJOURNMENT**

Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:20 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 10, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board