

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 24, 2008

CHICAGO OFFICE
100 W. Randolph Street
Chicago, IL
Conference Room 9-040

11:00 A.M.

ANNOUNCEMENTS

Chairman Girard welcomed members of the public and staff.

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of the January 10, 2008 open meeting and January 17, 2008 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

R04-25	<u>In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s general use water quality standard for dissolved oxygen.	4-0 Water
R08-17	<u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources, Proposed New 35 Ill. Adm. Code Part 223</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s January 2, 2008 proposal to amend the Board’s air pollution control regulations for volatile organic material emissions. The Board also granted the motion to file a limited number of copies and accepted this matter for hearing.	4-0 Air

ADJUSTED STANDARDS

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
AS 08-2	<u>In the Matter of: Petition of Stericycle, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422.111(B)(1); 1450.105(A)-(B); 1450.200 (E); and Condition 15 of Permit No. 1997-264-DE/OP, Supplemental Permit No. 2005-182-SP</u> – No action taken.	PIMW
AS 08-3	<u>In the Matter of: Petition for Adjusted Standard from 35 Ill. Adm. Code 620.420 for Nobel Risley's Landfill #2</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies, and notice of newspaper publication of the filing of the amended petition, on or before February 29, 2008, or the petition would be subject to dismissal.	4-0 Ground Water
AS 08-7	<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)</u> – No action taken.	Land

ADMINISTRATIVE CITATIONS

AC 05-72	<u>IEPA v. Gary Clover, d/b/a Clover Concrete, Marion, IL</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 \$353.07 and a civil penalty of \$4,500. This order follows the Board's interim order of December 6, 2007, which found that this respondent had violated Sections 21(p)(1), (3) and (4) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (3), and (4) (2006)).	4-0
AC 06-33	<u>IEPA v. Johnny Kemper d/b/a Kemper Tree Service</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Edgar County facility, the Board found that respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2006)) and ordered him 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) (3) (2006).	4-0
AC 06-39	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u> – No action taken.	
AC 06-40	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u> – No action taken.	
AC 06-41	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> – No action taken.	
AC 06-49	<u>IEPA v. Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2006)) and assessing a penalty of \$1,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 14 days of service.	4-0
AC 07-25	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> – No action taken.	

AC 08-10	<u>IEPA v. Henry, Patty and Bradley Maynor</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 08-12	<u>IEPA v. Norma Eddington and Cecil Eddington</u> – The Board accepted an administrative citation against these Tazewell County respondents.	

ADJUDICATORY CASES

PCB 96-98	<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
PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County, Illinois</u> – The Board affirmed the respondent’s decision to deny siting for the landfill expansion proposed by Waste Management of Illinois, Inc.	4-0 Siting Appeal
PCB 06-80	<u>People of the State of Illinois v. Fulford Construction, 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 St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 06-163	<u>The Theodore Kosloff Trust (As formed by the Irrevocable Agreement of Trust of Theodore Kosloff, dated December 6, 1989, for Rachel Kosloff and Abigail Kosloff, a Pennsylvania trust) v. A&B Wireform Corporation</u> – The Board granted the parties’ motion for voluntary dismissal of this citizen enforcement action.	4-0 L-E
PCB 07-44	<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
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal

PCB 07-84	<u>American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc.</u> – No action taken.	L-S-R
PCB 07-85	<u>TT-Town Drive Thru, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	N-E
PCB 07-113	<u>Rochelle Waste Disposal, L.L.C. v. The City of Rochelle, an Illinois Municipal Corporation and The Rochelle City Council</u> – The Board affirmed special conditions 8, 13, 22, 23, 26, and 28, and, as requested, modified conditions 33 and 34 of the sitting approval granted by the City of Rochelle on April 11, 2007.	4-0 P-A, Land
PCB 07-125	<u>Lowe Oil (Robert and Tony Thompson) v. IEPA</u> – The Board granted this Alexander County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 08-17	<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
PCB 08-35	<u>Estate of William Eggert v. IEPA</u> – No action taken.	UST Appeal
PCB 08-42	<u>River Rescue v. IEPA and Peoria Disposal Company</u> – No action taken.	P-A, RCRA

CASES PENDING DECISION

None

OTHER ITEMS

	The Board granted the Chairman’s motion to change the February 7, 2008 Meeting from a video meeting to one held in the James R. Thompson Center, Chicago, Room 2-025.	4-0
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	The Chairman's motion was granted under Section 2.06(c) of the Open Meetings Act (5 ILCS 120/2.06(c). The Clerk must preserve only written minutes of closed Board deliberative sessions occurring on or before June 30, 2006 and to approve destruction of verbatim tape recordings of 2006 meetings held: January 12 and January 26; February 9 and February 23; March 9, March 23, and March 30; April 13 and April 27; May 11 and May 25; and June 8 and June 29.	4-0
	Chairman's Motion was granted under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d). The Clerk must continue to keep confidential minutes of closed Board meetings occurring between July 1, 2007 through December 31, 2007.	4-0

ADJOURNMENT

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

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 7, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board