

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



March 20, 2008

CHICAGO OFFICE
100 W. Randolph Street
Chicago, IL
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 March 6, 2008 open meeting were approved by a vote of 4-0. The minutes of the March 13, 2008 closed deliberative session were approved by a vote of 3-0.

RULEMAKINGS

R07-5	<u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2006 through June 30, 2006)</u>	Land
R07-14	<u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” consolidated rulemaking to amend the Board’s hazardous waste regulations and extended the deadline for completion of rulemaking from April 16, 2008 to July 14, 2008.	

R08-18	<u>In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Il. Adm. Code 620</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s February 19, 2008 proposal to amend the Board’s groundwater quality regulations. The Board also granted the motion for waiver of certain filing requirements.	4-0 PWS
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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 08-3	<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 accepted petitioner’s second amended petition for hearing.	4-0 PWS

ADMINISTRATIVE CITATIONS

AC 05-61	<u>IEPA v. Timothy Pearce</u> – No action taken.	
AC 06-49	<u>IEPA v. Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service</u> – No action taken.	
AC 07-54	<u>IEPA v. Adolph M. Lo</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign 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 Sections 21(p)(3) and (p)(7) of the Act (415 ILCS 5/21(p) (p)(3), (p)(7) (2006)).	4-0

AC 08-11	<u>IEPA v. Ken and Ella Cook</u> – The Board found that these respondents violated Sections 21(p)(1) and (7) of the Act (415 ILCS 5/21(p)(1), (7) (2006)), assessing a penalty of \$3,000 in this administrative citation involving a Williamson County facility.	4-0
AC 08-12	<u>IEPA v. Norma Eddington and Cecil Eddington</u> – The Board found that these respondents violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2006)), assessing a penalty of \$1,500 in this administrative citation involving a Cass County facility.	4-0
AC 08-13	<u>County of DuPage v. Margarito Sotelo</u> – The Board found that this respondent violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2006)), assessing a penalty of \$1,500 in this administrative citation involving a DuPage County facility.	4-0
AC 08-14	<u>County of DuPage v. Nicolas Cruz</u> – No action taken.	
AC 08-15	<u>County of DuPage v. Jamal Abro</u> – The Board found that this respondent violated Sections 21(p)(1) and (3) of the Act (415 ILCS 5/21(p)(1), (3) (2006)), assessing a penalty of \$3,000 in this administrative citation involving a DuPage County facility.	4-0
AC 08-16	<u>IEPA v. Gene Breeden</u> – The Board accepted respondent’s petition for review in this administrative citation involving an Iroquois County facility, and set the matter for hearing.	4-0

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 04-65	<u>Champion Laboratories, Inc. v. IEPA</u> – The Board granted this Edwards County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air

PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County, Illinois</u> – No action taken. •	Siting Appeal
PCB 05-154	<u>McLean County Asphalt v. IEPA</u> – The Board granted this Cass County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
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 07-85	<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. –	Citizens N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	Citizens 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> – No action taken.	Siting Appeal
PCB 07-144	<u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Mick Morfey, individually and William Knauer, individually</u> – The Board granted the complainant’s motions to deem facts admitted and for summary judgment. The Board found respondent Knauer violated Sections 9(a), 9.1(d), 9.13(a) and 9(c) of the Environmental Protection Act (Act), 415 ILCS 5/9(a), 9.1 (d), 9. 13(a), 9(c) (2006), and Sections 61.145(a) and (b), 61.145(c)(i), (c)(2), (c)(6) and (c)(8), 61.150(b) of the National Emissions Standards for Hazardous Air Pollutants (NESHAP") for asbestos, 40 C.F.R. 61.145(a) and (b), 61.145(c)(i), (c)(2), (c)(6) and (c)(8), 61.150(b). as alleged in the complaint and assessed the requested civil penalty of \$100,000.	4-0 E – Air

PCB 07-147	<u>L. Keller Oil Properties, Inc. / Farina v. IEPA</u> – The Board denied petitioner’s motion for reconsideration and affirmed its December 6, 2007 opinion and order in its entirety. In addition, the Board denied petitioner’s request for oral argument.	4-0 P-A, Land
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> – The Board accepted third party complainant Rod Bennett Construction, Inc.’s third-party complaint for hearing.	4-0 W-E
PCB 08-27	<u>People of the State of Illinois v. City of Hometown</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 E-PWS
PCB 08-32	<u>Partylite Worldwide, Inc. v. IEPA</u> – The Board found that the Illinois Environmental Protection Agency (Agency) failed to take action on petitioner’s completed application for a Clean Air Act Permit Program (CAAPP) permit as required by Section 39.5(5)(j) of the Act (415 ILCS 5/39.5(5)(j) (2006)). The Board directed the Agency to take action on petitioner’s application for a CAAPP permit by July 18, 2008.	4-0 P-A, Air
PCB 08-37	<u>Woodworth & Sons, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Champaign County facility.	4-0 UST Appeal
PCB 08-49	<u>Joyce Farms Recycling, 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 Kankakee County facility.	4-0 90-Day Ext, UST Appeal
PCB 08-50	<u>Jet Farm – Prophetstown v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jet Farm, 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 (2006)).	4-0 T-C, W

PCB 08-51	<u>People of the State of Illinois v. Highland Baking Company, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Cook County.	4-0 E-Air
PCB 08-52	<u>People of the State of Illinois v. Dr. Charles R. Boyce, d/b/a Chatham Veterinary Clinic</u> – The Board accepted for hearing this water enforcement action involving a site located in Sangamon County.	4-0 E-Land

CASES PENDING DECISION

AS 08-6	<u>Petition of BioMedical Technology Solutions, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422</u> – Final Opinion and Order	PIMW
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OTHER ITEMS

	The Board granted the Chairman’s motion to change the April 3, 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 11:25 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 3, 2008, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board