

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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April 3, 2008

CHICAGO OFFICE  
100 W. Randolph Street  
Chicago, IL  
Room 11-512

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 March 20, 2008 open meeting were approved by a vote of 4-0. The minutes of the March 27, 2008 closed deliberative session were approved by a vote of 3-0, Chairman Girard abstaining.

### **RULEMAKINGS**

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None

## 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 08-6	Petition of BioMedical Technology Solutions, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422 – The Board granted an adjusted standards to Biomedical Technology Solutions, Inc. (BMTS) from the requirement that BMTS use any of the indicator organisms listed at 35 Ill. Adm. Code Section 1422.Appendix A, Table B(1) when performing an Initial Efficacy Test of its Demolizer® dry heat sterilization technology. In lieu of the listed organisms, BMTS may use only <i>Bacillus atrophaeus</i> (ATCC 9372). BMTS must comply with all other requirements of 35 Ill. Adm. Code 1422.	4-0 PIMW
AS 08-8	<u>In the Matter of: Petition of Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. for Adjusted Standard from Ammonia Nitrogen Discharge Levels at 35 Ill. Adm. Code 304.122.</u> – No action taken.	Water

## 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> – 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 \$427.56 and a civil penalty of \$1,500. This order follows the Board's interim order of January 24, 2008, which found that this respondent had violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2006)).	4-0
AC 07-16	<u>IEPA v. Dennis Ballinger</u> – The Board granted complainant's motion for withdrawal of this administrative citation and closed the docket.	4-0

<b>AC 08-14</b>	<u>County of DuPage v. Nicolas Cruz</u> – The Board ordered respondent to file a petition for review to cure noted deficiencies, on or before May 5, 2008, or the petition for review would be subject to dismissal.	4-0
<b>AC 08-17</b>	<u>City of Chicago Department of Environment v. Crystal IL 98LLC</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Cook County facility.	4-0
<b>AC 08-19</b>	<u>IEPA (File No. 23-08-AC) v. C. John Blickhan</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving an Adams County facility.	4-0
<b>AC 08-20</b>	<u>County of Jackson v. James Moake</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Jackson County facility.	4-0
<b>AC 08-21</b>	<u>County of Jackson v. Jack Reeves &amp; Jacqueline Watkins</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Jackson County facility.	4-0
<b>AC 08-23</b>	<u>IEPA v. William Dixon</u> – The Board accepted an administrative citation against this Union County respondent.	
<b>AC 08-24</b>	<u>IEPA v. Gire Properties, Inc. and Gire Construction, Inc.,</u> – The Board accepted an administrative citation against these Douglas County respondents.	
<b>AC 08-25</b>	<u>County of Jackson v. Frank Smith &amp; Danny Smith</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 08-26</b>	<u>IEPA v. Edward W. Fisher, Rhonda L. Fisher and DEM/EX Group, Inc.</u> – The Board accepted an administrative citation against these Mason County respondents.	
<b>AC 08-27</b>	<u>IEPA v. Hiram Vanderheiden, Jr.</u> – The Board accepted an administrative citation against this Mason County respondent.	

## ADJUDICATORY CASES

<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 04-186</b>	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County, Illinois</u> – The Board denied petitioners’ motion to reconsider the January 24, 2008 Board Order which affirmed the decision of the County of Kankakee denying Waste Management of Illinois’ application to site for landfill expansion. •	4-0 Siting Appeal
<b>PCB 05-72</b>	<u>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
<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> – The Board denied petitioner’s motion for summary judgment, granted respondent’s counter-motion for summary judgment and affirmed the respondent’s March 2, 2007 denial of UST Fund reimbursement for petitioner.	4-0 UST Appeal
<b>PCB 07-96</b>	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	Citizens N-E
<b>PCB 07-97</b>	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	Citizens N-E

<b>PCB 07-113</b>	<u>Rochelle Waste Disposal, L.L.C. v. The City of Rochelle, an Illinois Municipal Corporation and The Rochelle City Council</u> – The Board granted the parties’ motions to reconsider and affirmed its January 24, 2008 decision, which 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 Siting Appeal
<b>PCB 08-21</b>	<u>Lindenhurst Sanitary District v. IEPA</u> – The Board granted this Lake County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water
<b>PCB 08-46</b>	<u>People of the State of Illinois v. Rancho Amigo, LLC</u> – In this land enforcement action concerning a Jo Daviess 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations.	4-0 W-E
<b>PCB 08-47</b>	<u>Metropolitan Water Reclamation District of Greater Chicago v. Illinois Environmental Protection Agency</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water
<b>PCB 08-53</b>	<u>Grote Stock Farm-Sims v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Grote Stock Farm, located in Wayne 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
<b>PCB 08-54</b>	<u>Newcomber Confinements-Lanark v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Newcomber Confinements - Lanark Farm, located in Carroll 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
<b>PCB 08-55</b>	<u>People of the State of Illinois v. Village of Merrionette Park</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County.	4-0 PWS-E

<b>PCB 08-56</b>	<u>McCune Farm Gold – East v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of McCune Farm Gold - East, located in Bureau 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
<b>PCB 08-57</b>	<u>McCune Farm Gold – East v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of McCune Farm Gold - East, located in Bureau 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
<b>PCB 08-58</b>	<u>Bible Pork – Louisville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Bible Pork - Louisville, located in Clay 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
<b>PCB 08-59</b>	<u>John Blickhan v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Adams County facility.	4-0 P-A, Land 90-Day Extension
<b>PCB 08-60</b>	<u>Von Holten Farms - Lydon v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Von Holten Farms - Lyndon, 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

## CASES PENDING DECISION

<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> <ul style="list-style-type: none"><li>• NORA's Rule Proposal Amendment (11/5)</li><li>• Agency Motion for Extension of Time in Which to File a Response (11/19)</li><li>• Agency's Response to Rule Proposal Amendment (12/3)</li></ul>	Land
<b>R07-9</b>	<u>In the Matter of: 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)</u> <ul style="list-style-type: none"><li>• IERG Motion for Leave to Reply to Illinois EPA's Response to IERG's Comments; Reply to Illinois EPA's Response to IERG's Comments (2/26)</li><li>• Agency's Response to IERG's Motion for Leave to Reply (3/14) Proposed Rule, Second Notice, Opinion &amp; Order</li></ul>	Water

## OTHER ITEMS

None

## ADJOURNMENT

Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:24 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 17, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board