

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



July 10, 2008

Chicago/Springfield Videoconference

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

And

SPRINGFIELD OFFICE
1021 N. Grand Avenue East
Springfield, IL
Videoconference Room 1244N, First Floor

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 June 19, 2008 open meeting were approved by a vote of 4-0.

RULEMAKINGS

<p>R06-20</p>	<p><u>In the Matter of: Proposed Amendments to the Board’s Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808,809</u> – The Board granted NORA, An Association of Responsible Recyclers’ motion for an additional hearing following first notice.</p>	<p>Land 4-0</p>
<p>R08-9</p>	<p><u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – No action taken.</p>	<p>Water</p>

09-1	<u>UIC Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R09-2	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R09-3	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R09-4	<u>UST Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R09-5	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Water
R09-6	<u>Definition of VOM Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air
R09-7	<u>SDWA Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Public Water Supply

ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 07-24 AC 08-19	<u>IEPA v. C. John Blickhan</u> – The Board granted complainant’s motion to consolidate AC 07-24 with AC 08-19.	4-0
AC 08-34	<u>IEPA v. Joseph Combs</u> – The Board accepted an administrative citation against this Greene County respondent. –	
AC 08-35	<u>IEPA v. George R. Ford</u> – The Board accepted an administrative citation against this Fulton County respondent.	
AC 08-36	<u>IEPA v. Charles F. Kinsel</u> – The Board accepted an administrative citation against this Fulton County respondent.	
AC 08-37	<u>IEPA v. Nancy Koltzenburg d/b/a K & N Excavating and Rentals</u> – The Board accepted an administrative citation against this Hancock County respondent.	
AC 08-38	<u>County of Vermilion, Illinois v. Illinois Landfill, Inc.</u> – The Board accepted an administrative citation against this Vermilion County respondent.	
AC 09-01	<u>County of Vermilion, Illinois v. Connie Yount</u> – The Board accepted an administrative citation against this Vermilion County respondent.	

ADJUDICATORY CASES

<p>PCB 07-32</p>	<p><u>People of the State of Illinois v. Lake Arlann Drainage District, Cochran & Wilken, Inc., and Southwind Construction Corp.</u>– In this water enforcement action involving a Tazewell County facility, upon receipt of a proposed stipulation and settlement agreement and agreed motions to request relief from the hearing requirement on behalf of respondent Southwind Construction Corp, the Board ordered publication of the required newspaper notice. Also in a separate opinion and order, 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 two stipulation and settlement agreements on behalf of Lake Arlann Drainage District and Cochran & Wilken, ordering the respondents to pay a total civil penalty of \$35,000.00, and to cease and desist from further violations.</p>	<p>4-0 W-E</p>
<p>PCB 07-44</p>	<p><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.</p>	<p>Citizens L, W-E</p>
<p>PCB 07-63</p>	<p><u>PMA & Associates, Inc. v. IEPA</u> – No action taken.</p>	<p>UST Appeal</p>
<p>PCB 07-96</p>	<p><u>Kyle Nash v. Karen Sokolowski</u> – The Board found that the amended complaint is neither duplicative nor frivolous and accepts the amended complaint for hearing.</p>	<p>4-0 Citizens N-E</p>
<p>PCB 07-97</p>	<p><u>Kyle Nash v. Louis Jimenez</u> – The Board found that the amended complaint is neither duplicative nor frivolous and accepts the amended complaint for hearing.</p>	<p>4-0 Citizens N-E</p>
<p>PCB 08-36</p>	<p><u>Dave McGhee v. IEPA</u> – The Board granted this Douglas County facility’s motion for voluntary dismissal of this underground storage tank appeal.</p>	<p>4-0 UST Appeal</p>

PCB 08-59	<u>John Blickhan v. IEPA</u> – The Board accepted for hearing this permit appeal involving an Adams County facility.	4-0 P-A, Land
PCB 08-76	<u>Anne McDonagh and Davd Fishbaum v. Richard Michelin and Amy Michelin</u> – The Board found that the alleged violation is neither duplicative nor frivolous, accepts the complaint for hearing.	4-0 Citizens N-E
PCB 08-93	<u>People of Williamson County ex rel State’s Attorney Charles Garnati and the Williamson County Board v. Kibler Development Corporation, Marion Ridge Landfill, Inc., and Illinois Environmental Protection Agency</u> – The Board granted the respondents’ motion to dismiss for lack of jurisdiction, denied as moot Illinois Environmental Protection Agency's motion to stay and extend discovery, canceling the hearing scheduled for July 28, 2008.	4-0 P-A, Land Third Party
PCB 08-94	<u>People of the State of Illinois v. CFC International, Inc.,</u> – In this air enforcement action concerning a Cook 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 \$60,000, and to cease and desist from further violations.	4-0 A-E
PCB 08-95	<u>United City of Yorkville v. IEPA and Hamman Farms</u> – No action taken.	P-A, Land Third Party
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	Citizens A, L, W-E
PCB 08-99	<u>Knapp Oil Company, 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 Perry County facility.	4-0 UST Appeal, 90 Day Ext.
PCB 08-100	<u>People of the State of Illinois v. City of Geneva</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 Kane County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

PCB 08-101	<u>Waste Management of Illinois, Inc. v. IEPA</u> – The Board granted this request for a 30-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	4-0 P-A, Land, 90 Day Ext.
PCB 08-102	<u>People of the State of Illinois v. City of Coffeen</u> – The Board accepted for hearing this water enforcement action involving a site located in Montgomery County.	4-0 W-E
PCB 08-103	<u>KCBX Terminals Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 P-A, Air
PCB 09-1	<u>Archer Daniels Midland Company, Quincy v. IEPA</u> – The Board granted this request for a 60-day extension of time to file an underground storage tank appeal on behalf of this Adams County facility.	4-0 P-A, Water 90 Day Ext.
PCB 09-2	<u>People of the State of Illinois v. Centerpoint Properties Trust, a real estate investment trust, and FCL Investors, Inc., an Illinois corporation formerly known as FCL Builders, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Lake County.	4-0 W-E

CASES PENDING DECISION

R08-5	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u>	Water PWS
R08-7	<u>SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u>	PWS
R08-13 (cons.)	<u>SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – Deadline Extension Order	

OTHER ITEMS

	The Board granted the Chairman's Motion under Section 2-06(c) of the Open Meeting Act (5 ILCS 120/2.06(c)) to continue to preserve only written minutes of closed Board deliberative sessions occurring on or before December 31, 2006, and to approve destruction of verbatim tape recordings of meetings held: July 13, August 10, September 14, September 28, October 26 (reconvened November 1), November 9, November 30, December 14, and December 28, 2006.	4-0
	The Board granted the Chairman's Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential minutes of closed Board meetings occurring between January 1, 2008 through June 30, 2008.	4-0
	The Board granted the Chairman's Motion to reschedule July 24, 2008 meeting to Monday, July 21, 2008, at 3:00 pm in Chicago Office	4-0

ADJOURNMENT

Moved and seconded, by a vote of 4-0, 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 July 21, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board