

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



AUGUST 7, 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 July 21, 2008 open meeting and July 30, 2008 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

R08-5	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u>	4-0 Water
R08-7	<u>SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u>	PWS
R08-13	<u>SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” consolidated rulemaking to amend the Board’s wastewater pretreatment and drinking water regulations and extended the deadline for completion of rulemaking from August 15, 2008 to December 1, 2008.	PWS

ADJUSTED STANDARDS

AS 08-9	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720-131(c) v. IEPA</u> – The Board granted petitioners motion for expedited decision, and will issue a final decision as soon as is reasonably practicable, consistent with decision deadlines and available resources.	4-0 Land
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ADMINISTRATIVE CITATIONS

AC 09-2	<u>IEPA v. Theodore & Elizabeth Hollenbeak and Hollenbeak Concrete, Inc.</u> – The Board ordered respondents to file an amended petition for review in this administrative citation involving a Brown County facility, on or before September 8, 2008, or the petition for review would be subject to dismissal.	4-0
AC 09-4	<u>County of Jackson v. Lester Johnson and Arthur Cross</u> – The Board ordered respondents to file an amended petition for review in this administrative citation involving a Jackson County facility, on or before September 8, 2008, or the petition for review would be subject to dismissal.	4-0
AC 09-5	<u>IEPA v. Donald E. and Mary A. Jennings</u> – The Board accepted an administrative citation against these Brown County respondents.	
AC 09-6	<u>IEPA v. Euwell & Phyllis Beers and Jeremy Beers</u> – The Board accepted an administrative citation against these Williamson County respondents.	

AC 09-7	<u>IEPA v. Mid-America Machinery Company</u> – The Board accepted an administrative citation against this Macoupin County respondent.	
AC 09-8	<u>County of Jackson v. Dan Kimmel</u> – The Board accepted an administrative citation against this Jackson County respondent.	
AC 09-9	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board accepted an administrative citation against these Jackson County respondents.	

ADJUDICATORY CASES

PCB 00-104	<u>People of the State of Illinois v. Murphy Farms, L.L.C.</u> – In this air and water enforcement action concerning a Knox 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 make a “monetary payment” in the sum of \$35,000 to the University of Illinois, College of Agriculture, Consumer and Environmental Sciences, for the College’s Discovery Farms research project, and to cease and desist from further violations.	4-0 A, W-E
PCB 04-102	<u>Emerald Performance Materials, L.L.C. (as purchaser of Noveon, Inc.) v. IEPA</u> – No action taken.	T-S Air
PCB 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Air
PCB 04-216	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
PCB 05-35	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – The Board granted petitioners’ motion for voluntarily dismissal and denied the State’s Attorney of Williamson County motion to intervene as moot.	4-0 P-A, Land

PCB 07-32	<u>People of the State of Illinois v. Southwind Construction Corp</u> – In this water enforcement action concerning a Tazewell 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 \$2,500, and to cease and desist from further violations.	W-E
PCB 07-43	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – The Board granted petitioners’ motion for voluntarily dismissal and denied the State’s Attorney of Williamson County motion to intervene as moot.	4-0 P-A, Land
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 07-45	<u>People of the State of Illinois v. General Waste Services, Inc.,</u> – No action taken.	A-E
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-71	<u>Lone Star Industries, Inc. v. IEPA</u> – The Board granted this LaSalle County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
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 08-30	<u>Caseyville Sport Choice, LLC, an Illinois Limited Liability Company v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity</u> – No action taken.	L-E

PCB 08-78	<u>Park Ridge/7-Eleven, 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 Cook County facility.	4-0 90-Day Ext, UST Appeal
PCB 08-95	<u>United City of Yorkville v. IEPA and Hamman Farms</u> – The Board granted both respondents’ motions for dismissal, finding that the Board lacks jurisdiction under the Illinois Environmental Protection Act to hear this appeal.	4-0 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 08-100	<u>People of the State of Illinois v. City of Geneva</u> – In this water enforcement action concerning a Kane 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
PCB 08-101	<u>Waste Management of Illinois, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility.	4-0 P-A, Water
PCB 09-6	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison 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 09-7	<u>Streator Petrol Pump v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a LaSalle County facility.	4-0 UST Appeal
PCB 09-8	<u>People of the State of Illinois v. Red Seal Development Corporation and Lenzini Excavating Company</u> – The Board accepted for hearing this water enforcement action involving a site located in Lake County.	4-0 W-E

PCB 09-9	<u>Dynergy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Randolph 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 09-10	<u>Joseph & Victoria Morrissey v. Geoff Pahlos, Alpine Automotive</u> – No action taken.	4-0 UST Appeal
PCB 09-11	<u>People of the State of Illinois v. Rockford Blacktop Construction Co. and Westlake Utilities, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

CASES PENDING DECISION

R08-8	<u>In the Matter of: Abbott Laboratories' Proposed Site-Specific Amendment to Applicability Section of Organic Material Emission Standards and Limitations for the Chicago Area: Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b))</u>	Air
AS 08-2	<u>In the Matter of: Petition of Stericycle, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 422.111(B)(1); 1450.105(A)-(B); 1450.200 (e)</u>	Other

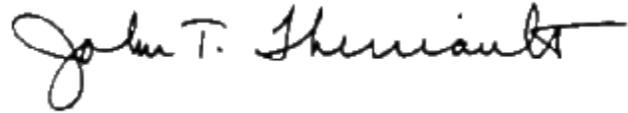
OTHER ITEMS

	The Board granted the Chairman’s Motion to change the August 21, 2008 Board Meeting from one held in Springfield to a Videoconference in Chicago and Springfield.	4-0
	The Board granted the Chairman’s Motion to reschedule the October 2, 2008 meeting to Tuesday, September 30, 2008, at 3:00 pm in the Board’s Chicago Office.	4-0

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:25 am.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 21, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board