

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



AUGUST 21, 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 August 7, 2008 open meeting and August 14, 2008 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

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> – The Board adopted a final opinion and order in this rulemaking amending the Board’s air pollution control regulations.	3-0 Air Moore abstained
R09-1	<u>UIC Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2008 through June 30, 2008.	4-0 Land
R09-2	<u>RCRA Subtitle D (Municipal Solid Waste Landfill Update, USEPA Amendments (January 1, 2008 through June 30, 2008))</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of January 1, 2008 through June 30, 2008.	4-0 Land
R09-4	<u>UST Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 2008 through June 30, 2008.	4-0 Land
R09-5	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of January 1, 2008 through June 30, 2008.	4-0 Water
R09-6	<u>Definition of VOM Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic emission regulations during the update period of January 1, 2008 through June 30, 2008.	4-0 Air

R09-7	<u>SDWA Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its drinking water regulations during the update period of January 1, 2008 through June 30, 2008.	4-0 PWS
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ADJUSTED STANDARDS

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> – The Board granted an adjusted standards to Stericycle, Inc. an adjusted standard from 35 Ill. Adm. Code 1422.111(b)(1) for its transfer station located at 3801 South Laramie Street, Cicero, Cook County, subject to conditions. The denied petitioner’s request for an adjusted standard from PIMW transporter fee regulations adopted by the Illinois Environmental Protection Agency. 35 Ill. Adm. Code 1450.105(a), 1450.105(b), 1450.200(e).	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> – The Board directed this matter to the hearing officer for disposition.	Water
AS 08-10	<u>In the Matter of: RCRA Delisting Adjusted Standard Petition of Peoria Disposal Company</u> – The Board denied the request for redacted information noting petitioner supplied same at hearing. The Board reserved ruling on the requests for additional hearings, noting comments are due by September 2, 2008.	4-0 Land
AS 09-1	<u>In the Matter of: Petition of Ameren Energy Generating Company for Adjusted Standards from 35 Il. Adm. Code Parts 811, 814, and 815 (Hutsonville Power Station)</u> – No action taken.	Land

ADMINISTRATIVE CITATIONS

AC 08-20	<u>County of Jackson v. James Moake</u> . – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 08-21	<u>County of Jackson v. Jack Reeves & Jacqueline Watkins</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 09-1	<u>County of Vermilion, Illinois v. Connie Yount</u> . – The Board found that this respondent violated Sections 21(p)(1) and (p) (3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2006)), assessing a penalty of \$3,000 in this administrative citation involving a Vermilion County facility.	4-0
AC 09-10	<u>IEPA v. Brian Bellemey</u> – The Board accepted an administrative citation against this Marion County respondent.	

ADJUDICATORY CASES

PCB 04-102	<u>Emerald Performance Materials, L.L.C. (as purchaser of Noveon, Inc.) v. IEPA</u> – No action taken.	P-A, Air
PCB 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through November 18, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through November 21, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
PCB 04-216	<u>Midwest Generation EME, LLC v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through November 21, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air

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 07-96	<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 07-112	<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 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 08-91	<u>People of the State of Illinois v. Surface Manufacturing Company</u> – In this water enforcement action concerning a Boone 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 \$12,000.00, and to cease and desist from further violations.	4-0 W-E
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	Citizens A, L, W-E

PCB 08-98	<u>People of the State of Illinois v. Farmers & Traders Bancshares, Inc., an Illinois corporation, and Pedriana Gustafson, Inc.,</u> – In this water enforcement action concerning a DeKalb 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 respondents to pay a total civil penalty of \$15,000.00, and to cease and desist from further violations.	4-0 W-E
PCB 09-6	<u>Dynergy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 P-A, Air
PCB 09-8	<u>People of the State of Illinois v. Red Seal Development Corporation and Lenzini Excavating Company</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 Lake County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 09-9	<u>Dynergy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 P-A, Air
PCB 09-10	<u>Joseph & Victoria Morrissey v. Geoff Pahlos, Alpine Automotive</u> – No action taken.	UST Appeal

CASES PENDING DECISION

R07-9	<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); Repeal of 35 Ill. Adm. Code 406.203 and Part 407; and Proposed New 35 Ill. Adm. Code 302.208(h)</u>	Water
R07-19	<u>In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217</u>	Air
R09-3	<u>RCRA Subtitle C (Hazardous Waste Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u>	Land

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>	Land
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:22 am.

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



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board