

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



September 4, 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 August 21, 2008 open meeting and August 28, 2008 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

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) – The Board adopted a final opinion and order adopting amendments to the Board’s water and mine-related regulations.</u>	4-0 Water
R08-5 R08-7 R08-13	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> <u>SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> <u>SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board deconsolidated the docket R08-5 wastewater pretreatment amendments from the consolidated R08-7/R08-13 SDWA amendments and withdrew the August 29, 2008 Notice of Proposed Amendments relating to the Part 611 amendments in R08-7/R08-13. The Board expects to complete action in R08-5 pretreatment docket by December 1, 2008. The deadline for completion of R08-7/R08-13 SDWA amendments was extended from December 1, 2008 to December 31, 2008.	4-0 Water PWS PWS
R09-3	<u>RCRA Subtitle C (Hazardous Waste Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations	4-0 Land
R09-8	<u>In the Matter of: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power and Springfield Metro Sanitary District From 35 Ill. Adm. Code Section 302.208(g) – No action taken.</u>	Water

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 an adjusted standard to Big River Zinc Corporation for its electrolytic refinery in Sauget, St. Clair County, subject to conditions. The Board expedited its decision consistent with its August 7, 2008 order.	4-0 Land
AS 08-10	<u>In the Matter of: RCRA Delisting Adjusted Standard Petition of Peoria Disposal Company</u> – The Board denied the various requests for additional hearings, but extended the public comment deadline to September 25, 2008.	4-0 Land
AS 09-1	<u>In the Matter of: Petition of Ameren Energy Generating Company for Adjusted Standards from 35 Ill. Adm. Code Parts 811, 814, and 815 (Hutsonville Power Station)</u> – No action taken.	Land

ADMINISTRATIVE CITATIONS

AC 08-31	<u>IEPA v. Upper Rock Island County Landfill and Dave Geier</u> – The Board dismissed this matter due to complainant’s failure to file with the Board proof of service on respondents.	4-0
AC 08-32	<u>IEPA v. Joseph Flick</u> – The Board dismissed this matter due to complainant’s failure to file with the Board proof of service on respondent.	4-0
AC 09-11	<u>IEPA v. Ruby Acklin and Joseph Flick</u> – The Board dismissed this matter due to complainant’s failure to file with the Board proof of service on respondents.	
AC 09-12	<u>IEPA v. George R. Ford</u> – The Board accepted an administrative citation against this Fulton 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
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PCB 05-110	<u>People of the State of Illinois v. J. McDaniel</u> – Upon receipt of two proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this air enforcement action involving alleged violations at two separate sites in McLean and Vermilion Counties facility, the Board ordered publication of the required newspaper notices.	4-0 A-E
PCB 06-116	<u>People of the State of Illinois v. William Warren and Halleck Warren, d/b/a Hickory Shores Resort, and Hickory Shores Recreations, LTD</u> – In this water enforcement action concerning a Clinton 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 \$3,500, and to cease and desist from further violations.	4-0 W-E
PCB 07-20	<u>Atkinson Landfill Company v. The Village of Atkinson and The Village Board of the Village of Atkinson</u> – The Board granted this Alexander County facility’s motion for voluntary dismissal of this landfill siting appeal.	4-0 P-C-F-S-R
PCB 07-25	<u>People of the State of Illinois v. Isaacson Construction, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and agreed motion to request relief from the hearing requirement in this land enforcement action involving a McLean County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
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 08-26	<u>People of the State of Illinois v. Gary Cates, d/b/a Cherry Street Automotive, Calvin Booth, d/b/a Auto Salvage Illinois, and S. I. Promotion Flora, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and agreed motion to request relief from the hearing requirement in this land enforcement action involving a White County facility, the Board ordered publication of the required newspaper notice.	4-0 L-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 08-55	<u>People of the State of Illinois v. Village of Merrionette Park</u> – Upon receipt of a proposed stipulation and settlement agreement and 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 PWS-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 denied petitioner's motion for reconsideration of the Board's July 10, 2008 opinion and order, dismissing this appeal for lack of jurisdiction.	4-0 L-PA, 3 rd Party
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	Citizens A, L, W-E
PCB 09-10	<u>Joseph & Victoria Morrissey v. Geoff Pahlos, Alpine Automotive</u> – No action taken.	UST Appeal

PCB 09-11	<u>People of the State of Illinois v. Rockford Blacktop Construction Co. and Westlake Utilities, Inc.</u> – In this water enforcement action concerning a Winnebago 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 \$22,500.00, and to cease and desist from further violations.	4-0 W-E
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CASES PENDING DECISION

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
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OTHER ITEMS

	The Board granted the Chairman’s motion to change the September 18, 2008 Board Meeting to a videoconference meeting on Tuesday, September 16, 2008, at 3:00 pm (at James R. Thompson Center, 100 W. Randolph, Room 11-512, Chicago, IL and 1021 N. Grand Avenue East, Conference Room 1244, First Floor, Springfield, IL).	4-0
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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.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board