

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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February 21, 2008

CHICAGO OFFICE  
100 W. Randolph Street  
Chicago, IL  
Conference Room 9-040

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

### **RULEMAKINGS**

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None

## ADJUSTED STANDARDS

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<p><b>AS 07-3</b></p>	<p><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> – The Board granted Environmental Law &amp; Policy Center’s motion to withdraw the December 6, 2007 motion to intervene and denied petitioner’s motion to strike. The Board also granted petitioner’s motion to file a reply and directed petitioner to file a response to the renewed motion to intervene by March 6, 2008. The Board will consider the Illinois Environmental Protection Agency’s response along with petitioner’s response when ruling on the renewed motion to intervene.</p>	<p>4-0 Air</p>
<p><b>AS 07-4</b></p>	<p><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> – The Board granted Environmental Law &amp; Policy Center’s motion to withdraw the December 6, 2007 motion to intervene and denied petitioner’s motion to strike. The Board also granted petitioner’s motion to file a reply and directed petitioner to file a response to the renewed motion to intervene by March 6, 2008. The Board will consider the Illinois Environmental Protection Agency’s response along with petitioner’s response when ruling on the renewed motion to intervene.</p>	<p>4-0 Air</p>
<p><b>AS 08-2</b></p>	<p><u>In the Matter of: Petition of Stericycle, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422.111(B)(1); 1450.105(A)-(B); 1450.200 (E); and Condition 15 of Permit No. 1997-264-DE/OP, Supplemental Permit No. 2005-182-SP</u> – The Board accepted petitioner’s amended petition, noting hearing was waived.</p>	<p>4-0 PIMW</p>
<p><b>AS 08-7</b></p>	<p><u>In the Matter of: Petition of the City of Chicago Heights for an Adjusted Standard From 35 IAC 810.103, 814.102 and 814.501(c)</u> – The Board dismissed this petition for an adjusted standard for petitioner’s failure to timely publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected, as required by Section 28.1 of the Environmental Protection Act (415 ILCS 5/28.1(d)(1) (2006)). The Board Also identified other petition deficiencies.</p>	<p>4-0 Land</p>

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## ADMINISTRATIVE CITATIONS

<b>AC 07-43</b>	<u>County of Jackson v. Bob Osinga</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Board in the amount of \$165.30 and a civil penalty of \$3,000. This order follows the Board's interim order of December 6, 2007, which found that this respondent had violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)).	4-0
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## 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 06-80</b>	<u>People of the State of Illinois v. Fulford Construction, Inc.</u> – In this water enforcement action concerning a St. Clair 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 \$2,000.00, and to cease and desist from further violations.	4-0 W-E
<b>PCB 06-173</b>	<u>People of the State of Illinois v. First Country Homes, L.L.C.</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 Will County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
<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 07-84</b>	<u>American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc.</u> – The Board denied petitioners’ motion to reconsider the December 6, 2007 Board Order which affirmed the decision of the City of Madison approving Waste Management of Illinois’ application to site the “North Milan” landfill expansion.	4-0 L-S-R
<b>PCB 07-85</b>	<u>TT-Town Drive Thru, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-96</b>	<u>Kyle Nash v. Karen Sokolowski</u> – The Board ordered complainant to file an amended complaint to cure noted deficiencies, on or before March 23, 2008, or the complaint would be subject to dismissal.	4-0 N-E
<b>PCB 07-97</b>	<u>Kyle Nash v. Louis Jimenez</u> – The Board ordered complainant to file an amended complaint to cure noted deficiencies, on or before March 23, 2008, or the complaint would be subject to dismissal.	4-0 N-E
<b>PCB 07-147</b>	<u>L. Keller Oil Properties, Inc. / Farina v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 08-17</b>	<u>People of the State of Illinois v. Felker Pharmacy, Inc. and Rod Bennett Construction, Inc. v. McClellan Blakemore Architects, Inc. and Wendler Engineering Services, Inc.</u> – No action taken.	W-E
<b>PCB 08-33</b>	<u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion to incorporate the record in PCB 05-85 and accepted the amended petition, restarting the decision timeclock.	4-0 W-V
<b>PCB 08-38</b>	<u>Interstate Oil, Inc. v. IEPA</u> – The Board dismissed this petition for review as untimely filed.	4-0 P-A, Water
<b>PCB 08-42</b>	<u>Tom Edwards/River Rescue v. IEPA and Peoria Disposal Company</u> – The Board denied each respondent’s motion to dismiss. The Board ordered petitioner to file an amended petition to cure noted deficiencies, on or before March 3, 2008, or the petition would be subject to dismissal.	4-0 P-A, RCRA
<b>PCB 08-44</b>	<u>People of the State of Illinois v. Prairie Material Sales, Inc.</u> , – The Board accepted for hearing this water enforcement action involving a site located in DuPage County.	4-0 W - E

<b>PCB 08-45</b>	<u>People of the State of Illinois v. Distinctive Homes, Ltd. and Distinctive Companies, Ltd</u> – The Board accepted for hearing this water enforcement action involving a site located in Cook County.	4-0 W - E
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**CASES PENDING DECISION**

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None

**OTHER ITEMS**

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	The Board granted the Chairman’s motion to Change Location of March 6, 2008 Board Meeting from Springfield to James R. Thompson Center, Room 11-512, Chicago.	4-0
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**ADJOURNMENT**

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Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:17a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 6, 2008, by a vote of.

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board