

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 10, 2008

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

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 December 20, 2007 open meeting and January 3, 2008 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

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> – The Board granted the Illinois Environmental Protection Agency’s motion to proceed with the amended proposal and to withdraw testimony submitted in support of the original proposal on May 11, 2007. The hearing officer is directed to proceed with hearing.	4-0 Air
R08-6	<u>Definition of VOM Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to update the definition of “volatile organic material” (VOM) in the Board’s air pollution regulations.	4-0 Air
R08-10	<u>UST Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</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
R08-11	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</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
R08-12	<u>Definition of VOM Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</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
R08-13	<u>SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</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
R08-14	<u>UIC Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</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

R08-15	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</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
R08-16	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</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
R08-17	<u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources, Proposed New 35 Ill. Adm. Code Part 223</u> – No action taken.	Air

ADJUSTED STANDARDS

AS 07-3	<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> – No action taken.	Air
AS 07-4	<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> – No action taken.	Air
AS 08-2	<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> – No action taken.	PIMW
AS 08-3	<u>In the Matter of: Petition for Adjusted Standard from 35 Ill. Adm. Code 620.420 for Nobel Risley's Landfill #2</u> – No action taken.	Ground Water
AS 08-5	<u>In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting</u> – The Board found that petitioner satisfied jurisdictional requirement of providing notice of its petition for an adjusted standard; granted the motion to file a reduced number of copies.	4-0 Land

AS 08-6	<u>In the Matter of: Petition of BioMedical Technology Solutions, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422</u> – The Board granted the motion for leave to file <i>instanter</i> and accepted the amended petition.	4-0 Land
AS 08-7	<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> – No action taken.	Land

ADMINISTRATIVE CITATIONS

AC 06-39	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u> – No action taken.	
AC 06-40	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u> – No action taken.	
AC 06-41	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> – No action taken.	
AC 07-25	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> – No action taken.	

ADJUDICATORY CASES

PCB 96-98	<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
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 parties’ motion to stay this matter until March 20, 2008.	4-0 Landfill Siting

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 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-85	<u>TT-Town Drive Thru, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	N-E
PCB 08-8	<u>People of the State of Illinois v. Arona Corporation, d/b/a Aaron's Sales & Lease Ownership</u> – In this land and 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 respondent to pay a total civil penalty of \$6,000, and to cease and desist from further violations.	4-0 L,W-E
PCB 08-17	<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
PCB 08-25	<u>Peoria Disposal Company v. IEPA</u> – The Board affirmed the August 30, 2007 Illinois Environmental Protection Agency's denial of petitioner's application for Class 3 modification of its RCRA Part B permit.	4-0 P-A, RCRA
PCB 08-33	<u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – The Board granted respondent's motion for extension of time to publish notice of variance petition.	4-0 W-V
PCB 08-38	<u>Interstate Oil, Inc. v. IEPA</u> – The Board directed petitioner to file an amended petition to cure noted deficiencies on or before February 13, 2008, or the petition would be subject to dismissal.	4-0 P-A, NPDES

PCB 08-39	<u>Wauconda Community Unit School District #118 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Lake County facility.	4-0 P-A, UST
PCB 08-40	<u>Illinois State Toll Highway authority (Belvidere Oasis – South Side) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Boone County facility.	4-0 UST Appeal
PCB 08-41	<u>Illinois State Toll Highway authority (Belvidere Oasis – South Side CACR) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Boone County facility.	4-0 UST Appeal
PCB 08-42	<u>River Rescue v. IEPA and Peoria Disposal Company</u> – No action taken.	P-A, RCRA
PCB 08-43	<u>Moto, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage appeal on behalf of this Effingham County facility.	4-0 UST 90-Day Extension

CASES PENDING DECISION

AC 06-49	IEPA v. Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service	
PCB 04-186	Waste Management of Illinois, Inc. v. County Board of Kankakee County, Illinois	P-C-F-S-R
PCB 07-113	Rochelle Waste Disposal, L.L.C. v. The City of Rochelle, an Illinois Municipal Corporation and The Rochelle City Council	P-C-F-S-R
R04-25	In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206	Water

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:22a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 24, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board