

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



DECEMBER 1, 2005 CHICAGO OFFICE
Chicago/Springfield Videoconference
CHICAGO OFFICE - 100 W. Randolph Street
Videoconference Room 11-512
and
SPRINGFIELD OFFICE – 1021 N. Grand Avenue East
Oliver Holmes Conference Room 2012 N – Second Floor
11:00 A.M.

ANNOUNCEMENTS

After calling the meeting to order, G. Tanner Girard announced that he would conduct the meeting having been named Acting Chairman by the Governor following the retirement of J. Philip Novak. Chairman Girard then welcomed members of the public and staff.

ROLL CALL

The Clerk of the Board called the roll. All Board Members answered present.

APPROVAL OF MINUTES

Minutes of the November 17, 2005 meeting were approved by a vote of 3-0; Member Moore abstained.

RULEMAKINGS

R04-22	<u>In the Matter of: Proposed Amendments to Regulation of</u>	4-0
R04-23	<u>Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code</u>	R, Land
(cons.)	<u>732); In the Matter of: Regulation of Petroleum Leaking</u>	
	<u>Underground Storage Tanks (Proposed New 35 Ill. Adm. Code</u>	
	<u>734) – The Board adopted a second notice opinion and order in this</u>	
	<u>rulemaking to amend the Board’s land pollution control regulations.</u>	

R06-8	<u>In the Matter of: Proposed Site-Specific Perlite Waste Disposal Regulation Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810)</u> – No action taken.	R, Land
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R06-11	<u>In the Matter of: Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site Specific Rule 35 Ill. Adm. Code 901.121</u> – The Board accepted for hearing petitioner’s October 20, 2005 proposal to amend the Board’s noise pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signature. The Board also requested that petitioner address the “published study or report” requirement of Section 102.210(c). 35 Ill. Adm. Code 102.210(c). <i>See also</i> 35 Ill. Adm. Code 102.202(k), as directed by the hearing officer.	4-0 R, Noise
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R06-19	<u>In the Matter of: Clean Construction or Demolition Debris Fill Operations Under P.A. 94-272 (35 Ill. Adm. Code Part 1100)</u> – The Board accepted for hearing Illinois Environmental Protection Agency’s November 11, 2005 proposal to amend the Board’s land pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit copies of material incorporated by reference as required by 35 Ill. Adm. Code 102.202(d). The Board also requested that petitioner address the “published study or report” requirement of Section 102.210(c). 35 Ill. Adm. Code 102.210(c). <i>See also</i> 35 Ill. Adm. Code 102.202(k), as directed by the hearing officer.	4-0 R, Land
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ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 05-20	<u>IEPA v. John Groff</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$271.70 and a civil penalty of \$4,500. This order follows the Board's interim order of June 16, 2005, which found that this respondent had violated Sections 21(p)(1), (3) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (3), and (7) (2004)).	4-0
AC 05-80	<u>County of Kankakee v. South Holland Trust #10897 and John & Ella Hall</u> – The Board grants the complainant's motion to strike John R. Hall, Jr.'s July 27, 2005 letter, previously construed as a timely filed petition for review, dismissed the petition for review. The Board found John and Ella Hall violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)). The Board ordered respondents to pay a civil penalty of \$3,000 unless South Holland Trust and Saving had done so under the Board's August 18, 2005 order.	4-0
AC 06-13	<u>IEPA v. Lyndell Heinzmann</u> – The Board accepted for hearing this petition for review of an administrative citation against this Marion County respondent.	4-0

ADJUDICATORY CASES

Decisions

None

Motions and Other Matters

PCB 03-22	<u>People of the State of Illinois v. Saint-Gobain Containers, Inc.</u> – No action taken.	A-E
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PCB 03-54	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST
PCB 03-56		Appeal
PCB 03-105		
PCB 03-179		
PCB 04-2		
(cons.)		
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PCB 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – No action taken.	L-E
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PCB 04-7	<u>People of the State of Illinois v. 4832 S. Vincennes, L.P. and Batteast Construction Company, Inc.</u> – No action taken.	A-E
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PCB 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S
		Appeal
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PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S
		Appeal
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PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
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PCB 05-73	<u>City of Sullivan v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Moultrie County facility.	4-0
		UST
		Appeal
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PCB 05-139	<u>People of the State of Illinois v. Bath Incorporated</u> – No action taken.	L-E
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PCB 05-154	<u>McLean County Asphalt v. IEPA</u> – No action taken.	UST
		Appeal
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PCB 05-157	<u>Grand Pier Center L.L.C. American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C, v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Kerr-McGee Chemical L.L.C. – No action taken.</u>	Citizens L-E
PCB 05-192	<u>People of the State of Illinois v. Bag Makers, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a McHenry County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 05-193	<u>Vernon and Elaine Zohfeld v. Robert Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton and Steve Kinder</u> – No action taken.	Citizens A-E
PCB 05-214	<u>People of the State of Illinois v. Barry Hayden d/b/a Hayden Properties</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 St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 06-11	<u>Silbrico Corporation v. IEPA</u> – No action taken.	Johnson L-V
PCB 06-26	<u>Telzrow Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jersey County facility.	4-0 UST Appeal
PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
PCB 06-55	<u>Soyland Power Cooperative, Inc. v. IEPA</u> – No action taken.	P-A, Air

PCB 06-56	<u>Midwest Generation, L.L.C., Crawford Generating Station v. IEPA</u> – No action taken.	P-A, Air
PCB 06-57	<u>Midwest Generation, L.L.C., Fisk Generating Station v. IEPA</u> – No action taken.	P-A, Air
PCB 06-58	<u>Midwest Generation, L.L.C., Joliet Generating Station v. IEPA</u> – No action taken.	P-A, Air
PCB 06-59	<u>Midwest Generation, L.L.C., Powerton Generating Station v. IEPA</u> – No action taken.	P-A, Air
PCB 06-60	<u>Midwest Generation, L.L.C., Will County Generating Station v.</u> <u>IEPA</u> – No action taken.	P-A, Air
PCB 06-61	<u>Southern Illinois Power Cooperative v. IEPA</u> – No action taken.	P-A, Air
PCB 06-62	<u>Kincaid Generation, L.L.C. v. IEPA</u> – No action taken.	P-A, Air
PCB 06-63	<u>Dynegy Midwest Generation, Inc. (Baldwin Energy Complex) v.</u> <u>IEPA</u> – No action taken.	P-A, Air
PCB 06-64	<u>Ameren Energy Generating Company, Coffeen Power Station v.</u> <u>IEPA</u> – No action taken.	P-A, Air
PCB 06-65	<u>Electric Energy, Incorporated v. IEPA</u> – No action taken.	P-A, Air
PCB 06-66	<u>AmerenEnergy Resources Generating Company, Duck Creek</u> <u>Power Station v. IEPA</u> – No action taken.	P-A, Air
PCB 06-67	<u>AmerenEnergy Resources Generating Company, Edwards Power</u> <u>Station v. IEPA</u> – No action taken.	P-A, Air

PCB 06-68	<u>Ameren Energy Generating Company, Newton Power Station v. IEPA</u> – No action taken.	P-A, Air
PCB 06-69	<u>Ameren Energy Generating Company, Meredosia Power Station v. IEPA</u> – No action taken.	P-A, Air
PCB 06-70	<u>Ameren Energy Generating Company, Hutsonville Power Station v. IEPA</u> – No action taken.	P-A, Air
PCB 06-71	<u>Dynegy Midwest Generation, Inc. (Havana Power Station) v. IEPA</u> – No action taken.	P-A, Air
PCB 06-72	<u>Dynegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA</u> – No action taken.	P-A, Air
PCB 06-73	<u>Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA</u> – No action taken.	P-A, Air
PCB 06-74	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – No action taken.	P-A, Air
PCB 06-75	<u>The City of Springfield v. IEPA</u> – No action taken.	P-A, Air
PCB 06-78	<u>People of the State of Illinois v. North American Lighting, Inc.</u> – The Board accepted for hearing this air and water enforcement action involving a site located in Clay County.	4-0 A&W-E
PCB 06-79	<u>People of the State of Illinois v. City of Gillespie</u> – The Board accepted for hearing this water enforcement action involving a site located in Macoupin County.	4-0 W-E

PCB 06-80	<u>People of the State of Illinois v. Fulford Construction, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in St. Clair County.	4-0 W-E
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PCB 06-81	<u>People of the State of Illinois v. Briggs, Industries, Inc.</u> – The Board accepted for hearing this air and water enforcement action involving a site located in Crawford County.	4-0 L&W-E
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CASES PENDING DECISION

R04-21	<u>In the Matter of: Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525</u> – Proposed Rule, Second Notice, Opinion and Order	R, Water
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PCB 06-28	<u>Midwest Petroleum Company v. IEPA</u> (due 12/15)	UST Appeal
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:45 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 15, 2005, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board