

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JANUARY 19, 2006 – MICHAEL A. BILANDIC BUILDING
160 N. LaSalle Street
Second Floor – Room N-505
11:00 A.M.

ANNOUNCEMENTS

Chairman Girard 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 January 5, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

R03-9	<u>In the Matter of: Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s noise pollution regulations.	4-0 R, Noise
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R04-26	<u>In the Matter of: Proposed 35 Ill. Adm. Code 304.123(g), 304.123(h), 304.123(i), 304.123(j), and 304.123(k)</u> – The Board adopted a response to the Joint Committee on Administrative Rules December 13, 2005 objection to this rulemaking, respectfully declining to withdraw the rule. The Board then adopted a final opinion and order in this rulemaking which amends the Board’s water quality standards regulations.	4-0 R, Water
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R06-21	<u>In the Matter of: Organic Material Emissions Standards and Limitations for the Chicago and Metro-East Areas: Proposed Amendments to 35 Adm. Code 218 and 219</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s (IEPA) December 22, 2005 proposal to amend the Board’s air pollution control regulations. But, the Board also directed the IEPA to address the deficiencies noted in the order in writing prior to any hearing scheduled in this proceeding at such time as directed by the hearing officer.	4-0 R, Air
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ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 06-18	<u>IEPA v. Maurice L. Thompson Trust</u> – The Board found that this Fulton County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
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AC 06-19	<u>IEPA v. Maurice L. Thompson Trust</u> – The Board found that this Fulton County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
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AC 06-20	<u>IEPA v. Georgia Shank and Steve Shank</u> – The Board accepted an administrative citation against these Bond County respondents.	
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ADJUDICATORY CASES

Decisions

PCB 04-192 People of the State of Illinois v. Smithfield Properties, L.L.C., Wooton Construction, Ltd., and Chicago Sun-Times, Inc. – In this land and water enforcement action concerning a Cook 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) (2004)), accepted a stipulation and settlement agreement as to the Chicago Sun-Times, Inc. only, and ordered the respondent to pay a total civil penalty of \$40,000, and to cease and desist from further violations. 4-0
L&W-E

Motions and Other Matters

PCB 97-193 People of the State of Illinois v. Community Landfill Company, Inc.; People of the State of Illinois v. Edward Pruim and Robert Pruim – No action taken. L-E
PCB 04-207
(cons.)

PCB 03-54 Freedom Oil Company v. IEPA – No action taken. UST
PCB 03-56 Appeal
PCB 03-105
PCB 03-179
PCB 04-2
(cons.)

PCB 03-191 People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris – No action taken. L-E

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
PCB 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-201	<u>People of the State of Illinois v. Southern Illinois Power Cooperative</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 Williamson County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-216	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
PCB 05-139	<u>People of the State of Illinois v. Bath Incorporated</u> – No action taken.	L-E
PCB 05-154	<u>McLean County Asphalt v. IEPA</u> – The Board denied petitioner’s motion for summary judgment.	4-0 UST Appeal

PCB 05-181	<u>People of the State of Illinois v. Pattison Associates LLC, an Illinois limited liability company, and 5701 South Calumet LLC, an Illinois limited liability company</u> – The Board granted respondent’s motion to withdraw affirmative defenses.	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 05-201	<u>People of the State of Illinois v. Illinois Tool Works, 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 Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 05-207	<u>People of the State of Illinois v. Precision Twist Drill Co.</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 06-11	<u>Silbrico Corporation v. IEPA</u> – The Board found that petitioner’s amended petition did not meet the content requirements set forth in 35 Ill. Adm. Code 104.204 and dismissed it as deficient.	4-0 L-V
PCB 06-47	<u>Eaves Auto Repair v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Ford County facility.	4-0 UST Appeal
PCB 06-51	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – No action taken.	A, L&W
PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V

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 Power Station v. IEPA</u> – No action taken.	P-A, Air
PCB 06-67	<u>AmerenEnergy Resources Generating Company, Edwards Power 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 06-82	<u>People of the State of Illinois v. Barger Engineering, Inc.</u> – No action taken.	W-E
PCB 06-102	<u>Marathon Ashland Petroleum, L.L.C. (Selective Catalytic Reduction Unit) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> – The Board granted the IEPA’s motion to withdraw its’ recommendation for tax certification, and dismissed the docket.	4-0 T-C
PCB 06-103	<u>People of the State of Illinois v. First Rockford Group, Inc.</u> – No action taken.	L-E
PCB 06-105	<u>People of the State of Illinois v. Paul Monnier</u> – The Board granted complainant’s motion for voluntary dismissal of this water enforcement action involving a Hancock County facility	4-0 W-E
PCB 06-111	<u>Marathon Ashland Petroleum, L.L.C. (Reformulated Gasoline – Blending Process) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> – No action taken.	T-C
PCB 06-112	<u>Marathon Ashland Petroleum, L.L.C. (Amine Expansion, Kerosene Treater, Crude Blending and Merichem Treater Revamp) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> – No action taken.	T-C

PCB 06-113	<u>Marathon Ashland Petroleum, L.L.C. (Reverse Osmosis Degasifier Unit) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA</u> – No action taken.	T-C
PCB 06-114	<u>Marathon Ashland Petroleum, L.L.C. (Cooling Water Tower Automation and Control) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA</u> – No action taken.	T-C
PCB 06-123	<u>Marathon Ashland Petroleum, L.L.C. (Chloride Reduction-Debutanizer Net Gas Scrubber) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-124	<u>Prairie Rivers Network and Sierra Club v. IEPA and Prairie State Generating Company, L.L.C.</u> – The Board accepted for hearing and on its own motion consolidated this permit appeal involving a Washington County facility with PCB 06-127.	4-0 P-A, NPDES Third Party
PCB 06-125	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Knox County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-126	<u>AmerenEnergy Resources Generating Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Peoria County facility.	4-0 P-A, Air

PCB 06-127	<u>American Bottom Conservancy and Dale Wojtkowski v. IEPA and Prairie State Generating Company, L.L.C.</u> – The Board accepted for hearing and on its own motion consolidated this permit appeal involving a Washington County facility with PCB 06-124.	4-0 P-A, NPDES Third Party
PCB 06-128	<u>Goodwin Mobil Service v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Montgomery County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-129	<u>Vic Koenig Chevrolet v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jackson County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-130	<u>Arlyn’s Service Center v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Randolph County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-131	<u>Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President Village of Hampshire and IEPA</u> – No action taken.	P-A, NPDES Third Party

CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:30 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 2, 2006, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board