

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

---



**April 20, 2006**  
**CHICAGO OFFICE**  
**100 W. Randolph Street**  
**Conference Room 9-040**  
**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 April 6, 2006 meeting were approved by a vote of 4-0.

### **RULEMAKINGS**

---

<b>R06-22</b>	<u>In the Matter of: NO<sub>x</sub> Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – The Board denied the Illinois Environmental Regulatory Group’s motion for expedited review.	4-0 R, Air
---------------	---	---------------

<b>R06-23</b>	<u>In the Matter of: Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination Under P.A. 94-134: New 35 Ill. Adm. Code Part 1505</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s public water supply regulations.	4-0 R, PWS
---------------	---	---------------

---

<b>R06-25</b>	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury)</u> – The Board denied the motions to reject the proposal pursuant to Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28 (2004)) and will proceed as set forth in the March 16, 2006 opinion and order. The Board granted James W. Ingram’s motion to appear <i>pro hac vice</i> .	3-1 Johnson dissented
---------------	--	-----------------------------

---

### **ADJUSTED STANDARDS**

---

<b>AS 06-1</b>	<u>In the Matter of: Petition of Lafarge Midwest, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 739.161 Pursuant to 35 Ill. Adm. Code 720.132 and 720.133</u> – The Board granted this Cook County petitioner an adjusted standard, with conditions, designating as an “industrial boiler” its slag dryer at its South Chicago Slag Grinding Plant located at 2150 East 130th Street in Chicago, Illinois.	4-0 Land
----------------	---	-------------

---

<b>AS 06-3</b>	<u>In the Matter of: Petition of Lafarge Midwest, Inc. for Boiler Determination through Adjusted Standard Proceedings Pursuant to 35 Ill. Adm. Code 720.132 and 720.133</u> – Pending receipt of the certificate of publication, the Board held this Massac County facility’s petition for an adjusted standard from the Board’s hazardous waste operating requirements.	Air
----------------	--	-----

---

### **ADMINISTRATIVE CITATIONS**

---

<b>AC 04-59</b>	<u>IEPA v. Tim Walker</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Macon County facility, the Board found that respondent had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2004)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review, as well as the violation of 415 ILCS 5/21(p) (1) (2004) alleged in the administrative citation.	4-0
-----------------	--	-----

---

<b>AC 04-77</b>	<u>IEPA v. Frank Bencie</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 \$274.93 and a civil penalty of \$3,000. This order follows the Board's interim order of February 16, 2006, which found that this respondent had violated Sections 21(p)(1) and (4) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (4) (2004)).	4-0
<b>AC 06-26</b>	<u>IEPA v. Marshall and Juanita Garrison</u> – The Board found that these Jefferson County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
<b>AC 06-27</b>	<u>County of LaSalle v. Jerry Koetz</u> – The Board found that this LaSalle County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
<b>AC 06-28</b>	<u>County of Macon, Illinois v. Onyx Valley View Landfill</u> – The Board found that this Macon County respondent violated Section 21(o)(5) and (o)(7) of the Act (415 ILCS 5/21(o)(5), (o)(7) (2004)), and ordered respondent to pay a civil penalty of \$1,000.	4-0
<b>AC 06-29</b>	<u>County of Macon, Illinois v. Onyx Valley View Landfill</u> – The Board found that this Macon County respondent violated Section 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2004)), and ordered respondent to pay a civil penalty of \$1,000.	4-0
<b>AC 06-37</b>	<u>County of Jackson v. James Qualls</u> – The Board accepted an administrative citation against this Jackson County respondent.	

## ADJUDICATORY CASES

---

### Decisions

**PCB 05-168**      People of the State of Illinois v. Home Depot U.S.A. – In this public water supply enforcement action concerning a Will 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, and ordered the respondent to pay a total civil penalty of \$15,000, and to cease and desist from further violations. Home Depot U.S.A. further agrees to pay a cash contribution in the amount of \$15,000 to the Village of Homer Glen, for use in constructing an off-road multi-use trail system and trailhead.      4-0  
PWS-E

---

**PCB 06-49**      People of the State of Illinois v. Premier Waste & Recycling, Inc. – In this land 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, and ordered the respondent to pay a total civil penalty of \$30,000, and to cease and desist from further violations.      4-0  
L-E

---

### Motions and Other Matters

**PCB 96-98**      People of the State of Illinois v. Skokie Valley Asphalt, Co., 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 Asphalt Co., Inc. – No action taken.      W-E

---

<b>PCB 97-193</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc.;</u>	4-0
<b>PCB 04-207</b> (cons.)	<u>People of the State of Illinois v. Edward Pruim and Robert Pruim</u> – The Board granted the Pruiims’ motion to file a reply. The Board denied the Pruiims’ motion for summary judgment and granted complainant’s motion to dismiss counts III, XIV, XV, XVI, and XVIII in PCB 04-207, and directed the hearing officer to proceed to hearing on the remaining allegations.	L-E
<b>PCB 03-191</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – No action taken.	L-E
<b>PCB 04-106</b>	<u>People of the State of Illinois v. Thomas Gray</u> – No action taken.	L-E
<b>PCB 05-35</b>	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 05-53</b>	<u>People of the State of Illinois v. Clean Harbors Environmental Services, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
<b>PCB 05-139</b>	<u>People of the State of Illinois v. Bath Incorporated</u> – No action taken.	L-E
<b>PCB 05-157</b>	<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, Kerr-McGee Chemical L.L.C.</u> – No action taken.	Citizens L-E
<b>PCB 06-30</b>	<u>People of the State of Illinois v. Heneghan &amp; Associates, P.C.</u> – No action taken.	PWS-E

<b>PCB 06-41</b>	<u>People of the State of Illinois v. Dot Packaging Group, 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 Kane County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
<b>PCB 06-46</b>	<u>People of the State of Illinois v. Osborn Development Company</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 Madison County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
<b>PCB 06-51</b>	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – No action taken.	A,L,&W-E
<b>PCB 06-53</b>	<u>C&amp;F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
<b>PCB 06-125</b>	<u>Wareco Service, Inc. 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 Knox County facility.	4-0 UST Appeal
<b>PCB 06-130</b>	<u>Arlyn D. Fisk d/b/a Arlyn Fisk’s Service Center v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Randolph County facility.	4-0 UST Appeal
<b>PCB 06-131</b>	<u>Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President Village of Hampshire and IEPA</u> – No action taken.	P-A, NPDES
<b>PCB 06-141</b>	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage County</u> – No action taken. Board Member Melas will be recusing himself from this matter,	W-E

<b>PCB 06-152</b>	<u>James Chew and Lynn Chew v. Dirk F. Borgsmiller and Sports Blast, L.L.C.</u> – No action taken.	Citizens N-E
<b>PCB 06-153</b>	<u>Midwest Petroleum Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	4-0 UST Appeal
<b>PCB 06-154</b>	<u>Quebecor World (Property Identification Number 08-27-201-003 and 08-27-228-003) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Quebecor World located in Ogle 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
<b>PCB 06-155</b>	<u>Northern States Financial Corporation 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 Lake County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 06-156</b>	<u>Midwest Generation, L.L.C. Will County Generating Station v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Will County facility, but reserved ruling on the request for stay of the contested conditions.	4-0 P-A, Air
<b>PCB 06-157</b>	<u>People of the State of Illinois v. Belvidere National Bank and Trust Company Trust Number 1600, a trust, and Cordray Brothers, Inc. as sole beneficiary of Trust No. 1600</u> – The Board accepted for hearing this water enforcement action involving a site located in Boone County.	4-0 W-E
<b>PCB 06-158</b>	<u>Memorial Hospital Belleville, Illinois v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this St. Clair County facility.	4-0 P-A, Air

**PCB 06-159**      People of the State of Illinois v. Gary Simmons individually and Lawrence County Disposal Centre, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Lawrence County.      4-0  
L-E

---

**CASES PENDING DECISION**

---

**R05-9**      In the Matter of: Setback Zones for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618 – Adopted Rule, Final Order, Opinion and Order      R, PWS

---

**R04-12**      In the Matter of: Technical Correction to Formulas in 35 Ill. Adm. Code 214 “Sulfur Limitations”;      R, Air  
**R04-20**      In the Matter of: Clean-Up Part III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219 –  
(cons.)      Adopted Rule, Final Order, Opinion and Order

---

**OTHER ITEMS**

---

The Board granted the Chairman’s motion for approval under Section 2(a)(4) of the Open Meetings Act of the 2007 Closed Deliberative Sessions to be held on: January 11 and January 25; February 8 and February 22; March 8, March 22, and March 29; April 12 and April 26; May 10, May 24, and May 31; June 14 and June 28; July 5 and 19; August 2, August 16, and August 30; September 13 and September 27; October 11 and October 25; November 8 and November 29; December 13 and December 27, at 10:00 a.m.



## **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 May 4, 2006, by a vote of.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board