

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



May 4, 2006
SPRINGFIELD OFFICE
1021 N. Grand Avenue East
Conference Room 1244 N, First Floor
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 20, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

R04-12	<u>In the Matter of: Technical Correction to Formulas in 35 Ill. Adm.</u>	4-0
R04-20	<u>Code 214 "Sulfur Limitations"; In the Matter of: Clean-Up Part</u>	R, Air
(cons.)	<u>III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219 – The</u> Board adopted a final opinion and order in this rulemaking which amends the Board's air regulations.	
R05-9	<u>In the Matter of: Setback Zones for City of Marquette Heights</u> <u>Community Water Supply, New 35 Ill. Adm. Code 618 – The</u> Board adopted a final opinion and order in this site-specific rulemaking which amends the Board's public water supply regulations.	4-0 R, PWS

R06-25 In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources – The Board on its own motion, determined to proceed to hearing pursuant to Section 27 of the Act (415 ILCS 5/27 (2004)) with the Illinois Environmental Protection Agency’s (Agency) March 14, 2006 proposal. The Board noted entry of a preliminary injunction order in Dynergy Midwest Generation, Inc., et. al. v. Pollution Control Board et. al. , No. 06-CH-213 (Sangamon Cty. Circuit Court May 1, 2006). The Board granted the motion of Dynergy Midwest Generation, Inc., Kincaid Generation, L.L.C., and Midwest Generation, L.L.C. to cancel hearings and rescind the schedule for hearings under the authority of Section 28.5 of the Act (415 ILCS 5/28.5 (2004)). The Board will re-first notice this rulemaking under Section 27 of the Act (415 ILCS 5/27 (2004)). The Board granted the Agency’s motion in part for expedited review. The Board also granted the April 25, 2006 motion to appear pro hac vice from Kathleen M. Rahill.

ADJUSTED STANDARDS

AS 06-3 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 – The Board accepted for hearing this Massac County facility’s petition for adjusted standard from the Board’s hazardous waste operating requirements.

ADMINISTRATIVE CITATIONS

AC 06-30 IEPA v. Rick Linnabury – The Board accepted for hearing this petition for review of an administrative citation against this Douglas County respondent.

AC 06-32 County of Jackson v. David Skidmore – The Board accepted for hearing this petition for review of an administrative citation against this Jackson County respondent.

ADJUDICATORY CASES

Decisions

PCB 06-90	<u>People of the State of Illinois v. Village of Volo and Smith Engineering Consultants, Inc.</u> – In this public water supply enforcement action concerning a Lake 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 \$8,000, and to cease and desist from further violations.	4-0 PWS-E
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Motions and Other Matters

PCB 96-98	<u>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.</u> – No action taken.	W-E
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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 04-106	<u>People of the State of Illinois v. Thomas Gray</u> – The Board granted the complainant's motion for summary judgment and ordered respondent to reimburse the Illinois Environmental Protection Agency \$131,902.48 for costs incurred in the cleanup of accumulated used and waste tires at the site comprised of three parcels of land identified as tax parcels 10-19-16-101-033, 10-19-16-101-034, and 10-19-16-101-035, and located in Momence, Kankakee County.	4-0 L-E
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PCB 05-35	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – The Board denied the motion of the City of Marion, the City of Herrin, and the Williamson County Airport Authority to intervene as party respondents in this permit appeal.	4-0 P-A, Land
PCB 05-139	<u>People of the State of Illinois v. Bath Incorporated</u> – No action taken.	L-E
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, Kerr-McGee Chemical L.L.C.</u> – No action taken.	Citizens L-E
PCB 06-30	<u>People of the State of Illinois v. Heneghan & Associates, P.C.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Calhoun County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 06-51	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – No action taken.	A,L,&W-E
PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
PCB 06-128	<u>Goodwin Mobil Service 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 Montgomery County facility.	4-0 UST Appeal
PCB 06-129	<u>Vic Koenig Chevrolet 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 Jackson County facility.	4-0 UST Appeal

PCB 06-131	<u>Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President Village of Hampshire and IEPA</u> – The Board granted respondent Illinois Environmental Protection Agency’s motion to dismiss three of the appeal grounds for lack of jurisdiction. Hearing on the remaining issue is scheduled for May 15, 2006	4-0 P-A, NPDES 3rd Party
PCB 06-140	<u>W.R. Meadows, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Kane County facility.	4-0 P-A, Air
PCB 06-141	<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.	Citizens W-E
PCB 06-152	<u>James Chew and Lynn Chew v. Dirk F. Borgsmiller and Sports Blast, L.L.C.</u> – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Jackson County facility.	Citizens N-E

CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:24 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 18, 2006, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board