

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



July 6, 2006
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

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 June 15, 2006 meeting were approved by a vote of 4-0. Minutes of the June 22, 2006 Special Board Meeting were approved by a vote of 4-0.

RULEMAKINGS

R06-19	<u>In the Matter of: Clean Construction or Demolition Debris Fill Operations Under P.A. 94-272 (35 Ill. Adm. Code 1100) – The Board adopted a second notice opinion and order in this statutorily required rulemaking to amend the Board’s land pollution control regulations.</u>	4-0 R, Land
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R06-23 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 – The Board adopted a second notice opinion and order in this statutorily required rulemaking to amend the Board’s public water supply regulations. 4-0
R, PWS

R06-26 In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D and E – No action taken. R, Air

ADJUSTED STANDARDS

AS 06-4 In the Matter of: Petition of Big River Zinc for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c) – Pending receipt of the certificate of publication, the Board held this St. Clair County facility’s petition for a “waste delisting” adjusted standard from the Board’s waste statutes. Land

ADMINISTRATIVE CITATIONS

AC 06-11 IEPA v. Paul Freeman and Freeman Environmental Services, Inc. – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Williamson County facility, the Board found that respondents had violated Sections 21(p)(3) and (7) of the Environmental Protection Act (415 ILCS 5/21(p)(3) and (7) (2004)) and ordered respondents to pay a civil penalty of \$3,000. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. 4-0

AC 06-31	<u>Ogle County Solid Waste Management Department v. Wayne L. Fisher & Christina C. Fisher</u> – The Board dismissed respondents’ petition for review for failure to file an amended petition as ordered by the Board on May 18, 2006. The Board found that these Ogle County respondents violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)), and ordered respondents to pay a civil penalty of \$4,500.	4-0
AC 06-35	<u>IEPA v. Jerry L. Watson</u> – The Board accepted respondent’s amended petition for review for hearing.	4-0
AC 06-38	<u>County of Wayne v. Mr. William Slane</u> – The Board found that this Wayne 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
AC 06-42	<u>County of LaSalle v. Bill Shawback</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
AC 06-43	<u>County of LaSalle v. Bill Shawback</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
AC 06-44	<u>County of LaSalle v. Paulette Metille</u> – The Board dismissed respondent’s petition for review, finding it untimely filed. 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
AC 06-49	<u>IEPA v. Michael Gruen and Jon Eric Gruen d/b/a Jon’s Tree Service</u> – The Board accepted for hearing this petition for review of an administrative citation against these Macoupin County respondents.	4-0

AC 06-51 IEPA v. Clifford Lawson – The Board accepted an administrative citation against this Macoupin County respondent.

AC 06-52 IEPA v. Charles L. Riggins – The Board accepted an administrative citation against this Mason County respondent.

AC 06-53 County of Ogle v. George C. Heal – The Board accepted an administrative citation against this Ogle County respondent.

AC 06-54 City of Chicago Department of Environment v. Mr. Built's Inc. – The Board accepted an administrative citation against this Cook County respondent.

AC 06-55 County of Wayne v. Mr. Julian Buchanan – The Board accepted an administrative citation against this Wayne County respondent.

AC 06-56 IEPA v. Lake Wildwind Park, L.L.C. – The Board accepted an administrative citation against this Woodford County respondent.

AC 06-57 IEPA v. Ron Lawyer – The Board accepted an administrative citation against this Fulton County respondent.

AC 06-58 County of Ogle v. Francis Case – The Board accepted an administrative citation against this Ogle County respondent.

AC 06-59 City of Chicago Department of Environment v. Mr. Built's, Inc. – The Board accepted an administrative citation against this Cook County respondent.

ADJUDICATORY CASES

Decisions

PCB 02-186	<u>People of the State of Illinois v. Perfetti Van Melle U.S.A, Inc. f/k/a Van Melle U.S.A., Inc.</u> – In this air 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 \$120,000, and to cease and desist from further violations. Perfetti Van Melle further agrees to pay \$60,909.39 for purchase of allotment trading units from the Illinois Environmental Protection’s Alternative Compliance Market Account for the 2000 and 2001 emissions seasons, and \$1,800 for the avoided 2004 annual air pollution site fee.	4-0 A-E
PCB 05-56	<u>People of the State of Illinois v. Omron Automotive Electronics, Inc.</u> – In this air enforcement action concerning a Kane 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 \$95,000, and to cease and desist from further violations.	4-0 A-E
PCB 06-30	<u>People of the State of Illinois v. Heneghan & Associates, P.C.</u> – In this public water supply enforcement action concerning a Calhoun 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 \$5,000, and to cease and desist from further violations.	4-0 PWS-E
PCB 06-131	<u>Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President, Village of Hampshire and IEPA</u> – The Board affirmed the December 9, 2005 determination of the Illinois Environmental Protection Agency granting modification of National Pollutant Discharge Elimination System permit No. IL 0020281 to the Village of Hampshire.	4-0 P-A, NPDES
PCB 06-143	<u>People of the State of Illinois v. Astec Mobile Screens, Inc.</u> – In	4-0

this Resources Conservation Recovery Act enforcement action concerning a Whiteside 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 \$13,000, and to cease and desist from further violations. 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

PCB 03-16 King’s 66 Service Station v. IEPA – The Board granted this Madison County facility’s motion for voluntary dismissal of this underground storage tank appeal. 4-0
UST
Appeal

PCB 03-156 Swearingin Amoco v. IEPA – The Board granted this Jersey County facility’s motion for voluntary dismissal of these consolidated underground storage tank appeals. 4-0
UST
Appeal

PCB 03-158

PCB 04-151

PCB 04-152

PCB 04-153

PCB 04-154

(cons.)

PCB 04-7 People of the State of Illinois v. 4832 S. Vincennes, L.P. – Upon receipt of a proposed stipulation and settlement agreement as to 4832 S. Vincennes, L.P. only, 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 04-31 Broadus Oil v. IEPA – No action taken. UST Fund

PCB 05-43

(cons.)

PCB 05-12	<u>Lake in the Hills Sanitary District v. IEPA</u> – The Board granted this Lake County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	Citizens A&L-E
PCB 05-181	<u>People of the State of Illinois v. Pattison Associates L.L.C. and 5701 South Calumet L.L.C.</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 05-198	<u>Basic Wire & Cable Co. v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 05-215 PCB 06-103 (cons.)	<u>People of the State of Illinois v. Schlichting & Sons Excavating, Inc.; People of the State of Illinois v. First Rockford Group, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement between complainant and Schlichting & Sons Excavating, Inc. only, and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 06-13	<u>St. Francis Pet Crematory & Kennels, Inc. v. IEPA</u> – The Board granted this Winnebago County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Land

PCB 06-33	<u>People of the State of Illinois v. J&S Companies, Inc. and First Choice Construction, Inc.</u> – No action taken.	L-E
PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
PCB 06-91	<u>Basic Wire & Cable Co. v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 06-141	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, DuPage County</u> – No action taken.	W-E
PCB 06-147	<u>City of Kankakee 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 facility in Kankakee County.	4-0 UST Appeal
PCB 06-156	<u>Midwest Generation, L.L.C., Will County Generating Station v. IEPA</u> – No action taken.	P-A, Air
PCB 06-164	<u>Village of Caseyville, Illinois v. IEPA</u> – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 P-A, Water
PCB 06-171	<u>American Bottom Conservancy v. IEPA and United States Steel Corporation – Granite City Works</u> – No action taken.	P-A, NPDES 3d Party
PCB 06-176	<u>Village of River Forest v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 06-180	<u>Marquis MTD, Inc.-Hennepin (Property Identification Number</u>	T-C

H01-10-204-000) v. IEPA – No action taken.

PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – No action taken.	P-C-F-S-R
PCB 06-185	<u>D&L Landfill, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Bond County facility.	4-0 P-A, Air
PCB 06-186	<u>American National Bank & Trust Co. – Land Trust 124234-06 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 Cook County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-187	<u>Omni Bioenergy, L.L.C. 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 Madison County facility.	4-0 P-A, Air
PCB 06-188	<u>People of the State of Illinois v. Karam Toor and Surjit Toor, individuals d/b/a Toor Car and Truck Plaza and Singh Inc. of Illinois d/b/a Toor Car and Truck Plaza</u> – The Board accepted for hearing this water enforcement action involving a site located in Lake County.	4-0 W-E NPDES
PCB 06-189	<u>L. Keller Oil Properties/Farina (Incident No. 20060153) v. IEPA</u> – The Board granted petitioner’s motion to consolidate this enforcement action with PCB 06-190 and accepted for hearing this underground storage tank appeal involving a Fayette County facility.	4-0 UST Appeal
PCB 06-190	<u>L. Keller Oil Properties/Farina (Incident No. 20051539) v. IEPA</u> – The Board granted petitioner’s motion to consolidate this enforcement action with PCB 06-189 and accepted for hearing this underground storage tank appeal involving a Fayette County facility.	4-0 UST Appeal
PCB 06-191	<u>People of the State of Illinois v. Louie’s Trenching Service, Inc. and City of Galena</u> – Upon receipt of a proposed stipulation and	4-0 W-E

settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Jo Daviess County facility, the Board ordered publication of the required newspaper notice.

PCB 06-192	<u>People of the State of Illinois v. Larry Bielfeldt</u> – The Board accepted for hearing this water enforcement action involving a site located in McLean County.	4-0 W-E
PCB 06-193	<u>People of the State of Illinois v. Ron Fisher Motorsports, Inc. d/b/a F&L Salvage</u> – The Board accepted for hearing this land and water enforcement action involving a site located in Washington County.	4-0 L&A-E
PCB 06-194	<u>Dynergy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Vermilion County facility.	4-0 P-A, Air 90-Day Ext.

CASES PENDING DECISION

R04-9	<u>In the Matter of: Amendments to the Board’s Administrative Rules: 2 Ill. Adm. Code 2175</u> – Adopted Rule, Final Order, Opinion and Order	R, Proc.
R06-13	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – Proposal for Public Comment, Opinion and Order	R, Water
R06-15	<u>SDWA Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – Proposal for Public Comment, Opinion and Order	R, PWS

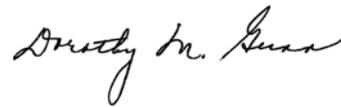
OTHER ITEMS

No action taken on the Chairman's motion to change the August 3, 2006 Meeting to August 4 2006 at 1:30 p.m. via videoconference from locations in Chicago and Springfield.

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:40 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 20, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board