

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



July 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. The Chairman then thanked summer intern Matthew Read for his valuable contributions to the Board, wishing him well in his third year at the Chicago-Kent College of Law and in his future endeavors.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the July 6, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

R04-9	<u>In the Matter of: Amendments to the Board's Administrative Rules: 2 Ill. Adm. Code 2175</u> – The Board adopted a final opinion and order in this rulemaking which amends the Board's administrative regulations.	4-0 R, Proc.
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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 adopted a first notice opinion and order in this rulemaking to amend an existing site-specific noise rule, as requested.	4-0 R, Noise
R06-15	<u>In the Matter of: SDWA Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.	4-0 R, PWS
R06-25	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury)</u> – Expediting its review of the motion filed by Dynegy Midwest Generation, Inc. and Midwest Generation, L.L.C.’s , the Board denied the motion to strike the testimony of Dr. Gerald Keeler.	4-0 Moore R, Air
R06-26	<u>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</u> – The Board granted, in part, the Illinois Environmental Protection Agency’s motion to expedite, decided to hold the hearings in Chicago and Springfield or Collinsville, and granted the motion to waive certain filing requirements.	4-0 R, Air
R06-27	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 201 (New Section 201.501 PSD Construction Permits)</u> – No action taken.	R, Air

ADJUSTED STANDARDS

AS 06-4	<u>In the Matter of: Petition of Big River Zinc for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c)</u> – 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 rules.	Land
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ADMINISTRATIVE CITATIONS

AC 05-15	<u>IEPA v. C. John Blickhan</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.	4-0
AC 06-45	<u>IEPA v. Waste Management of Illinois, Inc., Mark Batherson, and Dale Hoekstra</u> – The Board found that these Will County respondents violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (2004)), and ordered respondents to pay a civil penalty of \$500.	4-0
AC 06-46	<u>City of Chicago Department of Environment v. Mr. Bult’s, Inc.</u> – The Board found that this Cook 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 06-47	<u>IEPA v. Landfill L.L.C. and Danny Bowman</u> – The Board found that these Saline County respondents violated Section 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2004)), and ordered respondents to pay a civil penalty of \$1,000.	4-0
AC 06-48	<u>IEPA v. Larry Payne</u> – The Board found that this Fulton County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)). Because there are three violations of Section 21(p) and these violations are subsequent offenses, respondent was ordered to pay a civil penalty of \$9,000.	4-0
AC 07-1	<u>IEPA v. John Spoede</u> – The Board accepted for hearing this petition for review of an administrative citation against this Tazewell County respondent.	
AC 07-2	<u>IEPA v. Norbert and Wilma Adams</u> – The Board accepted for hearing this petition for review of an administrative citation against these Woodford County respondents.	

AC 07-3 County of Perry v. Mike Tilley - The Board accepted for hearing this petition for review of an administrative citation against this Perry County respondent.

ADJUDICATORY CASES

Decisions

PCB 04-9 People of the State of Illinois v. Aargus Plastics, Inc. – In this air 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 \$125,000, and to cease and desist from further violations. 4-0
A-E

PCB 04-193 People of the State of Illinois v. Fellowes Manufacturing Company a/k/a Fellowes, Inc. – In this air enforcement action concerning a DuPage 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 \$189,250, and \$10,750 for the avoided 1986 through 2001 annual air pollution site fees, and to cease and desist from further violations. 4-0

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 04-31	<u>Broadus Oil v. IEPA</u> – No action taken.	UST Fund
PCB 05-43 (cons.)		
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	Citizens A&L-E
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 06-54	<u>People of the State of Illinois v. Webb AG, 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 Fulton County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 06-136	<u>People of the State of Illinois v. D&L Landfill, 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 Bond County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 06-149	<u>Kraft Foods 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 located in McHenry County.	4-0 UST Appeal

PCB 06-151	<u>People of the State of Illinois v. Big River Zinc Corporation and Allied Waste Transportation, Inc. d/b/a Midwest Waste</u> – Upon receipt of a proposed stipulation and settlement agreement between complainant and Big River Zinc Corporation only, and an agreed motion to request relief from the hearing requirement in this Resources Conservation Recovery Act enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 06-155	<u>Northern States Financial Corporation 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 located in Lake County.	4-0 UST Appeal
PCB 06-156	<u>Midwest Generation, L.L.C., Will County Generating Station v. IEPA</u> – The Board granted petitioner’s motion for a partial stay consistent with the edited permit filed, as modified by this order. The Board also granted petitioner’s motion for leave to file reply and respondent motion for leave to file surreply.	4-0 P-A, Air
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 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – No action taken.	L-E
PCB 06-180	<u>Marquis MTD, Inc.-Hennepin (Property Identification Number H01-10-204-000) v. IEPA</u> – Because the Board did not receive any petition for review of the Illinois Environmental Protection Agency’s (IEPA) recommendation to deny certification, consistent with the IEPA’s recommendation, the Board declined to certify that certain Marquis MTD, Inc.-Hennepin facilities are pollution control facilities and dismissed this matter.	4-0 T-C

PCB 06-184 Peoria Disposal Company v. Peoria County Board – The Board granted in part respondent’s motion for leave to file the administrative record on disk, but required the filing of one paper copy. 4-0
P-C-F-S-R

PCB 07-1 People of the State of Illinois v. Kurt Carlson – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County. 4-0
W-E

PCB 07-2 People of the State of Illinois v. Meijer Stores Limited Partnership and Rockford Construction Co. – 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 DuPage County facility, the Board ordered publication of the required newspaper notice. 4-0
W-E

PCB 07-3 People of the State of Illinois v. East Lynn Community Water System, Inc. – The Board accepted for hearing this public water supply enforcement action involving a site located in Vermilion County. 4-0
PWS-E

CASES PENDING DECISION

R06-13 Wastewater Pretreatment Update, USEPA Amendments (July 1, 2005 through December 31, 2005) – Proposal for Public Comment, Opinion and Order R, Water

OTHER ITEMS

The Board granted the Chairman's Motion under Section 2.06(c) of the Open Meetings Act (5 ILCS 120/2.06(c) to continue to preserve only written minutes of closed Board deliberative sessions occurring on or before January 1, 2005 and to approve destruction of verbatim tape recordings of meetings held: July 15 and July 24; August 12 and August 26; September 9, September 23, and September 30; October 14 and October 28; November 10 and November 24; December 9 and December 23.

The Board granted the Chairman's Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential minutes of closed Board meetings occurring between January 1, 2006 and June 30, 2006.

The Board granted 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 11:35 a.m.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board