

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



AUGUST 17, 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 Friday, August 4, 2006 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)</u> – The Board adopted a final opinion and order in this rulemaking which amends the Board’s land pollution control regulations, timely fulfilling the statutory mandate.	4-0 R, Land
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R07-8	<u>In the Matter of: Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811</u> – The Board accepted for hearing petitioner’s February 7, 2006 proposal to amend the Board’s land pollution control regulations. The Board granted petitioner’s motions to waive requirements to submit 200 signatures and to file copies of materials to be incorporated by reference. The Board also requested that petitioner address two informational deficiencies noted in writing prior to any hearing scheduled in this proceeding at such time as directed by the hearing officer.	4-0 R, Land
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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> – The Board ordered petitioner to file an amended petition to cure noted deficiencies postmarked on or before September 15, 2006, or the matter would be subject to dismissal.	4-0 Land
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AS 07-1	<u>In the Matter of: Petition of BP Products North America Inc. for an Adjusted Standard Pursuant to 35 Ill. Adm. Code 720.122</u> – No action taken.	Land
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ADMINISTRATIVE CITATIONS

AC 06-13	<u>IEPA v. Lyndell Heinzmann</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Marion County facility, the Board found that respondent had violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (2004)) and ordered this 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), (p)(2) (2004) alleged in the administrative citation.	4-0
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AC 06-51	<u>IEPA v. Clifford Lawson</u> – The Board accepted for hearing this petition for review of an administrative citation against this Macoupin County respondent.	4-0
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AC 06-58	<u>County of Ogle v. Francis Case</u> – The Board found that this Ogle County respondent violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 07-1	<u>IEPA v. John Spoede</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.	4-0
AC 07-3	<u>County of Perry v. Mike Tilley</u> – The Board dismissed this administrative citation for lack of jurisdiction, due to the County’s failure to timely serve the administrative citation on respondent.	4-0
AC 07-5	<u>IEPA v. Allen and Lois Noltensmeier</u> – The Board accepted an administrative citation against these Mason County respondents.	
AC 07-6	<u>IEPA v. Landfill 33 Ltd., Richard Deibel, and Brian Hayes</u> – The Board accepted an administrative citation against these Effingham County respondents.	
AC 07-7	<u>IEPA v. Matthew P. Bailey</u> – The Board accepted an administrative citation against this Wayne County respondent.	

ADJUDICATORY CASES

Decisions

PCB 06-54	<u>People of the State of Illinois v. Webb AG, Inc.</u> – In this land enforcement action concerning a Fulton 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)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$15,000, and to cease and desist from further violations.	4-0 L-E
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PCB 06-136 People of the State of Illinois v. D&L Landfill, Inc. – In this land enforcement action concerning a Bond 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)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$13,250, and to cease and desist from further violations. 4-0
L-E

PCB 06-151 People of the State of Illinois v. Big River Zinc Corporation and Allied Waste Transportation, Inc. d/b/a Midwest Waste – In this land enforcement action concerning a St. Clair 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 Big River Zinc Corporation (Big River Zinc) only, ordering Big River Zinc to pay a total civil penalty of \$18,000, and to cease and desist from further violations. 4-0
L-E

PCB 07-2 People of the State of Illinois v. Meijer Stores Limited Partnership and Rockford Construction Co. – In this water 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)), and accepted a stipulation and settlement agreement, ordering the respondents to pay a total civil penalty of \$85,000, and to cease and desist from further violations. 4-0
W-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 04-31	<u>Broadus Oil v. IEPA</u> – No action taken.	UST Fund
PCB 05-43 (cons.)		
PCB 04-185	<u>Midwest Generation EME, L.L.C v. IEPA</u> – The Bard granted the parties’ motion to extend the stay until December 4, 2006.	4-0 T-S Appeal
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – The Bard granted the parties’ motion to extend the stay until December 4, 2006.	4-0 T-S Appeal
PCB 04-216	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – The Bard granted the parties’ motion to extend the stay until December 4, 2006.	4-0 T-S Appeal
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	Citizens A&L-E
PCB 06-16	<u>People of the State of Illinois v. Ogoco, Inc.</u> – No action taken.	W-E
PCB 06-33	<u>People of the State of Illinois v. J&S Companies, Inc. and First Choice Construction, Inc.</u> – In response to complainant’s motion for remedies and civil penalties, the Board entered an opinion and order requiring respondent J&S Companies, Inc. to pay a total civil penalty of \$25,000 and to cease and desist from further violations. This order follows the Board's order of June 15, 2004, which found that this respondent had violated Sections 21(a), (d)(1), (e), and (1) and (7) of the Environmental Protection Act as alleged in complainant’s two-count complaint (415 ILCS 5/21(a), (d)(1), (e), (p)(1) and (7) (2004)).	3-1 Johnson dissented L-E

PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
PCB 06-117	<u>People of the State of Illinois v. Saline County 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 Saline County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 06-131	<u>Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President, Village of Hampshire and IEPA</u> – The Board acknowledged the filing of objections by the counsel of Charles St. George to the Board’s July 6, 2006 order affirming the permit as issued. But, the Board will not consider or address the merits of the arguments, as Mr. St. George is not a party. The objection does not stay the time for the filing of any party’s appeal under 35 Ill. Adm. Code 101.502(c).	4-0 P-A, Water
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</u> – No action taken.	Citizens W-E
PCB 06-163	<u>The Theodore Kosloff Trust (as formed by the irrevocable Agreement of Trust of Theodore Kosloff, dated December 6, 1989, for Rachel Kosloff and Abigail Kosloff v. A&B Wireform Corporation</u> – No action taken.	L-E
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 06-173	<u>People of the State of Illinois v. First Country Homes, L.L.C.</u> – No action taken.	W-E
PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – No action taken.	L-E

PCB 06-183	<u>People of the State of Illinois v. Lazar Brothers Trucking, Inc.</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 Kane County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
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PCB 07-8	<u>People of the State of Illinois v. The City of Harvey</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 Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
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PCB 07-9	<u>K.A. Steel Chemical, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	4-0 P-A, NPDES
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PCB 07-10	<u>Citgo Petroleum Corporation v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Will County facility.	4-0 P-A, NPDES
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CASES PENDING DECISION

R06-23	<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. 94-314: New 35 Ill. Adm. Code Part 1505</u> – Adopted Rule, Final Order, Opinion and Order (due 9/7)	R, PWS
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PCB 06-137	<u>City of Springfield, Illinois v. IEPA</u> – (due 9/27)	Melas W-V
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ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:25 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 7, 2006, by a vote of .

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board