

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**OCTOBER 19, 2006 CHICAGO OFFICE**  
**100 W. Randolph Street**  
**Conference Room 9-040**  
**11:00 A.M.**

### ANNOUNCEMENTS

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Chairman Girard welcomed members of the public and staff.

### ROLL CALL

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

### APPROVAL OF MINUTES

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Minutes of the October 5, 2006 meeting were approved by a vote of 4-0.

### RULEMAKINGS

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| <b>R06-13</b> | <u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2005 through December 31, 2005) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking which amends the Board’s wastewater pretreatment regulations.</u> | 4-0<br>R, Water |
| <b>R06-26</b> | <u>In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO<sub>2</sub>, NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D and E – No action taken.</u>  | R, Air          |
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## ADJUSTED STANDARDS

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None

## ADMINISTRATIVE CITATIONS

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| <b>AC 06-50</b> | <u>IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kingsley Lewis</u> The Board dismissed respondent Mark Gates petition for review due to Gates' failure to file an amended petition to cure deficiencies as instructed by the August 4, 2006 Board order. The Board also dismissed the administrative citation regarding remaining respondents Marla Lewis Gates and Mark Kingsley Lewis due to complainant's failure to file proof of service. The Board found that Mark Gates violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$3,000. | 4-0 |
| <b>AC 07-11</b> | <u>County of Ogle v. Veolia Es Orchard Hills Landfill, Inc. f/d/b/a Onyx Orchard Hills Landfill, Inc.</u> – The Board found that this Ogle 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 07-12</b> | <u>IEPA v. Francis E. Morris</u> – No action taken.   |     |
| <b>AC 07-14</b> | <u>County of LaSalle v. Eric and Sarah Cook</u> – The Board found that these LaSalle County respondents violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)), and ordered respondents to pay a civil penalty of \$3,000.  | 4-0 |
| <b>AC 07-16</b> | <u>IEPA v. Dennis Ballinger</u> – The Board accepted for hearing this petition for review of an administrative citation against this Edgar County respondent.   | 4-0 |
| <b>AC 07-18</b> | <u>County of Ogle v. Donald and Linda Ebersole and Nathan Mattison</u> – The Board accepted an administrative citation against these Ogle County respondents.   |     |

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**AC 07-19**      County of Ogle v. Michael Johnson – The Board accepted an administrative citation against this Ogle County respondent.

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**AC 07-20**      County of Macon v. Phillip Pugsley – The Board accepted an administrative citation against this Macon County respondent.

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**AC 07-21**      County of Macon v. Tim Walker – The Board accepted an administrative citation against this Macon County respondent.

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### **ADJUDICATORY CASES**

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#### **Decisions**

None

#### **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 Valley Asphalt Co., Inc. - No action taken.      W-E

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**PCB 03-191**      People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris – The Board granted complainant’s motion for expedited interlocutory appeal of the hearing officer’s October 3, 2006 order, affirmed the hearing officer’s order, and denied complainant’s motion for interim relief.      4-0  
L-E

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**PCB 04-31**      Broadus Oil v. IEPA – No action taken.      UST  
**PCB 05-43**      Appeal  
**(cons.)**

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| <b>PCB 05-49</b>  | <u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.   | Citizens<br>A&L-E               |
| <b>PCB 06-52</b>  | <u>Knapp Oil Company, Don’s 66 v. IEPA</u> – No action taken.  | UST<br>Appeal                   |
| <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 06-104</b> | <u>People of the State of Illinois v. Moore Painting Company and Illinois-American Water Company</u> – Upon receipt of a proposed partial 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<br>A,L,&W-E                 |
| <b>PCB 06-184</b> | <u>Peoria Disposal Company v. Peoria County Board</u> – No action taken.   | P-C-F-S-R                       |
| <b>PCB 06-194</b> | <u>Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Vermilion County facility.  | 4-0<br>P-A, Air                 |
| <b>PCB 07-12</b>  | <u>Fedex Ground Package System, Inc. v. IEPA</u> – No action taken.  | UST<br>Appeal                   |
| <b>PCB 07-17</b>  | <u>Dale L. Stanhibel v. Tom Halat d/b/a Tom’s Vegetable Market</u> – The Board held for a later duplicative/frivolous determination this citizens’ air and noise enforcement action involving a Jackson County facility.   | Citizens<br>A&N – E             |
| <b>PCB 07-21</b>  | <u>Maple Quick Mart and Ranjit Singh v. IEPA</u> – No action taken.  | UST<br>Appeal<br>90-Day<br>Ext. |
| <b>PCB 07-22</b>  | <u>Estate of William Eggert v. IEPA</u> – The Board accepted for hearing   | 4-0                             |

this amended underground storage tank appeal involving a Cook County facility.

UST  
Appeal

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| <b>PCB 07-23</b> | <u>People of the State of Illinois v. Greg Giertz d/b/a Giertz Swine Farm #1</u> – The Board accepted for hearing this water enforcement action involving a site located in Mercer County. | 4-0<br>W-E |
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| <b>PCB 07-24</b> | <u>Webb &amp; Sons, Inc. v. IEPA</u> – No action taken. | UST<br>Appeal |
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| <b>PCB 07-25</b> | <u>People of the State of Illinois v. Isaacson Construction, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in McLean County. | 4-0<br>L-E |
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## CASES PENDING DECISION

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| <b>R06-11</b> | <u>In the Matter of: Proposal of Vaughan &amp; Bushnell Manufacturing Company of Amendment to a Site-Specific Rule 35 Ill. Adm. Code 901.121</u> – Proposed Rule, Second Notice, Opinion and Order | R, Noise |
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| <b>R06-16</b>            | <u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2005 through December 31, 2005); In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2005 through December 31, 2005); In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – Adopted Rule, Final Order, Opinion and Order | R, Land |
| <b>R06-17</b>            |  |         |
| <b>R06-18</b><br>(cons.) |  |         |

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| <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> – Proposed Rule | R, Air |
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**R07-2**

In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – Proposal for Public Comment,  
Opinion and Order

R, Water

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**ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:15 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 2, 2006, by a vote of .

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board