

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 5, 2006
Michael A. Bilandic Building,
160 N. LaSalle Street, Second Floor, Room N-505
2:00 P.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 September 21, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

R06-15	<u>SDWA Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking which amends the Board’s drinking water regulations.	4-0 R, Water
---------------	--	-----------------

ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 06-53	<u>County of Ogle v. George C. Heal.</u> – The Board found that the complainant provided adequate service of the administrative citation upon the respondent and directed the hearing officer to proceed expeditiously to hearing.	4-0
AC 07-5	<u>IEPA v. Allen and Lois Noltensmeier</u> – The Board found that these Mason County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
AC 07-6	<u>IEPA v. Landfill 33 Ltd., Richard Deibel, and Brian Hayes</u> - The Board found that these Effingham County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(o)(5) (2004)), and ordered respondents to pay a civil penalty of \$500.	4-0
AC 07-7	<u>IEPA v. Matthew P. Bailey</u> - The Board found that this Wayne County respondent 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
AC 07-8	<u>IEPA v. Allied Waste, Inc.</u> – The Board found that this Bond 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 07-9	<u>IEPA v. Charles F. Kinsel</u> - The Board found that this Fulton 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 \$4,500.	4-0
AC 07-10	<u>IEPA v. Michael Rickard</u> – The Board granted complainant’s motion to withdraw this administrative citation, and closed the docket.	4-0

AC 07-12 IEPA v. Francis E. Morris – No action taken.

AC 07-17 IEPA v. Lee County Landfill, S.C., L.L.C. and Dave Geier – The Board accepted an administrative citation against these Lee County respondents.

ADJUDICATORY CASES

Decisions

PCB 06-27 People of the State of Illinois v. Joel Hillman – 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 \$40,000, and to cease and desist from further violations. 4-0
A-E

Motions and Other Matters

PCB 02-196 Smoot Oil Company v. IEPA – The Board granted this Union County facility’s motion for voluntary dismissal of this underground storage tank appeal. 4-0
UST
Appeal

PCB 04-16 People of the State of Illinois v. Packaging Personified, Inc., an Illinois corporation – The Board granted respondent's motion for interlocutory appeal from the hearing officer order dated June 28, 2006 and affirmed that order which denied respondent's motion to compel discovery. 4-0
A-E

PCB 04-31	<u>Broadus Oil v. IEPA</u> – No action taken.	UST
PCB 05-43 (cons.)		Appeal
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	Citizens A&L-E
PCB 06-52	<u>Knapp Oil Company, Don’s 66 v. IEPA</u> – No action taken.	UST Appeal
PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
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> – The Board denied complainant’s motion for default judgment.	4-0 L-E
PCB 06-178	<u>People of the State of Illinois v. Galena Hillside Homes, 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 Jo Daviess County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E NPDES
PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – No action taken.	P-C-F-S-R
PCB 06-186	<u>American National Bank & Trust – Land Trust 12434-06 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 Cook County.	4-0 UST Appeal

PCB 06-187	<u>Omni Bioenergy, L.L.C. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this facility in Madison County.	4-0 P-A Air
PCB 07-12	<u>Fedex Ground Package System, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-17	<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 A&N – E
PCB 07-20	<u>Atkinson Landfill Company v. The Village of Atkinson and The Village Board of the Village of Atkinson</u> – The Board accepted for hearing this pollution control facility siting appeal involving a Henry County facility.	4-0 P-C-F-S-R
PCB 07-21	<u>Maple Quick Mart and Ranjit Singh v. IEPA</u> – No action taken.	UST Appeal 90-Day Ext.

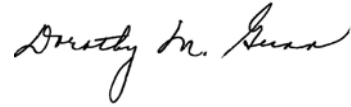
CASES PENDING DECISION

R06-13	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – Adopted Rule, Final Order, Opinion and Order	Melas R, Water
---------------	---	-------------------

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 2:20 p.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 19, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board