

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



Thursday, February 1, 2007
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. Chairman Girard then introduced Daniel Robertson a Legal Extern from Chicago-Kent Law School.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the January 26, 2007 meeting were approved by a vote of 4-0.

RULEMAKINGS

R06-26	<u>In the Matter of: Proposed New Clean Air Interstate Rule (CAIR)</u> <u>SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill.</u> <u>Adm. Code 225, Subparts A, C, D and E – No action taken.</u>	R, Air
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R07-10	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of July 1, 2006 through December 31, 2006.	4-0 4-0 R, Air
R07-12	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2006 through December 31, 2006.	4-0 R, Land
R07-13	<u>In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of July 1, 2006 through December 31, 2006.	4-0 R, Land
R07-15	<u>In the Matter of: UST Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of July 1, 2006 through December 31, 2006.	4-0 R, Land
R07-16	<u>In the Matter of Wastewater Pretreatment Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of July 1, 2006 through December 31, 2006.	4-0 R, Water

ADJUSTED STANDARDS

AS 07-3	<u>In the Matter of: Petition of Midwest Generation, L.L.C., Waukegan Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230 – No action taken.</u>	Air
AS 07-4	<u>In the Matter of: Petition of Midwest Generation, L.L.C., Will County Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230 – No action taken.</u>	Air

ADMINISTRATIVE CITATIONS

AC 04-51	<u>IEPA v. Michael Moreton</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file, on or before February 22, 2007, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 14 days of service.	4-0
AC 06-32	<u>County of Jackson v. David Skidmore</u> – No action taken.	
AC 07-4	<u>IEPA v. Frank Wilhelm</u> – No action taken.	
AC 07-28	<u>IEPA v. Charles Norman Bartlett</u> – The Board accepted for hearing this petition for review of an administrative citation against this Calhoun County respondent.	4-0

ADJUDICATORY CASES

Decisions

None.

Motions and Other Matters

PCB 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-216	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
PCB 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – The Board granted the parties’ joint motion to dismiss, denied all other pending motions as moot, and closed the docket.	4-0 L-E
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
PCB 05-157	<u>Grand Pier Center L.L.C. and American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C. v. River East L.L.C, Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Tronox L.L.C.; Tronox L.L.C. v. Grand Pier Center L.L.C. and American International Specialty Lines Insurance Co.</u> – No action taken.	Citizens L-E
PCB 05-212	<u>John and Linda Maracic v. TNT Logistics North America Inc.</u> – No action taken.	N-E
PCB 05-213	<u>Vincent and Jennifer Neri v. TNT Logistics North America Inc.</u> – No action taken.	N-E
PCB 05-216	<u>Wayne Haser v. TNT Logistics North America Inc.</u> – No action taken.	N-E

PCB 05-217	<u>Ken Blouin v. TNT Logistics North America Inc.</u> – No action taken.	N-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 06-88	<u>Biggs Brothers Service Center v. IEPA</u> – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – No action taken.	P-C-F-S-R
PCB 07-3	<u>People of the State of Illinois v. East Lynn Community Water System, 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 Vermilion County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 07-17	<u>Dale L. Stanhibel v. Tom Halat d/b/a Tom’s Vegetable Market</u> – No action taken.	Citizens A&N – E
PCB 07-27 PCB 07-48	<u>Village of Wilmette v. IEPA</u> – No action taken.	UST Appeal
PCB 07-30	<u>The Premcor Refining Group Inc. v. IEPA</u> – The Board granted petitioner’s agreed motion to supplement the administrative record.	4-0 P-A, Air

PCB 07-44 Indian Creek Development Company individually as beneficiary under Trust 3291 of the Chicago Title and Trust Company dated December 15, 1981 and the Chicago Title and Trust Company, as trustee under trust 3291 dated December 15, 1981 v. The Burlington Northern Santa Fe Railway Company – No action taken. L&W-E

PCB 07-70 People of the State of Illinois v. Timmermann Farms, Ltd. – The Board accepted for hearing this water enforcement action involving a site located in Clinton County. 4-0
W-E

PCB 07-71 Lone Star Industries, Inc. v. IEPA – No action taken. P-A, Air

CASES PENDING DECISION

R06-10 In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) – Adopted Rule, Final Order, Opinion and Order (on February 6, 2007 JCAR agenda) R, Land

R06-24 In the Matter of: Revisions to Water Quality Standards for Total Dissolved Solids in the Lower Des Plaines River for ExxonMobil Oil Corporation: Proposed 35 Ill. Adm. Code 303.445 – Adopted Rule, Final Order, Opinion and Order (on February 6, 2007 JCAR agenda) R, Water

AS 07-1 In the Matter of: Petition of BP Products North America Inc. for an Adjusted Standard to 35 Ill. Adm. Code 720.122 Land

PCB 07-24 Webb & Sons, Inc. v. IEPA – (due 2/15) (see also Petitioner’s Motion to Incorporate Documents by Reference filed 12/13/06) UST
Appeal

ADJOURNMENT

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 February 15, 2007, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board