

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**THURSDAY, MARCH 1, 2007 SPRINGFIELD OFFICE**  
**1021 N. Grand Avenue East**  
**Conference Room 1244 N, First Floor**  
**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, by her designee Connie Newman called the roll. All Board Members answered present.

### **APPROVAL OF MINUTES**

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Minutes of the February 15, 2007 meeting were approved by a vote of 4-0.

### **RULEMAKINGS**

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<b>R06-21</b>	<u>In the Matter of: Organic Material Emissions Standards and Limitations for the Chicago and Metro-East Areas: Proposed Amendments to 35 Adm. Code 218 and 219</u> - The Board adopted a second notice opinion and order in this rulemaking to amend the Board's air pollution regulations.	4-0 R, Air
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<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</u> – No action taken.	R, Air
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## ADJUSTED STANDARDS

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### ADMINISTRATIVE CITATIONS

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- AC 05-47**      IEPA v. Stacy Hess – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2004)) and assessing a penalty of \$4,500. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file, on or before March 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
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- AC 06-32**      County of Jackson v. David Skidmore – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2004)) and assessing a penalty of \$4,500. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file, on or before March 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
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- AC 07-29**      IEPA v. Gere Properties, Inc., Perry Ridge Landfill, Inc., and Mike Whitlock – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss the administrative citation as to Gere Properties and Perry Ridge. The Board found that Mike Whitlock violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2004)) in this Perry County administrative citation, and ordered respondent to pay a civil penalty of \$1,500. 4-0
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- AC 07-43**      County of Jackson v. Bob Osinga – The Board accepted an administrative citation against this Jackson County respondent.
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- AC 07-44**      IEPA v. Harold Tomlinson, Larry Tomlinson and Jerry Tomlinson – The Board accepted an administrative citation against these Marshall County respondents.
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**AC 07-45**      County of LaSalle v. Wayne and Becky Foster - The Board accepted an administrative citation against these LaSalle County respondents.

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**ADJUDICATORY CASES**

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Decisions

**PCB 07-3**      People of the State of Illinois v. East Lynn Community Water System, Inc. – In this water enforcement action concerning a Vermilion 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 \$200, and to cease and desist from further violations.      4-0  
W-E

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**PCB 07-29**      People of the State of Illinois v. Pinnacle Genetics, L.L.C. and Professional Swine Management, L.L.C. – In this air and water enforcement action concerning a Macomb 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 \$27,000, and to cease and desist from further violations. The respondents must also perform three supplemental environmental projects at a cost of \$11,000 plus annual maintenance costs of approximately \$1,500 to \$2,000.      4-0  
W-E

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Motions and Other Matters

<b>PCB 00-104</b>	<u>People of the State of Illinois v. The Highlands, L.L.C. and Murphy Farms, Inc., a/k/a Murphy Family Farms, and Bion Technologies, Inc.</u> – The Board granted complainant’s motion to conform the second paragraph of the Board’s January 26, 2007 order to the stipulation between the complainant and Highlands, L.L.C. The Board ordered the respondent to pay the \$9,000.00 civil penalty in two equal and staggered installments, rather than in one installment by thirty days from the date of the Board’s final opinion and order.	4-0 A-E
<b>PCB 03-191</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – No action taken.	L-E
<b>PCB 04-31</b> <b>PCB 05-43</b> <b>(cons.)</b>	<u>Broadus Oil v. IEPA</u> – The Board denied petitioner’s motion for reconsideration of the Board’s December 21, 2006 opinion and order granting summary judgment to the Illinois Environmental Protection Agency and affirming its denial of various budget amendments for corrective actions at petitioner’s leaking underground storage tank site	4-0 UST Appeal
<b>PCB 05-193</b>	<u>Vernon and Elaine Zohfeld v. Bob Drake, Wabash Valley Service Company, Michael J. Pfister, Doah D. Horton, and Steve Kinder</u> – No action taken.	A-E
<b>PCB 05-212</b>	<u>John and Linda Maracic v. TNT Logistics North America Inc.</u> – No action taken.	N-E
<b>PCB 05-213</b>	<u>Vincent and Jennifer Neri v. TNT Logistics North America Inc.</u> – No action taken.	N-E
<b>PCB 05-216</b>	<u>Wayne Haser v. TNT Logistics North America Inc.</u> – No action taken.	N-E
<b>PCB 05-217</b>	<u>Ken Blouin v. TNT Logistics North America Inc.</u> – No action taken.	N-E

<b>PCB 06-52</b>	<u>Knapp Oil Company, Don's 66 v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 06-53</b>	<u>C&amp;F Packing Company, Inc. v. IEPA and Lake County</u> – The Board granted this Lake County facility's motion for voluntary dismissal of this variance petition.	4-0 W-V
<b>PCB 06-171</b>	<u>American Bottom Conservancy v. IEPA and United States Steel Corporation - Granite City Works</u> – No action taken.	P-A, NPDES
<b>PCB 06-184</b>	<u>Peoria Disposal Company v. Peoria County Board</u> – The Board granted petitioner's motion to file a post-hearing brief in excess of 50 pages.	4-0 P-C-F-S-R
<b>PCB 07-16</b>	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – No action taken.	W-E
<b>PCB 07-17</b>	<u>Dale L. Stanhibel v. Tom Halat d/b/a Tom's Vegetable Market</u> – The Board denied respondent's motion to dismiss based on a claimed affirmative defense, and also finding that the complaint is not duplicative or frivolous. The Board directed respondent to answer the complaint on or before April 30, 2007.	4-0 Citizens A&N – E
<b>PCB 07-27</b> <b>PCB 07-48</b>	<u>Village of Wilmette v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-34</b>	<u>Knapp Oil Company, Inc. (Metropolis) 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 Massac County.	4-0 UST Appeal
<b>PCB 07-38</b>	<u>City of Joliet 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 Will County.	4-0 P-A, Water

<b>PCB 07-44</b>	<u>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</u> – No action taken.	L&W-E
<b>PCB 07-71</b>	<u>Lone Star Industries, Inc. v. IEPA</u> – The Board granted this LaSalle County petitioner’s motion to stay the effectiveness of three contested permit conditions.	4-0 P-A, Air
<b>PCB 07-77</b>	<u>Dynegy Midwest Generation, Inc. Baldwin Energy Complex (Property Identification Number 09-012-003-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generation, Inc., located in Randolph County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 Water
<b>PCB 07-78</b>	<u>Dynegy Midwest Generation, Inc. Havana Power Station (Property Identification Number 09-11-400-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generation, Inc., located in Mason County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 Water
<b>PCB 07-79</b>	<u>North American Lighting, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving an Edgar County facility.	4-0 P-A, Air
<b>PCB 07-80</b>	<u>Russ Taylor v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Champaign County facility.	4-0 UST Appeal 90-Day Ext.

## CASES PENDING DECISION

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**R06-26**      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 – Proposed Rule, First Notice, Opinion and Order      R, Air

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**AC 05-47**      IEPA v. Stacy Hess – Interim Opinion and Order

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**PCB 04-88**      Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox      P-A, NPDES

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## OTHER ITEMS

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The Board granted the Chairman's motion for approval of minutes from the following closed deliberative sessions held under Section 2(c)(4) of the Open Meetings Act, 5 ILCS (120/2(c)(4):

December 14, 2006 4-0

December 28, 2006 4-0

January 11, as reconvened January 18, 2007 3-0, Moore abstained

February 8, 2007 3-0, Johnston abstained

February 22, 2007 4-0

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The Board granted the Chairman's motion for approval of minutes of January 30, 2007 meeting closed under Section 2(c)(1) of the Open Meetings Act, 5 ILCS 120/2(c)(1), held January 30, 2007      4-0

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## **ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:28 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 15, 2007, by a vote of.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board