

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



THURSDAY, MAY 3, 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 noted, “Monday was the last day of an era here at the Board. Our clerk, Dorothy M. Gunn and our executive coordinator Sandy Wiley retired. Together they had over 60 years of experience at the Board. We will miss them and wish both of them well. Today starts a new era and John T. Therriault, our assistant clerk will be presiding over the meetings.”

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of the April 19, 2007 open meeting and the April 26, 2007 closed deliberative sessions were approved by a vote of 3-0. Member Melas abstained.

RULEMAKINGS

R07-2 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 through June 30, 2006; In the Matter of: SDWA Update, USEPA Amendments (July 1, 2006 through December 31, 2006) – 4-0
R07-11 USEPA Amendments (July 1, 2006 through December 31, 2006) – R, PWS
(cons.) The Board adopted a proposal for public comment in this
“identical-in-substance” consolidated rulemaking to amend the
Board’s drinking water regulations.

R07-18 In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 – R, Air
No action taken.

ADJUSTED STANDARDS

AS 07-5 In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B – Land
No action taken.

ADMINISTRATIVE CITATIONS

AC 04-51 IEPA v. Michael Moreton – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$336.12 and a civil penalty of \$3,000. This order follows the Board's interim order of February 1, 2007, which found that this respondent had violated Sections 21(p)(1) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1) and 21(p)(7) (2004)). 4-0

AC 05-47	<u>IEPA v. Stacy Hess</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$371.10 and a civil penalty of \$4,500. This order follows the Board's interim order of March 1, 2007, which found that this respondent had violated Sections 21(p)(1), (3) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (3), and (7) (2004)).	4-0
AC 06-32	<u>County of Jackson v. David Skidmore</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$220.20 and a civil penalty of \$4,500. This order follows the Board's interim order of March 1, 2007, which found that this respondent had violated Sections 21(p)(1), (3) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (3), and (7) (2004)).	4-0
AC 06-50	<u>IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kingsley Lewis</u> – The Board granted respondent Mark Gates April 17, 2007 motion for extension of time, allowing him until June 4, 2007 to file an amended petition.	4-0
AC 07-21	<u>County of Macon v. Tim Walker</u> – The Board granted respondent's motion to reconsider, but declined to modify or vacate the January 26, 2007 Board Order.	4-0
AC 07-34	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board accepted for hearing respondent Ruben J. Valdez's amended petition for review.	4-0
AC 07-47	<u>County of Ogle v. Rochelle Waste Disposal, L.L.C. and Clyde A. Gelderloos, Chief Operator and City of Rochelle</u> – The Board found that these Ogle County respondents violated Section (o)(5) of the Act (415 ILCS 5/21(o)(5) (2004)), and ordered respondents to pay a civil penalty of \$500.	4-0

AC 07-55 IEPA v. Gire Properties Inc. and Gire Construction Inc. – The Board accepted an administrative citation against these Douglas County respondents.

AC 07-56 County of Ogle v. BFI Waste Systems of North America, Inc. – The Board accepted an administrative citation against these Ogle County respondents.

ADJUDICATORY CASES

Decisions

PCB 06-78 People of the State of Illinois v. North American Lighting, Inc. – In this air and water enforcement action concerning a Clay 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
A&W-E

PCB 06-160 People of the State of Illinois v. Matrix National Investment Corp. – In this water enforcement action concerning a Madison 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 \$5,000, and to cease and desist from further violations. 4-0
W-E

PCB 07-24 Webb & Sons, Inc. v. IEPA – The Board entered a final opinion and order requiring the Illinois Environmental Protection Agency (Agency) to reimburse petitioner attorney fees in the amount of \$3,569.63 from the UST Fund. This order follows the Board's interim order of February 17, 2007, in which the Board affirmed respondent's rejection of petitioner's proposed budget for personnel for four specified job titles, but reversed the Agency's rejection of petitioner's proposed budget for the 16 remaining job titles in the proposed personnel budget. 4-0
UST
Appeal

PCB 07-41	<u>People of the State of Illinois v. Village of Nebo</u> - In this public water supply enforcement action concerning a Pike 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 \$1,500, and to cease and desist from further violations.	4-0 PWS-E
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Motions and Other Matters

PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board found that the Board’s September 18, 2003 order granting a stay in this matter dissolved on December 1, 2003, denied complainant’s April 11, 2007 motion to lift stay as moot. The Board found that nothing bars the hearing officer from ruling on the June 6, 2003 motion for protective order.	4-0 W-E
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PCB 03-54	<u>Freedom Oil Company v. IEPA</u> – The Board granted this Edgar County facility’s motion for voluntary dismissal of these consolidated underground storage tank appeals.	4-0
PCB 03-56		UST
PCB 03-105		Appeal
PCB 03-179		
PCB 04-02		

PCB 04-158	<u>Hannel Oil Company v. IEPA</u> – The Board granted this Morgan County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
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PCB 05-193	<u>Vernon and Elaine Zohfeld v. Bob Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton, and Steve Kinder</u> – The Board construed respondent Michael J. Pfister’s (Pfister) motion for summary judgment as an unopposed motion to dismiss and granted the unopposed motion to dismiss (Pfister only) with prejudice.	4-0 A-E
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PCB 06-51	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air, land and water enforcement action involving a Edwards County facility, the Board ordered publication of the required newspaper notice.	4-0 A,L,&W-E
PCB 06-52	<u>Knapp Oil Company, Don’s 66 v. IEPA</u> – No action taken.	UST Appeal
PCB 06-171	<u>American Bottom Conservancy v. IEPA and United States Steel Corporation – Granite City Works</u> – The Board denied respondent United States Steel Corporation’s motion to reconsider the Board order of January 26, 2007.	4-0 P-A, NPDES
PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – No action taken.	L-E
PCB 07-16	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – No action taken.	W-E
PCB 07-17	<u>Dale L. Stanhibel v. Tom Halat d/b/a Tom’s Vegetable Market</u> - No action taken.	A&N-E
PCB 07-27	<u>Village of Wilmette v. IEPA</u> – No action taken.	UST Appeal
PCB 07-48	<u>Village of Wilmette v. IEPA</u> – No action taken.	UST Appeal
PCB 07-49	<u>People of the State of Illinois v. City of Woodstock</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 McHenry County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

PCB 07-65	<u>Electro-Motive Diesel, Inc. 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 located in Cook County.	4-0 P-A, Air
PCB 07-69	<u>Siemens Energy & Automation 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 located in Kane County.	4-0 UST Appeal
PCB 07-84	<u>American Bottom Conservancy and Sierra Club v. City of Madison Illinois and Waste Management of Illinois, Inc.</u> – No action taken.	P-C-F-S-R
PCB 07-93	<u>Equistar Chemicals, L.P. (Property Identification Number 03-20-200-014) v. IEPA</u> - No action taken.	T-C Water
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	N-E Citizens
PCB 07-97	<u>Kyle Nash v. Louis Jiminez</u> – No action taken.	N-E Citizens
PCB 07-101	<u>Midwest Generation, L.L.C. – Powerton Generating Station v. IEPA</u> – The Board accepted for hearing and granted petitioner’s motion for partial stay of specified conditions in the construction permit in this permit appeal involving a Tazewell County facility.	4-0 P-A, Air
PCB 07-102	<u>City of O’Fallon v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies, accompanied by an attorney’s appearance on or before June 3, 2007, or the petition would be subject to dismissal.	4-0 P-A, NPDES
PCB 07-104	<u>People of the State of Illinois v. Washington Trails Edge, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.	4-0 W-E

PCB 07-105 Harley Frey v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Wayne County facility. 4-0
UST
Appeal

PCB 07-106 Christian County Farmers Supply Company (Stonington) v. IEPA (Property ID No. 16-009-28-400-002) – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Christian County Farmers Supply Company, located in Christian 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

ADDENDUM

PCB 93-71 Indian Refining Company, now part of the AWR Liquidating Trust v. IEPA – The Board granted this Lawrence County facility’s motion for voluntary dismissal of this permit appeal. 4-0
P-A, Land

CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:34 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 17, 2007, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board