

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



THURSDAY, MAY 17, 2007 CHICAGO OFFICE
100 W. Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

Chairman Girard welcomed members of the public and staff.

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of the May 3, 2007 open meeting and the May 10, 2007 closed deliberative sessions were approved by a vote of 4-0.

RULEMAKINGS

R07-18	<u>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</u> – The Board found that part of the Illinois Environmental Protection Agency’s April 6, 2007 proposal is not “required to be adopted” by the Clean Air Act. Accordingly, the Board bifurcated this proposal by continuing to consider the portion applicable to the 28 internal combustion engines affected by the nitrogen oxides State Implementation Plan Call Phase II under Section 28.5 of the Act (415 ILCS 5/28.5 (2004)) in docket R07-18. The Board opened R07-19 and will consider the remainder of the proposal in that separate docket under Section 27 of the Act (415 ILCS 5/27 (2004)).	4-0 R, Air
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ADJUSTED STANDARDS

AS 07-5	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> – The Board dismissed this petition for an adjusted standard for petitioner’s failure to timely publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected, as required by Section 28.1 of the Environmental Protection Act (415 ILCS 5/28.1(d)(1) (2004)).	4-0 Land
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ADMINISTRATIVE CITATIONS

AC 05-72	<u>IEPA v. Gary Clover, d/b/a Clove Concrete, Marion, IL</u> – No action taken.	Land
AC 07-36	<u>IEPA v. Lawrence Abraham Bartolomucci</u> – The Board granted complainant’s motion to dismiss these consolidated administrative citations concerning a Jefferson County facility.	4-0
AC 07-37		Land
AC 07-38 (cons.)		

AC 07-49	<u>IEPA v. Herman F. and Karen Meyers (IEPA #55-07-AC)</u> – The Board found that respondents violated Section 21(p)(1), (p)(3), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4), and (p)(7) (2004)), assessing a penalty of \$6,000 in this administrative citation involving a Massac County facility.	4-0 Land
AC 07-51	<u>IEPA v. Gene Breeden</u> – The Board found that this Iroquois County respondent violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)). Because there are two violations of Section 21(p) and these violations are subsequent offenses, respondent was ordered to pay a civil penalty of \$6,000.	4-0 Land
AC 07-52	<u>County of LaSalle v. Mike Johnson</u> – The Board found that this LaSalle County respondent violated Section (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 Land
AC 07-53	<u>IEPA v. Renee C. LO</u> – The Board dismissed respondent’s petition for review of this administrative citation as untimely filed and found that this Champaign respondent violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2004)) and ordered respondent to pay a penalty of \$4,500.	4-0 Land
AC 07-54	<u>IEPA v. Adolph M. LO</u> – No action taken.	Land
AC 07-57	<u>IEPA v. Bernard Kotter</u> – The Board accepted an administrative citation against this Pulaski County respondent.	Land
AC 07-58	<u>County of Macon, Illinois v. Veolia ES Valley View Landfill</u> – The Board accepted an administrative citation against this Macon County respondent.	Land
AC 07-59	<u>County of Jackson v. Ryan Dantone, d/b/a The Gallery</u> – The Board accepted an administrative citation against this Jackson County respondent.	Land

ADJUDICATORY CASES

Decisions

PCB 05-44	<u>People of the State of Illinois v. Roger Kuberski, d/b/a Mount Vernon Quality Times, 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 enforcement action involving a Jefferson County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
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Motions and Other Matters

PCB 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc. and City of Morris</u> – The Board granted complainant’s motion to set a hearing date and denied respondent City of Morris' motion for extension of time to file a response.	4-0 L-E
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PCB 06-52	<u>Knapp Oil Company, Don’s 66 v. IEPA</u> – No action taken.	UST Appeal
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PCB 06-119	<u>People of the State of Illinois v. Strata Geologic Services, Inc.</u> – The Board granted complainant’s motion for leave to file an amended complaint and accepted the complaint.	4-0 L-E
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PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – No action taken.	L-E
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PCB 07-16	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – No action taken.	W-E
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PCB 07-17	<u>Dale L. Stanhibel v. Tom Halat d/b/a Tom’s Vegetable Market</u> - No action taken.	A&N-E
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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 07-84	<u>American Bottom Conservancy and Sierra Club v. City of Madison Illinois and Waste Management of Illinois, Inc.</u> – The Board granted petitioners’ motion for Kathleen G. Henry to appear <i>pro hac vice</i> and respond to the City of Madison’s motion for leave to file an amended index.	4-0 P-C-F-S-R
PCB 07-93	<u>Equistar Chemicals, L.P. (Property Identification Number 03-20-200-014) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s (IEPA) recommendation, the Board found and certified that specified facilities of Equistar Chemicals, LP (Equistar), located in Grundy County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)). The facilities are a wastewater treatment plant effluent temperature control and the Lift Station #23 Overflow Prevention at Equistar’s water pollution control facility. The IEPA did not recommend that the Potable Water System Improvements be certified and not receiving any petition for review, the Board declines to certify.	4-0 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 07-107	<u>Roy Pan, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Roy Pan, Inc., located in Clay 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 UST Appeal

PCB 07-108	<u>Reed's Service v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a White County facility.	4-0 UST Appeal
PCB 07-109	<u>Lawrence Reed v. Mark Howard</u> - The Board held for a later duplicative/frivolous determination this citizens' noise enforcement action involving a Cook County facility.	4-0 N-E
PCB 07-110	<u>City of Granite City 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 Madison County facility.	4-0 UST Appeal 90- Day Ext.
PCB 07-111	<u>Collins & Aikman v. IEPA</u> – No action taken.	T-C

CASES PENDING DECISION

PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – (Due 6/7) (Awaiting written confirmation of verbal waiver until 6/21)	P-C-F-S-R
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OTHER ITEMS

The Board granted the Chairman's motion for approval of Calendar Year 2007 Board Meeting Locations and Dates and the Closed Deliberative Sessions Dates as listed below:

Proposed 2008 Meeting Schedule

2008 Board Meeting Dates and Locations

January 10 – Videoconference	July 10 - Videoconference
January 24 – Chicago	July 24- Chicago
February 7 – Videoconference	August 7 - Videoconference
February 21 - Chicago	August 21 Springfield
March 6 – Springfield	September 4- Chicago

March 20 – Chicago	September 18- Videoconference
April 3 –Videoconference	October 2- Chicago
April 17 – Chicago	October 16- Springfield
May 1- Springfield	November 6– Chicago
May 15 – Chicago	November 20- Videoconference
June 5 – Videoconference	December 4 - Chicago
June 19- Chicago	December 18- Videoconference

2008 Deliberative Session Dates

January 3	July 3
January 17	July 17
January 31	July 31
February 14	August 14
February 28	August 28
March 13	September 11
March 27	September 25
April 10	October 9
April 24	October 23
May 8	November 13
May 22	December 11
June 12	
June 26	

Chicago meetings are held at the James R. Thompson Center, 100 West Randolph Street, Chicago, Illinois 60601

Springfield meetings are held at 1021 N. Grand Avenue East, Springfield, Illinois 62794-9274

Videoconference meetings are held between the Chicago and Springfield locations

Specific room locations may be obtained by accessing the Board’s website at: <http://www.ipcb.state.il.us> and clicking onto the Calendar of Events link

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:24 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 7, 2007, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board