

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 7, 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.

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of the May 7, 2007 open meeting and the May 31, 2007 closed deliberative sessions were approved by a vote of 4-0.

RULEMAKINGS

R07-20	<u>In the Matter of: Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants – No action taken.</u>	R, Water
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R07-21	<u>In the Matter of: Site Specific Rule for City of Joliet Wastewater Treatment Plant Fluoride and Copper Discharges, 35 Ill. Adm. Code 303.432</u> – No action taken.	R, Water
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ADJUSTED STANDARDS

AS 07-06	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738. Subpart B</u> - No action taken.	Land
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ADMINISTRATIVE CITATIONS

AC 05-44	<u>IEPA v. Donald Eichen</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Macoupin County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2006)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties' joint motion to dismiss respondent's petition for review.	4-0
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AC 05-70	<u>IEPA v. James Stutsman</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 \$372.75 and a civil penalty of \$3,000. Due to the delay of seven weeks between service of the Illinois Environmental Protection Agency's statement of hearing costs and its arrival in the Board's office, the Board on its own motion reconsidered its previous final opinion and order of November 16, 2006, and vacated that order on December 7, 2006. This order follows the Board's interim order of September 21, 2006, which found that this respondent had violated Sections 21(p)(1) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (7) (2006)).	4-0
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AC 06-50	<u>IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kingsley Lewis</u> – No action taken.	
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AC 07-12	<u>IEPA v. Francis E. Morris</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Gallatin County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2006)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violations of 415 ILCS 5/21(p)(3), (4), and (7) (2006).	4-0
AC 07-45	<u>County of LaSalle v. Wayne and Becky Foster</u> – The Board granted complainant’s motion to dismiss the administrative citation.	4-0
AC 07-50	<u>IEPA v. Doug Hensley and Eric & Charmin Joseph</u> – No action taken.	
AC 07-53	<u>IEPA v. Renee C. Lo</u> – No action taken.	
AC 07-54	<u>IEPA v. Adolph M. Lo</u> – The Board accepted as timely respondents’ petition for review of this administrative citation involving a Champaign County facility.	4-0
AC 07-55	<u>IEPA v. Gire Properties, Inc. and Gire Construction, Inc.</u> – The Board granted complainant’s motion to dismiss this administrative citation.	4-0
AC 07-60	<u>IEPA v. Joseph Combs</u> – The Board accepted an administrative citation against this Greene County respondent.	
AC 07-61	<u>IEPA v. Ben and Destiny Wyant</u> – The Board accepted an administrative citation against these Williamson County respondents.	
AC 07-62	<u>IEPA v. John A. & Kay E. Oldham</u> – The Board accepted an administrative citation against these Clay County respondents.	

AC 07-63 IEPA v. Clinton D. & Ruth H. Jordan – The Board accepted an administrative citation against these Williamson County respondents.

ADJUDICATORY CASES

Decisions

PCB 05-44 People of the State of Illinois v. Roger Kuberski, d/b/a Mount Vernon Quality Times, Inc. – In this water enforcement action concerning a Jefferson 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$1,200, and to cease and desist from further violations. 4-0
W-E

PCB 06-51 People of the State of Illinois v. CSX Transportation, Inc. – In this air, land, and water enforcement action concerning an Edwards County site, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$80,000, and to cease and desist from further violations. 4-0
A-L-W-E

PCB 06-151 People of the State of Illinois v. Big River Zinc and Allied Waste Transportation, Inc. d/b/a Midwest Waste – In this land enforcement action concerning a St. Clair 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$4,500, and to cease and desist from further violations. Respondent must perform a supplemental environmental project (SEP) by reserving landfill capacity for waste. The value of the SEP is \$16,800 and the SEP must be performed as specified in the stipulation and proposal for settlement. 4-0
L-E

PCB 06-193	<u>People of the State of Illinois v. Ron Fisher Motorsports, Inc. d/b/a F & L Salvage</u> – In this land enforcement action concerning a Washington County site, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$7,000, and to cease and desist from further violations.	4-0 L-E
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PCB 07-49	<u>People of the State of Illinois v. City of Woodstock</u> – In this water enforcement action concerning a McHenry County site, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$2,300, and to cease and desist from further violations.	4-0 W-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> – No action taken.	L-E
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PCB 04-88	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – No action taken.	P-A Water
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PCB 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S
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PCB 04-213	<u>The Village of Lombard, Illinois, an Illinois municipality corporation v. Bill's Auto Center, Bill's Standard Service, and William Kovar</u> – The Board granted complainant's motion to dismiss this citizen's enforcement and cost recovery action involving a DuPage County facility.	4-0 L-E Citizen
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PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Air
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PCB 04-216	<u>Midwest Generation v. IEPA</u> – No action taken.	T-S Air
PCB 05-93	<u>York High Neighborhood Committee (a voluntary organization) Janet and Fred Hodge, Patricia and David Bennett, Sheila and Mike Trant, Joe Vosicky, Jean and Peter Conroy, Frank Soldano, Joseph Reamer, Elizabeth and Charles Laliberte v. Elmhurst Public Schools, District 205</u> – The Board granted the parties’ agreed motion for extension of time until June 18, 2007 to file an amended stipulation and settlement agreement.	4-0 N-E
PCB 05-215 PCB 06-103	<u>People of the State of Illinois v. First Rockford Group, 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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 PWSE
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. Illinois Environmental Protection Agency and United States Steel Corporation - Granite City Works</u> – No action taken.	P-A Water
PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – The Board granted complainant’s motion to strike the three alleged affirmative defenses set forth by respondent.	4-0 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> - The Board construed respondent’s April 23, 2007 motion for summary judgment as an unopposed motion to dismiss and dismissed the complaint with prejudice.	4-0 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 07-79	<u>North American Lighting, Inc. v. IEPA</u> – The Board granted this Edgar County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A Air
PCB 07-80	<u>Russ Taylor v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.	4-0 UST- Appeal
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – The Board directed complainant to file proof of service of the complaint on the respondent by July 9, 2007.	4-0 N-E Citizens
PCB 07-97	<u>Kyle Nash v. Louis Jiminez</u> – The Board directed complainant to file proof of service of the complaint on the respondent by July 9, 2007.	4-0 N-E Citizens
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.	N-E
PCB 07-111	<u>Collins & Aikman v. IEPA</u> – No action taken.	T-C, Water
PCB 07-112	<u>Lone Star Industries, Inc. 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 LaSalle County facility.	4-0 P-A
PCB 07-113	<u>Rochelle Waste Disposal, L.L.C. v. The City of Rochelle and The</u>	4-0

	<u>Rochelle City Council</u> – The Board accepted for hearing and on its own motion consolidated this third-party pollution control facility siting appeal with PCB 07-116 involving a site in Ogle County.	P-C-F-S-R 3rd Party
PCB 07-114	<u>Robert Habeeb v. The Coach House Restaurant</u> – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Cook County facility.	N-E Citizens
PCB 07-115	<u>Dynegy Midwest Generation, Inc. (Havana Power Station) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Mason County facility.	4-0 P-A
PCB 07-116	<u>Concerned Citizens of Ogle County v. The City of Rochelle, The City Council of the City of Rochelle, and Rochelle Waste Disposal, L.L.C.</u> – The Board accepted for hearing and own its on motion consolidated this third-party pollution control facility siting appeal with PCB 07-113 involving a site in Ogle County.	4-0 P-C-F-S-R 3rd Party
PCB 07-117	<u>Dennis Sturtevant – Shannon v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dennis Sturtevant, located in Carroll County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, Water
PCB 07-118	<u>Blackland Pork, LLC – Blue Mound v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Blackland Pork, LLC, located in Macon County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, Water
PCB 07-119	<u>Mahr’s Service & Sales 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 Fulton County facility.	4-0 UST Appeal, 90- Day Extension

PCB 07-120	<u>Ruth Oil Company 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 Stark County facility.	4-0 UST Appeal, 90- Day Extension
PCB 07-121	<u>Willingham Farms 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 Pulaski County facility.	4-0 UST Appeal 90- Day Extension
PCB 07-122	<u>Stitzel Hog Farm – Shannon v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Stitzel Hog Farm, located in Carroll County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, Water

CASES PENDING DECISION

PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – (due 6/21)	P-C-F-S-R
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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 June 21, 2007, by a vote of.

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

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board