

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JUNE 21, 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 June 7, 2007 open meeting and the June 14, 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</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s May 25, 2007 proposal.	4-0 R,Water
---------------	--	----------------

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> – The Board accepted for hearing petitioner’s May 30, 2007 proposal to amend the Board’s water pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signatures. The Board also requested that petitioner address the deficiencies noted in the order.	4-0 R, Water
---------------	--	-----------------

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> – The Board granted the motions for incorporation and from the requirement to file an original and 9 copies of the USEPA application and plan. The motion for relief from the requirement at 35 Ill. Adm. Code 104.402 to serve the Illinois Environmental Protection Agency with a copy of this petition was denied. No action was taken on the motion for a stay of this proceeding or on petition sufficiency.	4-0 Land
-----------------	--	-------------

AS 07-007	<u>In the Matter of: Petition of Illinois Department of Transportation, District 8, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. ILD0070955)</u> – No action taken.	Water
------------------	---	-------

ADMINISTRATIVE CITATIONS

AC 06-50	<u>IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kingsley Lewis</u> – The Board accepted for hearing Mark Gates’ amended petition for review.	4-0
-----------------	---	-----

AC 07-50	<u>IEPA v. Doug Hensley and Eric & Charmin Joseph</u> – The Board granted the Illinois Environmental Protection Agency motion to dismiss Doug Hensley and Eric Joseph and found that Charmin Savage f/k/a Charmin Joseph violated Sections (p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
-----------------	---	-----

AC 07-53	<u>IEPA v. Renee C. Lo</u> – No action taken.	
-----------------	---	--

AC 07-56	<u>County of Ogle v. BFI Waste Systems of North America, Inc.</u> – The Board found that this Ogle County respondent violated Section (o)(11) of the Act (415 ILCS 5/21(o)(11) (2004)), and ordered respondent to pay a civil penalty of \$500.	4-0
AC 07-57	<u>IEPA v. Bernard Kotter</u> – No action taken.	
AC 07-58	<u>County of Macon, Illinois v. Veolia ES Valley View Landfill</u> –The Board found that this Macon County respondent violated Section (o)(5) and (o)(11) of the Act (415 ILCS 5/21(o)(5), (o)(11) (2004)), and ordered respondent to pay a civil penalty of \$1,000.	4-0
AC 07-59	<u>County of Jackson v. Ryan Dantone, d/b/a The Gallery</u> – The Board granted complainant’s motion to dismiss the administrative citation.	4-0
AC 07-63	<u>IEPA v. Clinton D. and Ruth H. Jordan</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Marion County facility.	4-0
AC 07-64	<u>IEPA v. Marcelo Mendoza</u> – The Board accepted an administrative citation against this Champaign County respondent.	
AC 07-65	<u>IEPA v. Todd McKinney</u> – The Board accepted an administrative citation against this St. Clair County respondent.	
AC 07-66	<u>Ogle County v. John and Angela Baker</u> – The Board accepted an administrative citation against these Ogle County respondents.	
AC 07-67	<u>Ogle County v. Harry Poggioli, Jr.</u> – The Board accepted an administrative citation against this Ogle County respondent.	

AC 07-68 IEPA v. Todd McKinney – The Board accepted an administrative citation against this St. Clair County respondent.

ADJUDICATORY CASES

Decisions

PCB 06-184 Peoria Disposal Company v. Peoria County Board – The Board affirmed the decision of the Peoria County Board denying petitioner’s application to expand an existing hazardous waste pollution control facility. 4-0
P-C-F-S-R

Motions and Other Matters

PCB 02-214 Metropolitan Sanitary District of Greater Chicago (Lemont Plant) v. IEPA – The Board granted this Cook County facility’s motion for voluntary dismissal of this permit appeal. 4-0
P-A, Water

PCB 03-191 People of The State of Illinois v. Community Landfill Company, Inc. and City of Morris – The Board affirmed the May 17, 2007 order granting the complainant’s motion to set a hearing date and directed the hearing officer to proceed expeditiously to hearing with both respondents. 4-0
L-E

PCB 04-88 Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox – No action taken. P-A
Water

PCB 04-185 Midwest Generation EME, LLC v. IEPA – No action taken. T-S

PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Air
PCB 04-216	<u>Midwest Generation v. IEPA</u> – No action taken.	T-S Air
PCB 06-9	<u>The Estate of Gerald Hess v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 P-A, UST Appeal
PCB 06-52	<u>Knapp Oil Company, Don’s 66 v. IEPA</u> – The Board granted the respondent's motion for summary judgment, denied petitioner’s cross-motion for summary judgment and found the respondent properly rejected petitioner’s August 2, 2005 high priority corrective action plan and budget.	4-0 UST Appeal
PCB 06-119	<u>People of the State of Illinois v. Strata Geologic Services, Inc.</u> – No action taken.	E-Land
PCB 06-171	<u>American Bottom Conservancy v. Illinois Environmental Protection Agency and United States Steel Corporation - Granite City Works</u> – The Board denied respondent United States Steel Corporation - Granite City Works’ May 30, 2007 motion to stay Board orders of January 26, 2007 and May 3, 2007, pending appellate review of the orders.	4-0 T-S
PCB 07-16	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – No action taken.	W-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 07-87	<u>Estate of Fred Johnson 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 Christian County.	4-0 UST Appeal
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	N-E
PCB 07-105	<u>Harley Frey v. IEPA</u> – No action taken.	P-A, Land
PCB 07-109	<u>Lawrence Reed v. Mark Howard</u> - The Board directed complainant to file proof of service of the complaint on the respondent by July 23, 2007.	4-0 N-E
PCB 07-111	<u>Collins & Aikman v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board granted certification to the oil/water separator facilities of Collin and Aikman's, located in Champaign County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). The Board declined to certify the re-grind equipment facilities.	4-0 T-C, Water
PCB 07-114	<u>Robert Habeeb v. The Coach House Restaurant</u> – No action taken.	N-E Citizens
PCB 07-123	<u>Dynergy Midwest Generation, Inc. (Hennepin 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 Putnam County facility.	4-0 P-A, Air, 90 Day Extension
PCB 07-124	<u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Kraft Foods Global, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.	4-0 A-E

PCB 07-125	<u>Cairo/Lowe Oil 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 Alexander County facility.	4-0 UST Appeal, 90 Day Extension
PCB 07-126	<u>Gateway FS, Inc. 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 Randolph County facility.	4-0 UST Appeal, 90- Day Extension
PCB 07-127	<u>Pioneer 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 Montgomery County facility.	4-0 UST Appeal, 90- Day Extension
PCB 07-128	<u>Jahrraus Oil Company, Inc. 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 Marion County facility.	4-0 UST Appeal, 90- Day Extension
PCB 07-129	<u>Yesley Service Company, Inc. 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 Randolph County facility.	4-0 UST Appeal, 90- Day Extension
PCB 07-130	<u>Gallaher's Shell 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 Hancock County facility.	4-0 UST Appeal, 90- Day Extension

PCB 07-131	<u>People of the State of Illinois v. Vithalbhai Patel</u> – The Board accepted for hearing this air enforcement action involving a site located in Madison County.	4-0 A-E
PCB 07-132	<u>People of the State of Illinois v. C. Grantham Company</u> – The Board accepted for hearing this land enforcement action involving a site located in St. Clair County.	4-0 L-E
PCB 07-133	<u>People of the State of Illinois, Lisa Madigan, Attorney General of the State of Illinois v. Thomas P. Mathews</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	4-0 W-E
PCB 07-134	<u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Village of Rockton</u> – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	4-0 W-E
PCB 07-135	<u>George R. Strunk v. Williamson Energy LLC, Pond Creek Mine #1</u> – Formal Complaint (6/11) – The Board held for a later duplicative/frivolous determination this citizens’ air, noise and water enforcement action involving a Williamson County facility.	A,N,W-E
PCB 07-136	<u>M. L. Rongo v. IEPA</u> – The Board dismissed the petition for review as not timely and not meeting any of the Board’s or statutory requirements for a petition for review.	4-0 UST Appeal
PCB 07-137	<u>Russell Oil Company, Inc. 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 Williamson County facility.	4-0 UST Appeal, 90- Day Extension

PCB 07-138	<u>Watertower Marina, Inc. 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 McHenry County facility.	4-0 UST Appeal, 90- Day Extension
PCB 07-139	<u>People of the State of Illinois v. Jalil “Jerry” Rizqallah, d/b/a Timberline Mobile Home Park</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Woodford County.	4-0 PWS-E
PCB 07-140	<u>Anne or Fred Hood 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 Macoupin County facility.	4-0 UST Appeal, 90- Day Extension
PCB 07-141	<u>F. A. Stein 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 St. Clair County facility.	4-0 UST Appeal, 90- Day Extension
PCB 07-142	<u>Big Tony’s Lounge 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 Alexander County facility.	4-0 UST Appeal, 90- Day Extension
PCB 07-143	<u>Joe’s Midtown Auto Repair 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 Bureau County facility.	4-0 UST Appeal, 90- Day Extension

PCB 07-144	<u>People of the State of Illinois v. Mick Morfey and William Knauer</u> – The Board accepted for hearing this air enforcement action involving a site located in Carroll County.	4-0 A-E
-------------------	---	------------

CASES PENDING DECISION

R04-025	<u>In the Matter of: Proposed Amendments to Dissolved Oxygen Standard</u> – Proposed Rule, First Notice, Opinion & Order	R-Water
R07-008	<u>In the Matter of: Proposed Amendments to Solid Waste Landfill Rules</u> - Proposed Rule, First Notice, Opinion & Order	R-Land

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:32 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 12, 2007, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board