

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JULY 26, 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 July 12, 2007 open meeting and the July 19, 2007 closed deliberative sessions were approved by a vote of 4-0.

RULEMAKINGS

R06-26	<u>In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D, E, and F</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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R07-2	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 though June 30, 2006); In the Matter of: SDWA Update, USEPA Amendments (July 1, 2006 through December 31, 2006) -</u> The Board adopted a final opinion and order in this “identical-in-substance” consolidated rulemaking amending the Board’s drinking water regulations.	4-0
R07-11		R,
(cons.)		PWS

R07-18	<u>In the Matter of: Fast-Track Rules Under Nitrogen Oxide (NOx) SIP Call Phase II: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 –</u> The Board denied the Illinois Environmental Protection Agency’s motion for reconsideration of the Board’s May 17, 2007 order bifurcating dockets R07-18 and R07-19.	4-0 R, Air
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R07-19	<u>In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 –</u> The Board denied the Illinois Environmental Protection Agency’s motion for reconsideration of the Board’s May 17, 2007 order bifurcating dockets R07-18 and R07-19.	4-0 R, Air
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ADJUSTED STANDARDS

AS 07-002	<u>In the Matter of: Proposed Extension of Adjusted Standard Applicable to Illinois-American Water Company’s Alton Public Water Supply Facility Discharge to the Mississippi River –</u> The Board on its own order set for hearing this request for an adjusted standard involving a Madison facility.	4-0 A,S, W
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AS 07-006	<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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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> The Board granted petitioner’s motion for withdrawal of its petition for adjusted standard.	4-0 Water
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ADMINISTRATIVE CITATIONS

AC 06-22	<u>IEPA v. Harold Graves (Tower Hill/Graves-Ambrose)</u> – The Board granted respondent’s motion to withdraw his petition for review. The Board found that this Shelby County respondent violated Sections (p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2006)), and ordered respondent to pay a civil penalty of \$3,000, unless it has already been paid.	4-0
AC 07-34	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board granted complainant’s motion to dismiss the administrative citation.	4-0
AC 07-64	<u>IEPA v. Marcelo Mendoza</u> – The Board found that this Champaign County respondent violated Sections (p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2006)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 07-65	<u>IEPA v. Todd McKinney</u> – The Board granted complainant’s motion to dismiss the administrative citation.	4-0
AC 07-66	<u>Ogle County v. John and Angela Baker</u> – The Board found that these Ogle County respondents violated Section (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2006)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
AC 07-67	<u>Ogle County v. Harry Poggioli, Jr.</u> – The Board found that this Champaign County respondent violated Sections (p)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(3), (p)(7) (2006)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 07-68	<u>IEPA v. Todd McKinney</u> – The Board granted complainant’s motion to dismiss the administrative citation.	4-0

AC 07-69	<u>County of Vermilion, Illinois v. Robert Martin</u> – The Board found that this Vermilion County respondent violated Sections (p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2006)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 08-01	<u>IEPA v. Carol G. Prieb</u> – The Board accepted an administrative citation against this Union County respondent.	
AC 08-02	<u>IEPA v. Charles Stuller</u> – The Board accepted an administrative citation against this Macoupin County respondent.	
AC 08-03	<u>IEPA v. Swami Oil Company</u> – The Board accepted an administrative citation against this Iroquois County respondent.	

ADJUDICATORY CASES

Decisions

None

Motions and Other Matters

PCB 02-53	<u>E & L Trucking Company v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S
PCB 04-216	<u>Midwest Generation v. IEPA</u> – No action taken.	T-S

PCB 05-15	<u>Bill Carter d/b/a Carter Convenience Store v. IEPA</u> – The Board granted this White County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 05-16	<u>Royer Oil (Sorrento Garage) v. IEPA</u> – The Board granted this Bond County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 05-21	<u>Randy’s Shell v. IEPA</u> – The Board granted this Piatt County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 05-62	<u>Keller Oil Co./Moweauqua v. IEPA</u> – The Board granted this Shelby County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 06-50	<u>E & L Trucking Company v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 06-119	<u>People of the State of Illinois v. Strata Geologic Services, Inc.</u> – The Board granted complainant’s motion for summary judgment. The Board found that respondent violated various sections of the Environmental Protection Act and the Board’s regulations. Respondent was ordered to pay a civil penalty of \$6,500.	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 07-44	<u>Indian Creek Development Company, an Illinois partnership, individually as beneficiary under trust 3291 of the Chicago Tittle and Trust Company dated December 15, 1981 and the Chicago Tittle and Trust Company, as trustee under trust 3291, dated December 15, 1981 v. The Burlington Northern Santa Fe Railway Company, a Delaware company</u> – No action taken.	L,W-E

PCB 07-48	<u>Village of Wilmette v. IEPA</u> – The Board granted respondent’s motion for summary judgment and affirmed the Illinois Environmental Protection Agency’s denial of the requested reimbursement. The Board denied petitioner’s motion for summary judgment and closed this docket.	4-0 Johnson concurred UST Appeal
PCB 07-66	<u>Ted’s Citgo v. IEPA</u> – The Board granted this Lake County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – The Board found this citizen’s air water enforcement action involving a Cook County facility, neither duplicative nor frivolous and accepted the complaint for hearing.	4-0 Citizens N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – The Board found this citizen’s air water enforcement action involving a Cook County facility, neither duplicative nor frivolous and accepted the complaint for hearing.	4-0 Citizens N-E
PCB 07-109	<u>Lawrence Reed v. Mark Howard</u> – No action taken.	Citizens N-E
PCB 07-110	<u>City of Granite City 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 Madison County.	4-0 UST Appeal
PCB 07-135	<u>George R. Strunk v. Williamson Energy LLC</u> – No action taken.	Citizens A,N,W-E
PCB 07-145	<u>Randy Grant, Donald Grant and Patricia Wallace v. Mach Mining (Pond Creek Mine #1)</u> - No action taken.	Moore Citizens N-E

PCB 07-146	<u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – No action taken.	Girard P-C-F-S-R
PCB 07-147	<u>L. Keller Oil Properties, Inc. / Farina v. IEPA</u> – No action taken.	Moore P-A
PCB 07-149	<u>Biomedical Technology Solutions, Inc. 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 August 27, 2007, or the petition would be subject to dismissal.	4-0 A-V
PCB 08-07	<u>People of the State of Illinois v. Union Pacific Railroad Company</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County.	4-0 PWS-E
PCB 08-08	<u>People of the State of Illinois v. Arona Corporation, d/b/a Aaron’s Sales & Lease Ownership</u> – The Board accepted for hearing this air enforcement action involving a site located in Winnebago County.	4-0 Air-E
PCB 08-09	<u>Midwest Generation, LLC, Will County Generating Station v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Will County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.	4-0 P-A Air

CASES PENDING DECISION

R07-18	<u>In the Matter of: Fast-Track Rules Under Nitrogen Oxide (NOx) SIP Call Phase II: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 –Proposed Rule, Second Notice, Opinion & Order (due 8/9/07)</u>	R, Air
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:29 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 9, 2007, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board