

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



AUGUST 9, 2007

SPRINGFIELD OFFICE

Conference Room 1244 N, First Floor
1021 N. Grand Avenue East
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 26, 2007 open meeting and the August 2, 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 denied Midwest Generation’s motion for an additional hearing in this proposed rulemaking, noting that under the Administrative Procedure Act, no changes in a rule are possible after second notice has been submitted to the Joint Committee on Administrative Rules (JCAR), except those requested by JCAR.	4-0 R, Air
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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 adopted a second notice opinion and order to amend the Board’s air pollution control regulations, specifically to satisfy Illinois’ obligations under the United States Environmental Protection Agency’s nitrogen oxides (NOx) State Implementation Plan Call Phase II.	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> – No action taken.	R, Air
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ADJUSTED STANDARDS

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> – The Board granted the motion to stay this request for an adjusted standard until February 8, 2008 pending USEPA action on petitioner’s parallel application.	4-0 Land
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AS 08-001	<u>In the Matter of: Petition of Illinois Department of Transportation, District 8, Bowman Avenue Pump Station and Deep Well System, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. IL0070955)</u> – No action taken.	Water
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ADMINISTRATIVE CITATIONS

AC 06-23	<u>IEPA v. Harold Graves</u> - No action taken.
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AC 06-39	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u> – No action taken.
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AC 06-40	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u> - No action taken.
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AC 06-41	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> - No action taken.	
AC 07-25	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> - No action taken.	
AC 07-70	<u>IEPA v. Curtis and Sherry Pellhum</u> – The Board found that these Cass County respondents 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 07-71	<u>IEPA v. Steve B. and Beth M. Segner</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Williamson County facility.	4-0
AC 08-04	<u>IEPA v. Fred Honaker</u> – The Board accepted an administrative citation against this Champaign County respondent.	

ADJUDICATORY CASES

Decisions

None

Motions and Other Matters

PCB 98-108	<u>City of Freeport v. IEPA</u> – The Board on its own order dismissed this Stephenson County facility’s permit appeal for failure to diligently pursue litigation.	4-0 P-A
PCB 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
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 06-153	<u>Midwest Petroleum Company v. IEPA</u> – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 07-16	<u>People of the State of Illinois v. CSX Transportation, Inc</u> – The Board denied complainant’s motion for reconsideration of its July 12, 2007 opinion and order granting summary judgment to complainant, but declining to assess a penalty or attorney fees and cost.	4-0 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.	Citizens L, W-E
PCB 07-109	<u>Lawrence Reed v. Mark Howard</u> – The Board found the alleged violation frivolous and dismissed the complaint.	4-0 N-E
PCB 07-135	<u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</u> – The Board directed complainant to file proof of service of the complaint on the respondent by September 10, 2007.	4-0 Citizens A,N,W-E
PCB 07-145	<u>Randy Grant, Donald Grant and Patricia Wallace v. Mach Mining (Pond Creek Mine #1)</u> - The Board directed complainant to file proof of service of the complaint on the respondent by September 10, 2007.	4-0 Citizens N-E

PCB 07-146	<u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – The Board granted in part respondent’s motion for relief from certain record filing requirements, but reserved ruling on Kendall County’s motion to intervene.	4-0 P-C-F-S-R
PCB 07-147	<u>L. Keller Oil Properties, Inc. / Farina v. IEPA</u> – The Board denied respondent’s motion for summary judgment.	4-0 P-A
PCB 08-09	<u>Midwest Generation, LLC, Will County Generating Station v. IEPA</u> – No action taken.	P-A Air
PCB 08-10	<u>Dunn’s University BP 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 Coles County facility.	4-0 UST Appeal, 90- Day Extension
PCB 08-11	<u>People of the State of Illinois v. Plastic Capacitors, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
PCB 08-12	<u>Loretta Thigpen v. Morton Mobile Home Park, LLC d/b/a Edgewood Terrace Mobile Home Park</u> – The Board held this action for proof of service and a later duplicative/frivolous determination this citizens’ public water supply enforcement action involving a Tazewell County facility.	Citizens PWS-E
PCB 08-13	<u>Chad Gifford v. American Metal Fibers, Inc.</u> – The Board held this action for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Lake facility.	Citizens N-E
PCB 08-14	<u>Dale’s Service 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 Massac County facility.	4-0 UST Appeal, 90- Day Extension

CASES PENDING DECISION

R06-26

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 –Adopted Rule, Final Order (scheduled for JCAR review 8/14/07)

R, Air

OTHER ITEMS

The Board granted the Chairman’s motion to change location of October 4, 2007 Board Meeting from Springfield to Chicago, Room 9-040.

4-0

ADJOURNMENT

Moved and seconded, by a vote of, 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 August 23, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board