

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



SEPTEMBER 6, 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 August 23, 2007 open meeting and August 30, 2007 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

R07-9

In the Matter of: Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards: Proposed Amendments to 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 409.109(b)(2)(B), 406.100(d); Repealer of 35 Ill. Adm. Code 406.203 and Part 407; and Proposed New 35 Ill. Adm. Code 302.208(h) – No action taken.

R, Water

R08-1	<u>UIC Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2007 through June 30, 2007.	4-0 R, Land
R08-2	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of January 1, 2007 through June 30, 2007.	4-0 R, Land
R08-3	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its hazardous waste regulations during the update period of January 1, 2007 through June 30, 2007.	4-0 R, Land
R08-4	<u>UST Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of January 1, 2007 through June 30, 2007.	4-0 R, Land

ADJUSTED STANDARDS

AS 08-1	<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> – The Board ordered petitioner to file an amended petition to cure noted deficiencies on or before October 11, 2007, or the petition would be subject to dismissal.	4-0 Water
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ADMINISTRATIVE CITATIONS

AC 06-23	<u>IEPA v. Harold Graves</u> - The Board granted respondent's motion to withdraw his petition for review. The Board found that this respondent violated Sections 21(p)(1), (4) and (7) of the Act (415 ILCS 5/21(p)(1), (4) and (7) (2006)) and assessed a penalty of \$4,500 in this administrative citation involving a Christian County facility.	4-0
AC 06-39	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u> - No action taken.	
AC 06-40	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u> - No action taken.	
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 08-1	<u>IEPA v. Carol G. Prieb</u> - The Board accepted for hearing respondent's petition for review of this administrative citation involving a Union County facility.	4-0
AC 08-2	<u>IEPA v. Charles Stuller</u> - The Board found that this respondent violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2006)), assessing a penalty of \$4,500 in this administrative citation involving a Macoupin County facility.	4-0
AC 08-3	<u>IEPA v. Swami Oil Company</u> - The Board found that this respondent violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2006)), assessing a penalty of \$4,500 in this administrative citation involving a Iroquois County facility.	4-0

ADJUDICATORY CASES

Decisions

PCB 05-98	<u>People of the State of Illinois v. Oasis Industries, Inc.</u> – In this air enforcement action concerning a Kane 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)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$40,000, and to cease and desist from further violations.	4-0 A-E
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PCB 05-219	<u>People of the State of Illinois v. Conair Corporation</u> , - In this air and land enforcement action concerning a Champaign 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)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$60,000, and to cease and desist from further violations.	4-0 L-E
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Motions and Other Matters

PCB 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
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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
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PCB 07-44	<u>Indian Creek Development Company, an Illinois partnership, individually as beneficiary under trust 3291 of the Chicago Title and Trust Company dated December 15, 1981 and the Chicago Title 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 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-115	<u>Dynergy Midwest Generation, Inc. (Havana Power Station) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Mason County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 P-A, Air
PCB 07-119	<u>Mahr's Service & Sales v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Fulton County facility.	4-0 UST Appeal
PCB 07-120	<u>Ruth Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Stark County facility.	4-0 UST Appeal
PCB 07-135	<u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</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.	Citizens N-E
PCB 08-12	<u>Loretta Thigpen v. Morton Mobile Home Park, LLC, an Illinois limited liability company, d/b/a Edgewood Terrace Mobile Home Park</u> – The Board directed complainant to file proof of service of the complaint on the respondent by October 9, 2007, or the complaint would be subject to dismissal.	4-0 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 concerning this citizens’ noise enforcement action involving a Lake County facility.	Citizens N-E
PCB 08-18	<u>Midwest Generation, LLC - Fisk Generating Station</u> – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 P-A, Air
PCB 08-19	<u>Midwest Generation, LLC - Crawford Generating Station v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 P-A, Air
PCB 08-20	<u>Midwest Generation, LLC - Waukegan Generating Station v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Lake County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 P-A, Air
PCB 08-21	<u>Lindenhurst Sanitary District (NPDES Permit No. IL0020796) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Lake County facility.	4-0 P-A, Water

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</u> – Adopted Rule, Final Order (scheduled for review at 9/18/07 JCAR meeting)	R, Air
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:17 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 20, 2007, by a vote of .

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board