

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



OCTOBER 18, 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. Chairman Girard then reported “the sad news that the First Chairman of the Board, David Currie, passed away on Monday, October 15, 2007. David Currie was a law professor at the University of Chicago for forty-four years before retiring last year. He not only served as the First Chairman of the Board, but he was credited with drafting the Environmental Protection Act that established the Board and the Illinois Environmental Protection Agency. Our prayers are with his wife, Barbara Flynn Currie and family.”

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of the October 4, 2007 open meeting and October 11, 2007 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

R08-6	<u>Definition of VOM Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to update the definition of “volatile organic material” (VOM) in the Board’s air pollution regulations.	4-0 R, Air
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ADJUSTED STANDARDS

AS 07-2	<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 granted this Madison County facility an adjusted standard from the effluent discharge requirements, pursuant to 35 Ill Adm. Code 304.106 and 304.124, effective October 17, 2007 and subject to conditions.	4-0
AS 08-2	<u>In the Matter of: Petition of Stericycle, Inc. for an Adjusted Standard from Ill. Adm. Code tit. 35 1422.111(B)(1); 1450.105(A)-(B); 1450.200 (E); and Condition 15 of Permit No. 1997-264-DE/OP, Supplemental Permit No. 2005-182-SP</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies on or before November 18, 2007, or the petition would be subject to dismissal.	4-0
AS 08-3	<u>In the Matter of: Petition for Adjusted Standard from 35 Ill. Adm. Code 620.420 for Nobel Risley's Landfill #2</u> – No action taken.	4-0
AS 08-4	<u>In the Matter of: Petition of the City of Chicago Heights for an Adjusted Standard from 35 IAC 810.103, 814.102, and 814.501(c)</u> – No action taken.	Land

ADMINISTRATIVE CITATIONS

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 City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC - No action taken.

ADJUDICATORY CASES

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 06-33	<u>People of the State of Illinois v. First Choice Construction, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 06-82	<u>People of the State of Illinois v. Barger Engineering, Inc.</u> – No action taken.	W-E
PCB 07-28	<u>People of the State of Illinois v. Provena Hospitals, d/b/a Provena United Samaritans Medical Center, and Resurrection Catholic Cemetery Association of Danville, Illinois</u> – Upon receipt of separate proposed stipulations and settlement agreements between the People and each party, and agreed motions to request relief from the hearing requirement, in this land enforcement action involving a Vermilion County facility, the Board ordered publication of the required newspaper notices.	4-0 L-E

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 07-85	<u>TT-Town Drive Thru, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-123	<u>Dynegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Bureau County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 PA-Air
PCB 07-135	<u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</u> – No action taken.	A, N, W-E
PCB 07-143	<u>Joe’s Midtown Auto Repair v. IEPA</u> – The Board denied respondent’s motion to dismiss.	4-0 UST Appeal
PCB 08-5	<u>Dunn’s University BP v. IEPA (Corrective Action Plan Dated December 30, 2006)</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 Coles County.	4-0 UST Appeal
PCB 08-28	<u>People of the State of Illinois v. City of Jerseyville</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Jersey County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 08-29	<u>People of the State of Illinois v. Gateway Bobcat of Herberer Equipment Co., Inc. d/b/a Bobcat of St. Louis</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County.	4-0 W-E

PCB 08-30

Caseyville Sport Choice, LLC, an Illinois Limited Liability Company v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity
– The Board held this action for the filing of proof of service and a later duplicative/frivolous determination concerning this citizens’ land enforcement action involving a St. Clair County facility.

L-E
Citizens

CASES PENDING DECISION

PCB 96-98

People of the State of Illinois v. Skokie Valley Asphalt, Inc., , Edwin L. Frederick, Jr., individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc.

W-E

OTHER ITEMS

The Board granted the Chairman’s motion to Change the November 1, 2007 Meeting from a video meeting to one held in the James R. Thompson Center, Chicago, Room 11-512 (or larger room to be announced later).

ADJOURNMENT

Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:24.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 1, 2007, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board