

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



SEPTEMBER 20, 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 September 6, 2007 open meeting were approved by a vote of 4-0. The minutes of the September 13, 2007 closed deliberative session were approved by a vote of 3-0, with Chairman Girard abstaining.

RULEMAKINGS

R07-5	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA</u>	4-0
R07-14	<u>Amendments (January 1, 2006 through December 31, 2006)</u> <u>(Consolidated: R07-05 and R07-14) – The Board extended the</u> deadline for completion of rulemaking in this consolidated docket from October 1, 2007 to April 16, 2008.	R, Land

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| R07-9 | <u>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) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s water and mine-related regulations.</u> | 4-0
R, Water |
| 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 – The Board adopted a final opinion and order which amends 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.</u> | 4-0
R, Air |

ADJUSTED STANDARDS

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| 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 – No action taken.</u> |
| 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 – No action taken.</u> |

ADMINISTRATIVE CITATIONS

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| AC 06-39 | <u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc. – No action taken.</u> |
| AC 06-40 | <u>City of Chicago Department of Environment v. Jose R. Gonzalez - No action taken.</u> |
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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 08-4	<u>IEPA v. Fred Honaker</u> - No action taken.	
AC 08-5	<u>County of Macon, Illinois v. Annette Topps and Richard Jones</u> - The Board accepted for hearing Richard Jones' petition for review of this administrative citation involving a Macon County facility. The Board took no action as to Annette Topps.	4-0

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 05-193	<u>Vernon and Elaine Zohfeld v. Bob Drake, Wabash Valley Service Company, Noah D. Horton, and Steve Kinder</u> – The Board granted complainant's motion for voluntary dismissal as to Bob Drake only.	4-0 A-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 07-121	<u>Willingham Farms v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Pulaski County facility.	4-0 UST Appeal
PCB 07-125	<u>Low Oil (Robert and Tony Thompson) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Alexander County facility.	4-0 UST Appeal
PCB 07-126	<u>Gateway FS, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Randolph County facility. No action was taken on petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-127	<u>Pioneer Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility. No action was taken on petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-128	<u>Jahraus Oil Company, Inc. v IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Marion County facility. No action was taken on petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-129	<u>Yesley Service Company, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Randolph County facility. No action was taken on petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-130	<u>Gallaher’s Shell v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Hancock County facility. No action was taken on petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-135	<u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</u> – The Board partially granted and partially denied respondent’s motion to dismiss. The Board directed complainant to file an amended complaint within 30 days of the date of this order.	4-0 A,N,W-E

PCB 07-137	<u>Russell Oil Company, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Williamson County facility. No action was taken on petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-138	<u>Watertower Marina, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McHenry County facility. No action was taken on petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-141	<u>F. A. Stein Oil Company 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 St. Clair County.	4-0 UST Appeal
PCB 07-142	<u>Big Tony’s Lounge v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McHenry County facility.	4-0 UST Appeal
PCB 07-143	<u>Joe’s Midtown Auto Repair v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McHenry County facility. No action was taken on petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-145	<u>Randy Grant, Donald Grant and Patricia Wallace v. Mach Mining (Pond Creek Mine #1)</u> – The Board found this citizen’s noise enforcement action involving a Williamson County facility, neither duplicative nor frivolous, and accepted the complaint for hearing.	4-0 N-E, Citizens
PCB 07-149	<u>Biomedical Technology Solutions, Inc. v. IEPA</u> – The Board dismissed this petition for statewide variance as petitioner failed to file an amended petition as directed in the Board’s July 26, 2007 order.	4-0 L-V
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> – No action taken.	PWS-E, Citizens

PCB 08-13	<u>Chad Gifford v. American Metal Fibers, Inc.</u> – The Board denied respondent’s motion to dismiss, but struck the allege violation of 415 ILCS 5/25 (2006)) of the Act as frivolous. The Board found the remaining alleged violations of 415 ILCS 5/24 (2006)) and 35 Ill. Adm. Code 901.102 neither duplicative nor frivolous and accepted this citizen’s noise enforcement action involving a Williamson County facility for hearing.	4-0 N-E, Citizens
PCB 08-18	<u>Midwest Generation, LLC - Fisk Generating Station</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 P-A, Air
PCB 08-19	<u>Midwest Generation, LLC - Crawford Generating Station v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit. The Board denied the request for stay as to Condition 5(b) only.	4-0 P-A, Air
PCB 08-20	<u>Midwest Generation, LLC - Waukegan Generating Station v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit. The Board denied the request for stay as to Condition 5(b) only.	4-0 P-A, Air
PCB 08-22	<u>Midwest Generating, 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 partial stay of specified conditions in the construction permit.	4-0 P-A, Air
PCB 08-23	<u>Midwest Generating, LLC, Powerton Generating Station v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Tazewell 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 08-24	<u>Midwest Generating, LLC, Joliet 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 partial stay of specified conditions in the construction permit.	4-0 P-A, Air
PCB 08-25	<u>Peoria Disposal Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Peoria County facility.	4-0 P-A, Land

CASES PENDING DECISION

R07-17

In the Matter of: Amendments to the Board's Procedural Rules and
Underground Storage Tank Rules to Reflect P. A. 94-0274, P.A.
94-0276, and P.A. 94-0824 (35 Ill. Adm. Code 101.202, 732.103,
732.702, 634.115, and 734.710

R, Land

- Proposed Rule, Second Notice, Opinion and Order

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:23
a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that
the Board approved the above minutes on October 4, 2007, by a vote of .

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board