

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**NOVEMBER 1, 2007, CHICAGO OFFICE**  
**100 W. Randolph Street**  
**Conference Room 9-040**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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Chairman Girard welcomed members of the public and staff.

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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The minutes of the October 18, 2007 open meeting and October 25, 2007 closed deliberative session were approved by a vote of 4-0.

### **RULEMAKINGS**

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<b>R08-9</b>	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s October 26, 2007 proposal to amend the Board’s water pollution control regulations. The Board granted the motion to file a limited number of copies, but reserved ruling on the motion to hold hearings in Chicago and Joliet until the response time has run.	4-0 R, Water
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## ADJUSTED STANDARDS

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AS 07-3	<u>In the Matter of: Petition of Midwest Generation, LLC, Waukegan Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230</u> – The Board granted petitioner’s motion to file status report <i>instanter</i> and accepted the status report.	4-0 Air
AS 07-4	<u>In the Matter of: Petition of Midwest Generation, LLC, Will County Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230</u> – The Board granted petitioner’s motion to file status report <i>instanter</i> and accepted the status report.	4-0 Air
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> – The Board ordered petitioner to file an amended petition to cure noted deficiencies on or before December 3, 2007, or the petition would be subject to dismissal.	4-0 PWS
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> – The Board directed petitioner to file the required certificate of publication by November 30, 2007, or this petition will be dismissed.	4-0 Land

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## ADMINISTRATIVE CITATIONS

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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.	

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**AC 008-7**      County of Vermilion, Illinois v. Connie Yount – The Board accepted an administrative citation against this Vermilion County respondent.

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**AC 08-8**      IEPA v. James and Mildred Taviner – The Board accepted an administrative citation against these Williamson County respondents.

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**AC 08-9**      IEPA v. Gene and Elena Greenwood – The Board accepted an administrative citation against these Calhoun County respondents.

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### **ADJUDICATORY CASES**

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**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. – The Board issued its final order having previously found that that respondents violated the following provisions of the Environmental Protection Act (Act) and the Board’s regulations: Sections 12 (a) and (f) of the Act (415 ILCS 5/12(a) and (f) (2002)), and 35 Ill. Adm. Code 302.203, 304.105, 304.106, 305.102(b), 309.102(a), and 309.104(a). The Board ordered the respondents to pay a total civil penalty of \$153,000, lifting the previous stay on payment. The Board also awarded complainant \$30,225 in attorney fees and \$2,291.20 in costs, for a total of \$32,516.20.

4-0  
W-E

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**PCB 96-143**      People of the State of Illinois v. Michel Grain Company, Inc., a/k/a Michel Fertilizer, Caryle Michel and Ronnie Todd and Ronnie Todd Land Trust – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving facilities located in Jefferson and Hamilton Counties, the Board ordered publication of the required newspaper notice.

4-0  
W-E

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<b>PCB 04-185</b>	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Air
<b>PCB 04-216</b>	<u>Midwest Generation v. IEPA</u> – No action taken.	T-S Air
<b>PCB 05-202</b>	<u>People of the State of Illinois v. Phoenix Finishing, Inc.</u> – In this air enforcement action concerning a DuPage 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) (2004)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$2,000, and to cease and desist from further violations.	4-0 A-E
<b>PCB 06-82</b>	<u>People of the State of Illinois v. Barger Engineering, Inc.</u> – No action taken.	W-E
<b>PCB 07-23</b>	<u>People of the State of Illinois v. Greg Giertz d/b/a Giertz Swine Farm #1</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Mercer County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
<b>PCB 07-44</b>	<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
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-85</b>	<u>TT-Town Drive Thru, Inc. v. IEPA</u> – No action taken.	UST Appeal

<b>PCB 07-123</b>	<u>Dynegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 PA-Air
<b>PCB 07-133</b>	<u>People of the State of Illinois, Lisa Madigan, Attorney General of the State of Illinois v. Thomas P. Mathews</u> – The Board granted complainant’s motion in part, and struck the first four of the five alleged affirmative defenses set forth in respondent’s answer. The Board denied the complainant’s motion to strike respondent’s asserted laches defense.	4-0 A, N, W-E
<b>PCB 07-135</b>	<u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</u> – No action taken.	A, N, W-E
<b>PCB 08-29</b>	<u>People of the State of Illinois v. Gateway Bobcat of Herberer Equipment Co., Inc. d/b/a Bobcat of St. Louis</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
<b>PCB 08-30</b>	<u>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</u> – The Board found complainant’s alleged violations of the Board’s regulation and the Environmental Protection Act neither duplicative nor frivolous and accepted this citizen’s land enforcement action involving a St. Clair County facility for hearing.	4-0 L-E
<b>PCB 08-31</b>	<u>Nokomis Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility.	4-0 UST Appeal

## **CASES PENDING DECISION**

R04-25	<u>In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206</u>	Water
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**R07-8**                      In the Matter of: Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811                      Land

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**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, P.A. 94-0824, P.A. 95--031, P.A. 95-0177, and P.A. 95-0408 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 634.115, and 734.710                      Procedural,  
Land

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**OTHER ITEMS**

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**ADJOURNMENT**

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

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 15, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board