

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



DECEMBER 6, 2007, CHICAGO OFFICE
100 W. Randolph Street
Conference Room 11-512
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 four Board Members answered present.

APPROVAL OF MINUTES

The minutes of the November 15, 2007 open meeting were approved by a vote of 4-0. The minutes of the November 29, 2007 closed deliberative session were approved by a vote of 3-0, with Member Melas abstaining.

RULEMAKINGS

R07-20	<u>In the Matter of: Procedures Required by PA 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code Part 1010</u> – The Board adopted a first notice opinion and order in this rulemaking to set new standards for detecting and reporting unpermitted releases of radionuclides from nuclear power plants.	4-0 R, Land
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ADJUSTED STANDARDS

AS 04-4	<u>In the Matter of: Petition of Johns Manville For an Adjusted Standard From 35 Ill. Adm. Code Part 814: 811.310, 811.311, 811.318</u> – The Board granted this Lake County facility an adjusted standard, subject to conditions, from specific landfill closure requirements for monitoring groundwater and gas at an on-site landfill.	4-0 Land
AS 08-1	<u>In the Matter 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
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.	Ground Water
AS 08-5	<u>In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting</u> – No action taken.	Land
AS 08-6	<u>In the Matter of: Petition of BioMedical Technology Solutions, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422</u> – No action taken.	Land

ADMINISTRATIVE CITATIONS

AC 05-72	<u>IEPA v. Gary Clover, d/b/a Clover Concrete, Marion, IL</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1), (p)(3) and (p)(4) of the Act (415 ILCS 5/21(p)(1), (p)(4) (2006)) and assessing a penalty of \$4,500. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 14 days of service.	4-0
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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.	
AC 07-43	<u>County of Jackson v. Bob Osinga</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the County of Jackson to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 14 days of service.	4-0
AC 08-7	<u>County of Vermillion, Illinois (File No. 07-02) v. Connie Yount</u> – The Board found that this Vermillion County respondent violated Sections 21(p)(1) and (3) of the Act (415 ILCS 5/21(p)(1), (3) (2006)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 08-9	<u>IEPA v. Gene & Elena Greenwood</u> – No action taken.	
AC 08-10	<u>IEPA v. Henry, Patty and Bradley Maynor</u> – The Board accepted an administrative citation against these Williamson County respondents.	

ADJUDICATORY CASES

<p>PCB 96-143</p>	<p><u>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</u> – In this land and water enforcement action concerning two separate facilities located in Jefferson and Hamilton Counties, 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 respondents to pay a total civil penalty of \$5,000, and to cease and desist from further violations.</p>	<p>4-0 L,W-E</p>
<p>PCB 07-23</p>	<p><u>People of the State of Illinois v. Greg Giertz d/b/a Giertz Swine Farm #1</u> – In this water enforcement action concerning a Mercer 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 \$3,500, and to cease and desist from further violations.</p>	<p>4-0 W-E</p>
<p>PCB 07-28</p>	<p><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> – In this land enforcement action concerning a Vermilion 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 two separate stipulation and settlement agreements, ordering the respondents to pay a total civil penalty of \$100,000, and to cease and desist from further violations.</p>	<p>4-0 L-E</p>
<p>PCB 07-40</p>	<p><u>People of the State of Illinois v. Village of Browning</u>– In this water enforcement action concerning a Schuyler 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 \$300, and to cease and desist from further violations.</p>	<p>4-0 PWS-E</p>

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 07-80	<u>Russ Taylor, d/b/a Mahomet Hen House v. IEPA</u> – The Board granted this Champaign County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Land
PCB 07-84	<u>American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc.</u> – The Board affirmed the decision of the City of Madison approving Waste Management of Illinois’ application to site the “North Milan” landfill expansion.	4-0 L-S-R
PCB 07-85	<u>TT-Town Drive Thru, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	N-E
PCB 07-113	<u>Rochelle Waste Disposal, L.L.C. v. The City of Rochelle, an Illinois Municipal Corporation and The Rochelle City Council</u> – The Board denied petitioner’s motion for leave to file its motion for partial summary judgment.	4-0 P-A, Land
PCB 07-135	<u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</u> – No action taken.	A, N, W-E
PCB 07-142	<u>Big Tony's Lounge v. IEPA</u> – The Board granted this Alexander County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal

PCB 07-146	<u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – The Board denied the Friends of Greater Yorkville’s (FGY) petition to intervene, but will allow FGY to file an <i>amicus curiae</i> brief with the Board consistent with the briefing schedule established by the hearing officer. The Board granted the Village of Plainfield’s motion for leave to file <i>amicus curiae</i> brief.	4-0 LSR
PCB 07-147	<u>L. Keller Oil Properties, Inc. / Farina v. IEPA</u> – The Board partially affirmed and partially reversed the Illinois Environmental Protection Agency’s May 17, 2007 determinations which rejected petitioner’s proposed Stage II Site Investigation Plan and Budget.	4-0 UST Appeal
PCB 08-14	<u>Dale’s Service 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 Massac County.	4-0 UST Appeal
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> – In this water enforcement action concerning a St. Clair 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 \$30,000, and to cease and desist from further violations.	4-0 W-E
PCB 08-33	<u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	4-0 W-V
PCB 08-34	<u>Webel Feeds and Tthus, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a site located in Pike County.	4-0 UST Appeal
PCB 08-35	<u>Estate of William Eggert v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a site located in Cook County.	4-0 UST Appeal

CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:25.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 20, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board