

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



March 6, 2008

CHICAGO OFFICE
100 W. Randolph Street
Chicago, IL
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 February 21, 2008 open meeting were approved by a vote of 4-0.

RULEMAKINGS

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) – No action taken.</u>	Water
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 – 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.</u>	4-0 Other
R08-5 R08-7 R08-13	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007); SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007); SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007) – The Board on its own motion consolidated these “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment and drinking water regulations and extended the deadline for completion of amendments from March 12, 2008 to August 15, 2008.</u>	4-0 Water PWS PWS
R08-10	<u>UST Update, USEPA Amendments (July 1, 2007 through December 31, 2007) – 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 July 1, 2007 through December 31, 2007.</u>	4-0 Land
R08-11	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2007 through December 31, 2007) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of July 1, 2007 through December 31, 2007.</u>	4-0 Water
R08-12	<u>Definition of VOM Update, USEPA Amendments (July 1, 2007 through December 31, 2007) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic emission regulations during the update period of July 1, 2007 through December 31, 2007.</u>	4-0 Air

R08-14	<u>UIC Update, USEPA Amendments (July 1, 2007 through December 31, 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 July 1, 2007 through December 31, 2007.	4-0 Land
R08-15	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2007 through December 31, 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 July 1, 2007 through December 31, 2007.	4-0 Land
R08-16	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board requested public comments by April 7, 2008 concerning its intent to dismiss this “identical-in-substance” rulemaking to update the Board’s hazardous waste regulations.	4-0 Land
R08-18	<u>In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Il. Adm. Code 620</u> – No action taken.	PWS

ADJUSTED STANDARDS

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> – No action taken.	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> – No action taken.	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> – No action taken.	PWS

ADMINISTRATIVE CITATIONS

AC 06-49	<u>IEPA v. Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service</u> – No action taken.	
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AC 08-17	<u>City of Chicago Department of Environment v. Crystal IL 98LLC.</u> – The Board accepted an administrative citation against this Cook County respondent.	
AC 08-18	<u>IEPA v. Carol G. Prieb</u> – The Board accepted an administrative citation against this Union County respondent.	
AC 08-19	<u>IEPA v. C. John Blickham</u> – The Board accepted an administrative citation against this Adams County respondent.	
AC 08-20	<u>County of Jackson v. James Moake</u> – The Board accepted an administrative citation against this Jackson County respondent.	
AC 08-21	<u>County of Jackson v. Jack Reeves and Jacqueline Watkins</u> – The Board accepted an administrative citation against these Jackson County respondents.	

ADJUDICATORY CASES

PCB 96-98	<u>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.</u> – No action taken.	W-E
PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – In this land enforcement action concerning a LaSalle 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 \$10,000, and to cease and desist from further violations.	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 07-143	<u>Joe's Midtown Auto Repair v. IEPA</u> – The Board granted this Bureau County facility's motion for voluntary dismissal of this underground storage tank appeal.	UST Appeal
PCB 07-147	<u>L. Keller Oil Properties, Inc. / Farina v. IEPA</u> – No action taken.	P-A, Land
PCB 08-17	<u>People of the State of Illinois v. Felker Pharmacy, Inc. and Rod Bennett Construction, Inc. v. McClellan Blakemore Architects, Inc. and Wendler Engineering Services, Inc.</u> – No action taken.	W-E
PCB 08-42	<u>Tom Edwards/River Rescue v. IEPA and Peoria Disposal Company</u> – The Board accepted petitioner's amended petition, restarting the decision timeclock.	4-0 P-A, RCRA
PCB 08-46	<u>People of the State of Illinois v. Rancho Amigo, LLC</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 Jo Daviess County facility, the Board ordered publication of the required newspaper notice.	4-0 W - E
PCB 08-47	<u>Metropolitan Water Reclamation District of Greater Chicago v. Illinois Environmental Protection Agency</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	4-0 P-A, Water
PCB 08-48	<u>Vesuvius USA Corporation v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Coles County facility.	4-0 P-A, Air

CASES PENDING DECISION

R07-5 R07-14 (Cons.)	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2006 through June 30, 2006</u> <u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – Proposal for Public Comment and Deadline Extension Order	Land
PCB 08-32	<u>Partylite Worldwide, Inc. v. IEPA (due 3/20/08)</u> – Final Opinion and Order	P-A, Air
AS 08-6	<u>Petition of BioMedical Technology Solutions, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422</u> – Final Opinion and Order	PIMW

OTHER ITEMS

None.

ADJOURNMENT

Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:20a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 20, 2008, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board