

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



April 17, 2008

CHICAGO OFFICE
100 W. Randolph Street
Chicago, IL
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 four Board Members answered present.

APPROVAL OF MINUTES

The minutes of the April 3, 2008 open meeting and April 10, 2008 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

R07-19	<u>In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – The Board on its own motion, entered an order directing the Clerk of the Board to withdraw the first-notice of this rulemaking published in the <i>Illinois Register</i> on June 8, 2007.	4-0 Air
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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> – The Board denied the Environmental Law & Policy Center’s motion to intervene in this adjusted standard proceeding.	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 denied the Environmental Law & Policy Center’s motion to intervene in this adjusted standard proceeding.	4-0 Air
AS 08-5	<u>In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting</u> – The Board granted petitioner’s motion to file amendatory adjusted standard language, and accepted the amended language. The Board directed the Illinois Environmental Protection Agency (IEPA) to provide the Board with IEPA’s final position on the relief requested in this matter before the record closes.	4-0 RCRA Delisting
AS 08-8	<u>In the Matter of: Petition of Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. for Adjusted Standard from Ammonia Nitrogen Discharge Levels at 35 Ill. Adm. Code 304.122.</u> – No action taken.	Water
AS 08-9	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720-131(c)</u> – No action taken.	Land

ADMINISTRATIVE CITATIONS

AC 05-61	<u>IEPA v. Timothy Pearce</u> – No action taken.	
AC 08-18	<u>IEPA v. Carol G. Prieb and Margaret Dillavou</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Union County facility.	4-0
AC 08-28	<u>IEPA v. Joseph Cosentino and Rob Pinski</u> – The Board accepted an administrative citation against these Perry 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> – The Board denied respondents’ motions to reconsider and stay the Board’s November 1, 2007 order. In summary the Board’s April 17, 2008 order finds 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). On or before June 2, 2008, the Board ordered the respondents to pay a total civil penalty of \$153,000, and to pay complainant \$30,225 in attorney fees and \$2,291.20 in costs, for a total of \$32,516.20.	4-0 W-E
PCB 04-204	<u>Daniel J. Beers v. Dave Calhoun (Let It Shine Car Wash)</u> – In this citizen noise enforcement action concerning a Tazewell County facility, the Board accepted a stipulation and settlement agreement and closed the docket. Respondent agreed to perform several projects to mitigate noise projected toward complainant’s property.	4-0 Citizens N-E
PCB 07-6	<u>J. D. Streett & Company, Inc. v. Illinois Environmental Protection Agency</u> – The Board granted this Fulton County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
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 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	Citizens N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	Citizens N-E
PCB 08-27	<u>People of the State of Illinois v. City of Hometown</u> – In this public	4-0

	water supply enforcement action concerning a Cook 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 \$1,000, and to cease and desist from further violations.	PWS-E
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PCB 08-61	<u>Ameren Energy Generating Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Morgan County facility.	4-0 P-A, Land
PCB 08-62	<u>People of the State of Illinois v. Carri Scharf Materials Company, d/b/a Farmdale Sand & Gravel Pit</u> – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.	4-0 W-E
PCB 08-63	<u>Kollmann Hog Farms v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kollmann Hog Farms, located in Effingham County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 08-64	<u>Mark Sturtevant-Shannon v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mark Sturtevant-Shannon, located in Carroll County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 08-65	<u>CAC Farms, Inc - Ashton v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of CAC Farms, Inc - Ashton, located in Ogle County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 08-66	<u>Dynergy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Randolph 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 08-67	<u>CNS Farms, Inc. - Malta v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of CNS Farms, Inc., located in DeKalb County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 08-68	<u>Harmet Farms - Cropsey v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Harmet Farms - Cropsey, located in McLean County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 08-69	<u>Ehnle Farms v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ehnle Farms, located in Bureau County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 08-70	<u>Honey Creek Hogs, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Honey Creek Hogs, Inc., located in Pike County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 08-71	<u>D & V. Pork v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of D & V. Pork, located in Adams County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 08-72	<u>Kuntz Farms v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kuntz Farms, located in McLean County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W

PCB 08-73	<u>Pine Ridge Farms, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Pine Ridge Farms, Inc., located in Adams County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 08-74	<u>Jeff Hank - Aledo v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jeff Hank - Aledo, located in Mercer County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 08-75	<u>Hopkins Farms – Gilson v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hopkins Farms, located in Knox County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W

CASES PENDING DECISION

R06-20	<p><u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808, 809</u></p> <ul style="list-style-type: none"> • NORA's Rule Proposal Amendment (11/5) • Agency Motion for Extension of Time in Which to File a Response (11/19) • Agency's Response to Rule Proposal Amendment (12/3) 	Land
R07-9	<p><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)</u></p> <ul style="list-style-type: none"> • IERG Motion for Leave to Reply to Illinois EPA's Response to IERG's Comments; Reply to Illinois EPA's Response to IERG's Comments (2/26) • Agency's Response to IERG's Motion for Leave to Reply (3/14) Proposed Rule, Second Notice, Opinion & Order 	Water
R07-20	<p><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></p> <ul style="list-style-type: none"> – Adopted Rule, Final Order (scheduled for review at 4/15/08 JCAR meeting) 	Other

OTHER ITEMS

	The Board granted the Chairman's motion for approval of calendar year 2009 Board Meeting Locations and Dates as listed below:	4-0
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ILLINOIS POLLUTION CONTROL BOARD

REGULAR MEETING SCHEDULE FOR CALENDAR YEAR 2009

January 8	July 9
January 22	July 23
February 5	August 6
February 19	August 20
March 5	September 3
March 19	September 17

April 2	October 1
April 16	October 15
May 7	November 5
May 21	November 19
June 4	December 3
June 18	December 17

Unless otherwise noted below, Board meetings will be at the James R. Thompson Center, 100 W. Randolph Street, Chicago

These Board meetings will be via videoconference both in Chicago, 100 W. Randolph Street, Videoconference Room 11-512, and Springfield, 1021 N. Grand Avenue East, Oliver Holmes Conference Room 2012 N, Second Floor

**** These Board meetings will be in the Board’s Springfield Office, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor**

ADJOURNMENT

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

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 1, 2008, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board