

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**May 1, 2008**

**Springfield Office  
1021 N. Grand Avenue East, North Entrance  
Springfield, IL**

**Conference Room 1244N, First Floor**

**11:00 A.M.**

### **ANNOUNCEMENTS**

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Chairman Girard welcomed members of the public and staff.

### **ROLL CALL**

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Connie Newman, as designee of 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 April 17, 2008 open meeting and April 23, 2008 closed deliberative session were approved by a vote of 4-0.

### **RULEMAKINGS**

<b>R06-20</b>	<u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808, 809</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board's regulations concerning special waste classifications and nonhazardous special waste hauling as they pertain to used oil recycling.	4-0 Land
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<b>R07-9</b>	<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 second notice opinion and order in this rulemaking to amend the Board’s water and mine-related regulations.</u>	4-0 Land
<b>R07-20</b>	<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 final 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 Air, Land
<b>R08-16</b>	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2007 through December 31, 2007) – The Board determined that no action was necessary and dismissed this reserved identical-in-substance docket.</u>	4-0 Land

### **ADJUSTED STANDARDS**

<b>AS 08-8</b>	<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. – No action taken.</u>	Water
<b>AS 08-9</b>	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720-131(c) – No action taken.</u>	Land
<b>AS 08-10</b>	<u>In the Matter of: RCRA Delisting Adjusted Standard Petition for Peoria Disposal Company v. IEPA – No action taken.</u>	Land

### **ADMINISTRATIVE CITATIONS**

<b>AC 05-61</b>	<u>IEPA v. Timothy Pearce – No action taken.</u>	
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<b>AC 07-62</b>	<u>IEPA v. John A. &amp; Kay E. Oldham</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Clay County facility, the Board found that respondents violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2006)) and ordered them to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violation of Section (p)(7) of the Act (415 ILCS 5/21(p)(7) (2006)).	4-0
<b>AC 08-11</b>	<u>IEPA v. Ken and Ella Cook</u> – No action taken.	

### ADJUDICATORY CASES

<b>PCB 06-130 PCB 06-145</b>	<u>Arlyn's Service Center v. IEPA</u> – The Board granted this Randolph County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
<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 07-96</b>	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	Citizens N-E
<b>PCB 07-97</b>	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	Citizens N-E
<b>PCB 07-134</b>	<u>People of the State of Illinois v. Village of Rockton, an Illinois municipal corporation</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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

<b>PCB 08-43</b>	<u>Moto, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Effingham County facility.	4-0 UST Appeal
<b>PCB 08-45</b>	<u>People of the State of Illinois v. Distinctive Homes, Ltd., an Illinois limited liability corporation, and Distinctive Companies, Ltd, an Illinois limited liability corporation</u> – No action taken.	W-E
<b>PCB 08-66</b>	<u>Dynergy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 08-63</b>	<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
<b>PCB 08-64</b>	<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
<b>PCB 08-65</b>	<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
<b>PCB 08-66</b>	<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
<b>PCB 08-76</b>	<u>Anne McDonagh and Davd Fishbaum v. Richard Michelin and Amy Michelin</u> – No action taken.	Citizens N-E

<b>PCB 08-77</b>	<u>Special K Hog Farm - Chenoa (Property ID No. 20-24-100-02) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Special K Hog Farm, 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
<b>PCB 08-78</b>	<u>Park Ridge/7-Eleven, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	4-0 90-Day Ext, UST Appeal
<b>PCB 08-79</b>	<u>Bible Pork - Louisville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Bible Pork - Louisville, located in Clay 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
<b>PCB 08-80</b>	<u>Winters Creek, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Winters Creek, Inc., 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
<b>PCB 08-81</b>	<u>Creasey Family Farms - Macomb v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Creasey Family Farms - Macomb, located in McDonough 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
<b>PCB 08-82</b>	<u>Lazy B. Farms v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Lazy B. Farms, located in Lawrence 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

PCB 08-33	<u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C.</u> <u>v. IEPA</u> <ul style="list-style-type: none"><li>• Final Opinion &amp; Order (5/5)</li></ul>	V, W
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## OTHER ITEMS

	The Board granted the Chairman's Motion to hold the May 15, 2008 Board Meeting as a Videoconference at the James R. Thompson Center, Chicago, IL and 1021 N. Grand Avenue East, Springfield, IL.	4-0
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## ADJOURNMENT

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Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:17 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 15, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board