

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 20, 2008

Chicago/Springfield Videoconference

CHICAGO OFFICE
100 W. Randolph Street
Chicago, IL
Videoconference Room 11-512

And

SPRINGFIELD OFFICE
1021 N. Grand Avenue East
Springfield, IL
Videoconference Room 1244N, First Floor

11:00 A.M.

ANNOUNCEMENTS

Chairman Girard welcomed members of the public and staff. Chairman Girard welcomed Member Dr. Shundar Lin to the Board. Chairman Girard thanked Member Nicolas J. Melas for his ten years of service with the Board and wished him well.

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of the November 5, 2008 open meeting were approved by a vote of 4-0, Member Lin abstained. The minutes of the November 13, 2008 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

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| R08-5 | <u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking which amends the Board’s wastewater pretreatment regulations. | 5-0 Water |
| R09-3 | <u>RCRA Subtitle C (Hazardous Waste Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s hazardous waste regulations. | 5-0 Land |
| R09-11 | <u>In the Matter of: Proposed Site Specific Rule Applicable to the City of Galva Sewage Treatment Plants Discharge to Edwards River and Mud Run Creek, 35 Ill. Adm. Code 302.208(g)</u> – No action taken. | Water |

ADJUSTED STANDARDS

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| AS 08-1 | <u>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. | Land |
| AS 09-1 | <u>In the Matter of: Petition of Ameren Energy Generating Company for Adjusted Standards from 35 Ill. Adm. Code Parts 811, 814, and 815 (Hutsonville Power Station)</u> – No action taken. | Land |

ADMINISTRATIVE CITATIONS

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| AC 08-28 | <u>IEPA v. Joseph Cosentino and Rob Pinski</u> – No action taken. | |
| AC 08-31 | <u>IEPA v. Upper Rock Island County Landfill and Dave Geier</u> – No action taken. | |
| AC 08-32 | <u>IEPA v. Joseph Flick</u> – No action taken. | |
| AC 08-34 | <u>IEPA v. Joseph Combs</u> – No action taken. | |
| AC 08-36 | <u>IEPA v. Charles F. Kinsel</u> – No action taken. | |

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| AC 09-14 | <u>IEPA v. Reynolds Service Co.</u> – No action taken. | |
| AC 09-15 | <u>Ogle County v. Veolia ES Orchard Hills Landfill, Inc.</u> – The Board found that this Ogle County respondent violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (2006)) and ordered respondent to pay a penalty of \$500. | 5-0 |
| AC 09-17 | <u>IEPA v. John Kraushaar, Jr. and Kyle Kraushaar</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket. | 5-0 |
| AC 09-22 | <u>IEPA v. Bradley & Carol Corzine</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Fulton County facility. | 5-0 |
| AC 09-23 | <u>IEPA v. Allied Waste, Inc.</u> – The Board accepted an administrative citation against this Bond County respondent. | |

ADJUDICATORY CASES

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| PCB 05-35 | <u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – The Board denied the State’s Attorney of Williamson County motion for reconsideration of the August 7, 2008 order. | 5-0 P-A, Air |
| PCB 06-171 | <u>American Bottom Conservancy v. Illinois Environmental Protection Agency and United States Steel Corporation - Granite City Works</u> – No action taken. | P-A, Water |
| PCB 07-43 | <u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – The Board denied the State’s Attorney of Williamson County motion for reconsideration of the August 7, 2008 order. | 5-0 P-A, Air |
| 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 |

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| PCB 07-97 | <u>Kyle Nash v. Louis Jimenez</u> – No action taken. | Citizens N-E |
| PCB 07-146 | <u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – The Board accepted petitioner’s first and second amended petitions for hearing. | 5-0 PCFSR, Land |
| PCB 07-148 | <u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Carlyle North Water Company, Inc.</u> – In this public water supply enforcement action concerning a Clinton 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 \$3,713, and to cease and desist from further violations. | 5-0 PWS-E |
| PCB 08-44 | <u>People of the State of Illinois v. Prairie Material Sales, Inc.</u> , – In this water 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$55,000, and to cease and desist from further violations. | W-E |
| PCB 08-87 | <u>People of the State of Illinois v. Steve Soderberg d/b/a Steve's Concrete and Excavating</u> – No action taken. | W-E |
| PCB 08-96 | <u>United City of Yorkville v. Hamman Farms</u> – No action taken. | Citizens A, L, W-E |
| PCB 09-2 | <u>People of the State of Illinois v. Centerpoint Properties Trust, a real estate investment trust, and FCL Investors, Inc., an Illinois corporation formerly known as FCL Builders, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice. | 5-0 W-E |
| PCB 09-10 | <u>Joseph & Victoria Morrissey v. Geoff Pahios, Alpine Automotive</u> – The Board took no action on the pending motions and directed the hearing officer to proceed expeditiously to hearing in this matter consistent with the Board’s September 16, 2008 order. | 5-0 Citizens, N-E |

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| PCB 09-21 | <u>Ameren Energy Generating Company, Amerenenergy Resources Generating Company, and Electric Energy, Inc. v. IEPA</u> – No action taken. | A-V |
| PCB 09-30 | <u>People of the State of Illinois v. Montalbano Builder’s Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County. | 5-0 W-E |
| PCB 09-31 | <u>People of the State of IL v. James Buysee, d/b/a J & B Landscaping</u> – The Board accepted for hearing this water enforcement action involving a site located in Rock Island County. | 5-0 W-E |
| PCB 09-32 | <u>People of the State of Illinois v. Whalen Manufacturing Company and Yetter Manufacturing Company</u> – The Board accepted for hearing this water enforcement action involving a site located in McDonough County. | 5-0 W-E |

CASES PENDING DECISION

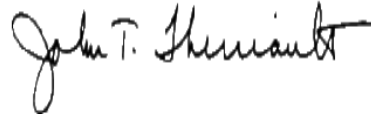
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| AS 08-5 | <u>In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting</u> <ul style="list-style-type: none"> • Adopted Rule, Final Opinion and Order | Land |
| R08-7 R08-13 | <u>SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> <u>SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> <ul style="list-style-type: none"> • Adopted Rule, Final Opinion and Order | PWS |

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:25 a.m.

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



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board