

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**SEPTEMBER 15, 2005 CHICAGO OFFICE**  
**100 W. Randolph Street**  
**Conference Room 9-040**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Novak welcomed members of the public and staff.

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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Minutes of the September 1, 2005 meeting were approved by a vote of 5-0.

### **RULEMAKINGS**

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<b>R04-26</b>	<u>In the Matter of: Interim Phosphorus Effluent Standard, Proposed 35 Ill. Adm. Code 304.123(g-k)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water quality standards regulations.	5-0 R, Water
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<b>R05-19</b>	<u>In the Matter of: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146)</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air quality standards regulations.	5-0 R, Air
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<b>R05-20</b>	<u>In the Matter of: Proposed Amendments to Exemptions from State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146)</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air quality standards regulations.	5-0 R, Air
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### **ADJUSTED STANDARDS**

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<b>AS 05-7</b>	<u>In the Matter of: Petition of Waste Management of Illinois, Inc. for an Adjusted Standard from Subpart D of 35 Ill. Adm. Code 721 and for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122 for Treatment Residual of CID Recycling and Disposal Facility Biological Liquid Treatment Center</u> – No action taken.	Land
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<b>AS 06-1</b>	<u>In the Matter of: Petition of Lafarge Midwest, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 739.161 Pursuant to 35 Ill. Adm. Code 720.132 and 720.133</u> – Pending receipt of the certificate of publication, the Board held this Cook County facility’s petition for an adjusted standard from the Board’s regulations.	Land
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### **ADMINISTRATIVE CITATIONS**

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<b>AC 06-02</b>	<u>County of LaSalle v. Harriet Baugher and John Baugher</u> – The Board found that these LaSalle County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500.	5-0
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<b>AC 06-3</b>	<u>IEPA v. Alva McDowell d/b/a McDowell Auction Services</u> – The Board found that this Bond County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
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<b>AC 06-9</b>	<u>County of Perry v. Kevin Tilley</u> – The Board accepted an administrative citation against this Perry County respondent.	
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## ADJUDICATORY CASES

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### Decisions

None

### Motions and Other Matters

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<b>PCB 96-98</b>	<u>People of the State of Illinois v. Skokie Valley Asphalt, Inc., an Illinois corporation, 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
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<b>PCB 00-104</b>	<u>People of the State of Illinois v. The Highlands, L.L.C. and Murphy Farms, Inc.</u> – No action taken.	A-E
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<b>PCB 02-77</b>	<u>People of the State of Illinois v. Millenium Recycling &amp; Solid Waste Consultants, Inc, Sheri Clementi, individually and as President of Millenium Recycling &amp; Solid Waste Consultants, Inc., and Michael Lorence</u> – The Board denied respondent Michael Lorence’s motion for relief from and review of the Board’s February 19, 2004 Final Opinion and Order.	5-0 L-E
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<b>PCB 03-54</b>	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST
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<b>PCB 03-56</b>		Appeal
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**PCB 03-105**

**PCB 03-179**

**PCB 04-2**

(cons.)

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<b>PCB 03-191</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – No action taken.	L-E
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<b>PCB 04-88</b>	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – No action taken.	P-A, NPDES
<b>PCB 04-209</b>	<u>DiMucci Development Corporation v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
<b>PCB 04-216</b>	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
<b>PCB 05-49</b>	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E
<b>PCB 05-157</b>	<u>Grand Pier Center L.L.C. American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C, v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Kerr-McGee Chemical L.L.C.</u> – No action taken.	Citizens L-E
<b>PCB 05-181</b>	<u>People of the State of Illinois v. Pattison Associates, L.L.C. and 5701 South Calumet L.L.C.</u> – The Board denied respondents’ motion to dismiss counts I-V of the complaint, lifted the stay of the 60-day period to file an answer, and respondents have until October 17, 2005, or 30 days from the date of this order, to answer the complaint.	5-0 A-E
<b>PCB 05-193</b>	<u>Vernon and Elaine Zohfeld v. Robert Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton and Steve Kinder</u> – No action taken.	Citizens A-E
<b>PCB 05-200</b>	<u>People of the State of Illinois v. Greg Rudeen individually and d/b/a Rock River Townhomes and d/b/a Rudeen and Associates</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.	5-0 W-E

<b>PCB 06-04</b>	<u>People of the State of Illinois v. Leonard Foster d/b/a Rivercrest Mobile Home Park</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Kankakee County facility, the Board ordered publication of the required newspaper notice.	5-0 PWS-E
<b>PCB 06-18</b>	<u>Gold Star FS, Inc. (Lyndon Facility) (Property ID No. 15-15-302-006) v. IEPA</u> – No action taken.	T-C
<b>PCB 06-21</b>	<u>Gold Star FS, Inc. (Erie Facility) (Property ID No. 20-05-152-005) v. IEPA</u> – No action taken.	T-C
<b>PCB 06-23</b>	<u>Okawville Farmers Elevator Co. (Property ID No. 12-06-20-478-013) v. IEPA</u> – No action taken.	T-C
<b>PCB 06-33</b>	<u>People of the State of Illinois v. J&amp;S Companies, Inc. and First Choice Construction, Inc.</u> - The Board accepted for hearing this land enforcement action involving a site located in Will County.	5-0 L-E
<b>PCB 06-34</b>	<u>Ramsey C.U.S.D. #204 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 Fayette County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 06-35</b>	<u>People of the State of Illinois v. Quantum Color Graphics, L.L.C.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E

<b>PCB 06-36</b>	<u>People of the State of Illinois v. Magellan Pipeline Company, L.P.</u> – The Board accepted for hearing this land enforcement action involving a site located in Lee County.	5-0 L-E
<b>PCB 06-37</b>	<u>Illinois State Toll Highway Authority 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.	5-0 UST Appeal 90-Day Ext.
<b>PCB 06-38</b>	<u>Downtown Shell 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 Bond County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 06-39</b>	<u>Dalee Oil Company (SCCR) 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 Washington County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 06-40</b>	<u>Dalee Oil Company (SCWP/B) 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 Washington County facility.	5-0 UST Appeal 90-Day Ext.
<b>PCB 06-41</b>	<u>People of the State of Illinois v. Dot Packaging Group</u> – The Board accepted for hearing this air enforcement action involving a site located in Kane County.	5-0 A-E

**CASES PENDING DECISION**

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None.

**OTHER ITEMS**

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The Board granted Chairman's motion to change the time of the September 29, 2005 Closed Deliberative Session from 10:00 AM to 3:00 P.M.

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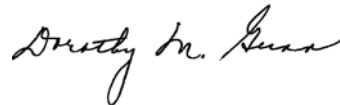
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**ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Novak adjourned the meeting at 11:20 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 6, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board