

ILLINOIS POLLUTION CONTROL BOARD

DRAFT MEETING MINUTES



APRIL 3, 2003
CHICAGO OFFICE – 100 W. Randolph Street
Conference Room 9-040
11:00 A.M.

ANNOUNCEMENTS

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

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the March 6, 2003 meeting were approved by a vote of 7-0.

RULEMAKINGS

R03-8	<u>In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903</u> – The Board adopted a proposed second notice opinion and order in this matter to amend the Board’s noise pollution control regulations. The Board will accept comments for 45 days, until May 19, 2003.	7-0 R, Noise
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R03-19	<u>In the Matter of: Proposed Amendments to: Public Participation Rules in 35 Ill. Adm. Code Part 309 NPDES Permits and Permitting Procedures</u> – No action taken.	R, Water
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ADMINISTRATIVE CITATIONS

AC 03-24 IEPA v. Arrowhead Tree Removal, Inc. – The Board accepted an administrative citation against this Jersey County respondent.

AC 03-25 IEPA v. Milton Hampton – The Board accepted an administrative citation against this White County respondent.

AC 03-26 IEPA v. Larry Beam – The Board accepted an administrative citation against this Henry County respondent.

AC 03-27 IEPA v. Vince Harvey – The Board accepted an administrative citation against this Henry County respondent.

ADJUDICATORY CASES

Motions and Other Matters

PCB 99-134 People of the State of Illinois v. Peabody Coal Company – No action taken. W-E

PCB 00-103 People of the State of Illinois v. Mano Negra Wrecking Corporation f/k/a Mano Negra Corporation and Fernando O. Zamora, individually and as president of Mano Negra Corporation – The Board granted respondent’s motion to modify the Board’s March 6, 2003 order to incorporate a \$250 plan per month for the \$5,000 civil penalty. 7-0
A-E

PCB 00-111 People of the State of Illinois v. R. Frietsch Company, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving various facilities in Tazewell and Peoria Counties, the Board ordered publication of the required newspaper notice. 7-0
A-E

PCB 00-184	<u>People of the State of Illinois v. Roderick Enterprises, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 01-90	<u>Land and Lakes Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeals involving a Cook County facility.	7-0 P-A, Water
PCB 02-10	<u>Rebecca Lawrence v. North Point Grade School c/o Unit District Office</u> – The Board granted respondent’s motion to dismiss in part, dismissing without prejudice. The Board denied the request for sanctions.	7-0 N-E
PCB 02-159	<u>The Ensign Bickford Company v. IEPA</u> – The Board denied petitioner’s motion to transfer variance.	7-0 A-V
PCB 02-205 PCB 02-206 (Cons.)	<u>Home Oil Company v. IEPA</u> – The Board denied petitioner’s motion for summary judgment and directed the parties to proceed to hearing.	7-0 UST Fund
PCB 03-12	<u>People of the State of Illinois v. Riverstone Group, Inc.</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 LaSalle County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 03-39	<u>Mineral Solutions, Inc. v. IEPA</u> – The Board denied respondent’s motion to reconsider the Board’s January 23, 2003 opinion and order, affirming the Agency permit denial.	7-0 P-A, Land
PCB 03-55	<u>2222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Co., Federal Chicago Corp., Raymond E. Cross, Beverly Bank Trust No. 8-7611, and Lakeside Bank Trust Nos. 10-1087 & 10-1343</u> – No action taken.	Citizens UST-E

PCB 03-87	<u>Main Station v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Macoupin County facility.	7-0 UST Appeal
PCB 03-88	<u>R.W. Sheridan Oil Company, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McLean County facility.	7-0 UST Appeal
PCB 03-89	<u>Wabash Valley Service Albion v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Edwards County facility.	7-0 UST Appeal
PCB 03-90	<u>Chicago Fire Brick Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST Fund
PCB 03-91	<u>Chicago Fire Brick Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST Fund
PCB 03-92	<u>Ralph Johnson v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Christian County facility.	7-0 UST Fund
PCB 03-93	<u>Dean Schneidewind v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	7-0 UST Appeal

PCB 03-96	<u>Martin E. & Kathy L. Geber v. Clayton Moushon and Carri Scharf Trucking and Materials</u> – No action taken.	Citizens N-E
PCB 03-125	<u>City of Kankakee v. County of Kankakee, County Board of</u>	P-C-F-S-R
PCB 03-133	<u>Kankakee, and Waste Management of Illinois, Inc.; Merlin Karlock v. County Board of Kankakee, County Board of Kankakee, and</u>	
PCB 03-134	<u>Waste Management of Illinois, Inc.; Michael Watson v. County of</u>	
PCB 03-135	<u>Kankakee, County Board of Kankakee, and Waste Management of</u>	
PCB 03-144 (Cons.)	<u>Illinois, Inc; Keith Runyon v. County of Kankakee, County Board of Kankakee and Waste Management of Illinois, Inc.; Waste Management of Illinois, Inc. v. County of Kankakee</u> – Respondents County Board of Kankakee and County of Kankakee’s motion for extension of time and for leave to file reduced number of copies was referred to the hearing officer for disposition. No action taken was taken on the other pending motions.	
PCB 03-153	<u>People of the State of Illinois v. C&F Packing Company, Inc.</u> – The Board accepted for hearing this water enforcement action involving a Lake County facility.	7-0 W-E
PCB 03-154	<u>Rosignol Marathon 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 Wabash County facility.	7-0 UST Appeal 90-Day Ext.
PCB 03-155	<u>Rosignol Marathon 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 McHenry County facility.	7-0 UST Appeal 90-Day Ext.

PCB 03-156 Swearingin Amoco v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jersey County facility. 7-0
UST
Appeal
90-Day
Ext.

PCB 03-157 Swearingin Amoco v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jersey County facility. 7-0
UST
Appeal
90-Day
Ext.

PCB 03-158 Swearingin Amoco v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jersey County facility. 7-0
UST
Appeal
90-Day
Ext.

PCB 03-159 Franklin T. Fowler and Franklin D. Fowler v. Remington Hybrid Seed Company, Inc. – The Board held for a later duplicative/frivolous determination this citizen’s air noise enforcement action involving a Henry County facility. Citizens
A, N-E

PCB 03-160 Wareco Service, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Knox County facility. 7-0
UST
Appeal

PCB 03-161 Solid Waste Agency of Northern Cook County v. City of Des Plaines, Illinois – No action taken. P-C-F-S-R

PCB 03-162 Tasim Fejza v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jersey County facility. 7-0
UST
Appeal
90-Day
Ext.

PCB 03-163 Ameren Energy Generating Company (Selective Catalytic Reduction System for No_x Emissions, Unit #2; Property Tax Identification Number 04-000-172-00) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). 7-0
T-C

PCB 03-164 Ameren Energy Generating Company (Flue Gas Conditioning, SO₃ System-Opacity Unit #1; Property Identification Number 83-11-24-100-01) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). 7-0
T-C

PCB 03-165 Ameren Energy Generating Company (Flue Gas Conditioning, SO₃ System-Opacity Unit #2; Property Identification Number 83-11-24-100-01) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). 7-0
T-C

PCB 03-166 Ameren Energy Generating Company (Low NO_x Burners, Unit #2; Property Identification Number 83-11-24-1001-01) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-167 Holland Energy, L.L.C. (Dry Low NO_x Combustion System; Property Identification Number 0825-16-00-300-003) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Holland Energy, L.L.C. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-168 Holland Energy, L.L.C. (Selective Catalytic Reduction System; Property Identification Number 0825-16-00-300-003) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Holland Energy, L.L.C. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-169 Holland Energy, L.L.C. (General Electric Turbine; Property Identification Number 0825-16-00-300-003) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Holland Energy, L.L.C. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-170 Holland Energy, L.L.C. (Continuous Emissions Monitoring System; Property Identification Number 0825-16-00-300-003) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Holland Energy, L.L.C. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-171 Dynegy Midwest Generation, Inc. (Refurbished Electrostatic Precipitator Unit 1 & 2; Property Identification Number 01-27-100-000) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-172 Dynegy Midwest Generation, Inc. (Refurbished Electrostatic Precipitator Unit 1; Property Identification Number 17-20-300-006-0080) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Vermilion County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-173 Dynegy Midwest Generation, Inc. (Refurbished Electrostatic Precipitator Unit 2; Property Identification Number 17-20-300-006-0080) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Vermilion County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-174 Dynegy Midwest Generation, Inc. (Electrostatic Precipitator Unit 5; Property Identification Numbers 9-1-08-19-00-000-002, 9-1-08-19-00-000-006, 19-1-08-20-00-000-010) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-175 Dynegy Midwest Generation, Inc. (Refurbished Flue Gas Conditioning SO₃ System Unit 2; Property Identification Number 01-27-100-00) v. IEPA - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-176 Dynegy Midwest Generation, Inc. (Refurbished Low NO_x Burner Unit 3/Separated Overfire Air System; Property Identification Number 02-10-100-001) v. IEPA - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

7-0
T-C

PCB 03-177 Cady Oil Co. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Peoria County facility.

7-0
UST
Appeal
90-Day
Ext.

CASES PENDING DECISION

R02-21 In the Matter of: Petition of Central Illinois Light Company (E.D. Edwards Generating Station) for a Site-Specific Air Regulation: 35 Ill. Adm. Code 214.561 – Proposed Rule, Second Notice, Opinion and Order R, Air

PCB 02-91 Rezmar Corporation v. IEPA (due 4/21) UST
Appeal

ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Johnson adjourned the meeting at 11:50 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 3, 2003 by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board