

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**DECEMBER 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 Girard 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 December 1, 2005 meeting were approved by a vote of 4-0.

### **RULEMAKINGS**

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<b>R04-21</b>	<u>In the Matter of: Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water quality standards.	4-0 R, Water
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<b>R06-8</b>	<u>In the Matter of: Proposed Site-Specific Perlite Waste Disposal Regulation Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810)</u> – The Board denied the Office of the Attorney General’s motion to dismiss the proposal.	4-0 R, Land
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**R06-12**      In the Matter of: UST Update, USEPA Amendments (July 1, 2005 through December 31, 2005) – The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is July 1, 2005 through December 31, 2005.      R, Land

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**R06-13**      In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2005 through December 31, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is July 1, 2005 through December 31, 2005.      R, Water

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**R06-14**      In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2005 through December 31, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is July 1, 2005 through December 31, 2005.      R, Air

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**R06-15**      In the Matter of: SDWA Update, USEPA Amendments (July 1, 2005 through December 31, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is July 1, 2005 through December 31, 2005.      R, PWS

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**R06-16**      In the Matter of: UIC Update, USEPA Amendments (July 1, 2005 through December 31, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is July 1, 2005 through December 31, 2005.      R, Land

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**R06-17**      In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2005 through December 31, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is July 1, 2005 through December 31, 2005.      R, Land

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**R06-18**      In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2005 through December 31, 2005) - The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is July 1, 2005 through December 31, 2005.      R, Land

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**R06-20**      In the Matter of: Proposed Amendments to the Board’s Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808,809 – No action taken.      R, Land

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### **ADJUSTED STANDARDS**

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**AS 05-7**      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 – The Board denied this request for an adjusted standard from the Board’s hazardous waste regulations, finding petitioner did not provide the requested level of justification.      4-0  
Land

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**AS 06-1**      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 –The Board accepted petitioner’s amended petition for adjusted standard, and will decide the case after receipt of any amended Illinois Environmental Protection Agency recommendation or reply by petitioner.      4-0  
Air

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## **ADMINISTRATIVE CITATIONS**

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<b>AC 06-14</b>	<u>County of Jackson v. Rocky Lee Morse</u> – No action taken.	
<b>AC 06-15</b>	<u>IEPA v. Allen Noltensmeier</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation due to failure of timely service.	4-0
<b>AC 06-18</b>	<u>IEPA v. Maurice L. Thompson Trust</u> – The Board accepted an administrative citation against this Fulton County respondent.	
<b>AC 06-19</b>	<u>IEPA v. Maurice L. Thompson Trust</u> - The Board accepted an administrative citation against this Fulton County respondent.	

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## **ADJUDICATORY CASES**

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### Decisions

<b>PCB 06-28</b>	<u>Midwest Petroleum Company v. IEPA</u> – The Board affirmed the July 18, 2005 determination of the Illinois Environmental Protection Agency rejecting petitioner’s amended corrective action plan budget.	4-0 UST Appeal
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### Motions and Other Matters

<b>PCB 03-22</b>	<u>People of the State of Illinois v. Saint-Gobain Containers, Inc.</u> – No action taken.	A-E
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<b>PCB 03-54</b>	<u>Freedom Oil Company v. IEPA</u> – No action taken.	UST
<b>PCB 03-56</b>		Appeal
<b>PCB 03-105</b>		
<b>PCB 03-179</b>		
<b>PCB 04-2</b>		
<b>(cons.)</b>		
<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
<b>PCB 04-7</b>	<u>People of the State of Illinois v. 4832 S. Vincennes, L.P. and Batteast Construction Company, Inc.</u> – No action taken.	A-E
<b>PCB 04-106</b>	<u>People of the State of Illinois v. Thomas Gray, an individual, Steve Whyte, an individual, Gladys Whyte, an individual</u> – The Board granted complainant’s motion to voluntarily dismiss respondents Steve Whyte and Gladys Whyte from this land enforcement action concerning a Kankakee County facility.	4-0 L-E
<b>PCB 04-185</b>	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S 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 05-139</b>	<u>People of the State of Illinois v. Bath Incorporated</u> – No action taken.	L-E

<b>PCB 05-154</b>	<u>McLean County Asphalt v. IEPA</u> – No action taken.	UST Appeal
<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 Tronox L.L.C. (f/k/a Kerr-McGee Chemical L.L.C.)</u> – No action taken.	Citizens L-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 06-11</b>	<u>Silbrico Corporation v. IEPA</u> – No action taken.	L-V
<b>PCB 06-25</b>	<u>William Breuer v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 06-32</b>	<u>Beverly Bank 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.	4-0 UST Appeal
<b>PCB 06-34</b>	<u>Ramsey C.U.S.D. #204 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 Fayette County facility.	4-0 UST Appeal
<b>PCB 06-36</b>	<u>People of the State of Illinois v. Magellan Pipeline Company, L.P.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Lee County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E

<b>PCB 06-38</b>	<u>Downtown Shell (Greenville) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Bond County facility.	4-0 UST Appeal
<b>PCB 06-50</b>	<u>E&amp;L Trucking Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
<b>PCB 06-53</b>	<u>C&amp;F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
<b>PCB 06-54</b>	<u>People of the State of Illinois v. Webb AG, Inc.</u> – The Board granted complainant’s motion for voluntary dismissal of Count II.	4-0 L-E
<b>PCB 06-55</b>	<u>Soyland Power Cooperative, Inc. v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-56</b>	<u>Midwest Generation, L.L.C., Crawford Generating Station v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-57</b>	<u>Midwest Generation, L.L.C., Fisk Generating Station v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-58</b>	<u>Midwest Generation, L.L.C., Joliet Generating Station v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-59</b>	<u>Midwest Generation, L.L.C., Powerton Generating Station v. IEPA</u> – No action taken.	P-A, Air

<b>PCB 06-60</b>	<u>Midwest Generation, L.L.C., Will County Generating Station v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-61</b>	<u>Southern Illinois Power Cooperative v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-62</b>	<u>Kincaid Generation, L.L.C. v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-63</b>	<u>Dynegy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-64</b>	<u>Ameren Energy Generating Company, Coffeen Power Station v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-65</b>	<u>Electric Energy, Incorporated v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-66</b>	<u>AmerenEnergy Resources Generating Company, Duck Creek Power Station v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-67</b>	<u>AmerenEnergy Resources Generating Company, Edwards Power Station v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-68</b>	<u>Ameren Energy Generating Company, Newton Power Station v. IEPA</u> – No action taken.	P-A, Air



<b>PCB 06-69</b>	<u>Ameren Energy Generating Company, Meredosia Power Station v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-70</b>	<u>Ameren Energy Generating Company, Hutsonville Power Station v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-71</b>	<u>Dynegy Midwest Generation, Inc. (Havana Power Station) v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-72</b>	<u>Dynegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-73</b>	<u>Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-74</b>	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-75</b>	<u>The City of Springfield v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-82</b>	<u>People of the State of Illinois v. Barger Engineering, Inc.</u> – The Board accepted for hearing this water enforcement action involving crude oil and salt water release at a site located in White County.	4-0 W-E

<b>PCB 06-83</b>	<u>People of the State of Illinois v. Levi A. Kaufman</u> – The Board accepted for hearing this land enforcement action involving a site located in Coles County.	4-0 L-E
<b>PCB 06-84</b>	<u>Cowden Oil 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 Shelby County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 06-85</b>	<u>Prosize Oil Company (Incident #922355) 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 Jefferson County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 06-86</b>	<u>Prosize Oil Company (Incident #982486) 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 Jefferson County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 06-87</b>	<u>Wayne &amp; Dennis Swanson 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 Kane County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 06-88</b>	<u>Biggs Brothers Service Center 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 St. Clair County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 06-89</b>	<u>Maryville Voice Newspaper Company v. IEPA</u> - The Board granted	4-0

this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.

UST  
Appeal  
90-Day  
Ext.

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<b>PCB 06-90</b>	<u>People of the State of Illinois v. Village of Volo and Smith Engineering Consultants, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Lake County.	4-0 PWS-E
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### **CASES PENDING DECISION**

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<b>R04-22(B)</b>	<u>In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732); In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed New 35 Ill. Adm. Code 734) – Proposed Rule, Proposal for Public Comment, Opinion and Order</u>	R, Land
<b>R04-23(B)</b> (cons.)		

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<b>R06-5</b>	<u>In the Matter of: UIC Corrections, USEPA Amendments (January 1, 2005 through June 30, 2005); RCRA Subtitle D Update, USEPA Amendments (January 1, 2005 through June 30, 2005 and August 1, 2005); RCRA Subtitle C Update, USEPA Amendments (January 1, 2005 through June 30, 2005 and August 1, 2005) – Adopted Rule, Final Order, Opinion and Order</u>	R, Land
<b>R06-6</b>		
<b>R06-7</b>		
(cons.)		

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### **OTHER ITEMS**

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## **ADJOURNMENT**

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

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 5, 2006, by a vote of.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board