

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**JANUARY 5, 2006 CHICAGO OFFICE**  
**Chicago/Springfield Videoconference**  
**CHICAGO OFFICE - 100 W. Randolph Street**  
**Videoconference Room 11-512**  
**and**  
**SPRINGFIELD OFFICE – 1021 N. Grand Avenue East**  
**Oliver Holmes Conference Room 2012 N – Second Floor**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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Chairman Girard welcomed members of the public and staff. (The audio connection between the Springfield and Chicago sites was of good quality throughout the meeting, but the video connection could not be established due to technical difficulties.)

### **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 15, 2005 meeting were approved by a vote of 4-0.

## RULEMAKINGS

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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);</u>	4-0
<b>R04-23(B)</b>	<u>Regulation of Petroleum Leaking Underground Storage Tanks (Proposed New 35 Ill. Adm. Code 734)</u> – The Board proposed for public comment language establishing a scope of work for activities associated with professional consulting services in the remediation of UST sites in Illinois. The Board invites comments on all portions of the proposal for public comments. In addition the Board directed the hearing officer to expeditiously schedule a least one additional hearing in this proceeding.	R, Land
<b>(cons.)</b>		
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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 second notice opinion and order in this rulemaking to amend the Board’s air quality standards regulations.	4-0 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 second notice opinion and order in this rulemaking to amend the Board’s air quality standards regulations.	4-0 R, Air
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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)</u> – The Board adopted a final opinion and in this consolidated “identical-in-substance” rulemaking which amends the Board’s underground injection control, municipal solid waste landfill, and hazardous waste regulations.	4-0
<b>R06-6</b>		R, Land
<b>R06-7</b>		
<b>(cons.)</b>		
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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 – The Board accepted for hearing petitioner’s December 13, 2005 proposal to amend the Board’s land pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signatures. The Board also requested that petitioner address the deficiencies noted in the order in writing prior to any hearing scheduled in this proceeding at such time as directed by the hearing officer.      4-0  
R, Land

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**R06-21**      In the Matter of: Organic Material Emissions Standards and Limitations for the Chicago and Metro-East Areas: Proposed Amendments to 35 Adm. Code 218 and 219 – No action taken.      R, Air

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**ADJUSTED STANDARDS**

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None

**ADMINISTRATIVE CITATIONS**

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**AC 06-14**      County of Jackson v. Rocky Lee Morse – The Board dismissed respondent’s petition for review, finding it untimely filed. The Board found that this Jackson County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$4,500.      4-0

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**AC 06-16**      IEPA v. Rex D. Evans and Roy W. Evans, Jr. – The Board accepted respondents’ petition for review and granted the motion to consolidate this administrative citation involving a Morgan County facility with AC 06-17. The Board denied the request to dismiss the alleged violations or consolidate the alleged violations into *one* administrative citation.      4-0

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<b>AC 06-17</b>	<u>IEPA v. Rex D. Evans and Roy W. Evans, Jr.</u> – The Board accepted respondents’ petition for review and granted the motion to consolidate this administrative citation involving a Morgan County facility with AC 06-16. The Board denied the request to dismiss the alleged violations or consolidate the alleged violations into <i>one</i> administrative citation.	4-0
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## **ADJUDICATORY CASES**

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### Decisions

<b>PCB 04-192</b>	<u>People of the State of Illinois v. Smithfield Properties, L.L.C., Wooton Construction, Ltd., and Chicago Sun-Times, Inc.</u> – No action taken.	L&W-E
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<b>PCB 05-99</b>	<u>People of the State of Illinois v. James Zeller, Thomas Zeller, and Matthew Short</u> – In this air and land enforcement action concerning a Williamson 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$7,500, and to cease and desist from further violations.	4-0 A&L-E
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<b>PCB 05-103</b>	<u>People of the State of Illinois v. Marc Realty, Inc. and 55 E. Jackson L.L.C.</u> – In this air enforcement action concerning a Cook 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$15,000, and to cease and desist from further violations.	4-0 A-E
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**PCB 05-192**     People of the State of Illinois v. Bag Makers, Inc. – In this air enforcement action concerning a McHenry 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$62,700, and to cease and desist from further violations.     4-0  
A-E

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**PCB 05-214**     People of the State of Illinois v. Barry Hayden d/b/a Hayden Properties – In this water enforcement action concerning a St. Clair 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$3,500, and to cease and desist from further violations.     4-0  
W-E

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**PCB 06-44**     People of the State of Illinois v. Weis Builders, Inc. – In this public water supply enforcement action concerning a Will 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations.     4-0  
PWS-E

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*Motions and Other Matters*

**PCB 02-206**     Home Oil Company v. IEPA – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this underground storage tank appeal.     4-0  
UST  
Appeal

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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> – Upon receipt of a proposed stipulation and settlement agreement between complainant and Batteast Construction Company, Inc. only, 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. No action was taken on complainant’s motion for summary judgment against 4832 S.Vincennes L.P. filed October 17, 2005.	4-0 A-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 05-66</b>	<u>People of the State of Illinois v. Petco Petroleum 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 Fayette County facility, the Board ordered publication of the required newspaper notice.	4-0 W-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> – The Board granted the motion of counter-complainant Tronox L.L.C. (f/k/a Kerr-McGee Chemical L.L.C.) (Kerr McGee) to withdraw certain affirmative defenses. The Board denied Kerr McGee’s motion to strike affirmative defenses, in part and granted the motion in part, striking the seventh and eighth alleged affirmative defenses. The Board also denied complainant Grand Pier Center L.L.C.’s motion to strike affirmative defenses. The Board found that the pleading contained sufficient specificity to allow the parties to proceed with the remaining affirmative defenses as alleged. The Board also granted Kerr McGee’s motion to dismiss the counterclaim as the counterclaim seeks relief pursuant to the Contribution Act and the Board is not authorized to grant such relief.	4-0 Citizens L-E
<b>PCB 05-181</b>	<u>People of the State of Illinois v. Pattison Associates LLC, an Illinois limited liability company, and 5701 South Calumet LLC, an Illinois limited liability company</u> – No action taken.	A-E
<b>PCB 05-182</b>	<u>U.S. Mineral, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Montgomery County facility.	4-0 P-A, Air

<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 05-215</b>	<u>People of the State of Illinois v. First Rockford Group, Inc., Village of Cherry Valley, Heritage Engineering, Ltd., and Schlichting &amp; Sons Excavating, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement between complainant and Village of Cherry Valley only, and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-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 06-37</b>	<u>Illinois State Toll Highway Authority (Lincoln Oasis)</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
<b>PCB 06-39</b>	<u>Dalee Oil Company (Okawville)(SCCR) 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 Washington County facility.	4-0 UST Appeal
<b>PCB 06-40</b>	<u>Dalee Oil Company (Okawville) (SCWP/B) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Washington County facility.	4-0 UST Appeal
<b>PCB 06-51</b>	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – No action taken.	A, L&W



<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 06-55</b>	<u>Soyland Power Cooperative, Inc. v. IEPA</u> – The Board granted petitioner’s motion to stay the effectiveness of the provisions and conditions appealed in the Clean Air Act Permit Program permit.	4-0 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>Dynergy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 06-74</b>	<u>Dynergy 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> – No action taken.	W-E
<b>PCB 06-91</b>	<u>Basic Wire &amp; Cable Co. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
<b>PCB 06-92</b>	<u>Marathon Ashland Petroleum, L.L.C., (Tank Seals) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-93</b>	<u>Marathon Ashland Petroleum, L.L.C. (Ultraformer Vent Gas Scrubber) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C

<b>PCB 06-94</b>	<u>Marathon Ashland Petroleum, L.L.C. (DHT – Coker Naptha Project)</u> (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-95</b>	<u>Marathon Ashland Petroleum, L.L.C. (Low NO<sub>x</sub>) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-96</b>	<u>Marathon Ashland Petroleum, L.L.C. (Cooling Tower Drift Eliminators) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-97</b>	<u>Marathon Ashland Petroleum, L.L.C. (Storage Tank Emission Reduction Project) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C

<b>PCB 06-98</b>	<u>Marathon Ashland Petroleum, L.L.C. (Platformer Net Hydrogen Scrubber) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-99</b>	<u>Marathon Ashland Petroleum, L.L.C. (Mosc Tank) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-100</b>	<u>Marathon Ashland Petroleum, L.L.C. (Pump Enhancements – Leak Detection and Repair) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-101</b>	<u>Marathon Ashland Petroleum, L.L.C. (Slop Oil Combustor (84F-7)) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-102</b>	<u>Marathon Ashland Petroleum, L.L.C. (Selective Catalytic Reduction Unit) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - No action taken.	T-C

<b>PCB 06-103</b>	<u>People of the State of Illinois v. First Rockford Group, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Winnebago County.	4-0 L-E
<b>PCB 06-104</b>	<u>People of the State of Illinois v. Moore Painting, an Illinois corporation, and Illinois-American Water Company, an Illinois corporation</u> – The Board accepted for hearing this air, land and water enforcement action involving a site located in Madison County.	4-0 A, L, W-E
<b>PCB 06-105</b>	<u>People of the State of Illinois v. Paul Monnier</u> – The Board accepted for hearing this water enforcement action involving a site located in Hancock County.	4-0 W-E
<b>PCB 06-106</b>	<u>Marathon Ashland Petroleum, L.L.C. (Floating Roof Tank No. 809)( Property Identification No. 51-34-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-107</b>	<u>Marathon Ashland Petroleum, L.L.C. (Amine Unit No. 2) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C

<b>PCB 06-108</b>	<u>Marathon Ashland Petroleum, L.L.C. (LPG Merox Unit) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-109</b>	<u>Marathon Ashland Petroleum, L.L.C. (Low Temperature Thermal Desorption Process) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-110</b>	<u>Marathon Ashland Petroleum, L.L.C. (Wastewater Treatment Plant and Benzene NESHAP Air Controls) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
<b>PCB 06-111</b>	<u>Marathon Ashland Petroleum, L.L.C. (Reformulated Gasoline – Blending Process) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> – No action taken.	T-C
<b>PCB 06-112</b>	<u>Marathon Ashland Petroleum, L.L.C. (Amine Expansion, Kerosene Treater, Crude Blending and Merichem Treater Revamp) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> - No action taken.	T-C

<b>PCB 06-113</b>	<u>Marathon Ashland Petroleum, L.L.C. (Reverse Osmosis Degasifier Unit) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA</u> - No action taken.	T-C
<b>PCB 06-114</b>	<u>Marathon Ashland Petroleum, L.L.C. (Cooling Water Tower Automation and Control) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA</u> - No action taken.	T-C
<b>PCB 06-115</b>	<u>People of the State of Illinois v. National City Environmental, L.L.C. and National City Recycling, L.L.C.</u> – The Board accepted for hearing this land and water enforcement action involving a site located in St. Clair County.	4-0 L, W-E
<b>PCB 06-116</b>	<u>People of the State of Illinois v. William Warren and Halleck Warren d/b/a Hickory Shores Resort, and Hickory Shores Recreations, Ltd.</u> – The Board accepted for hearing this water enforcement action involving a site located in Clinton County.	4-0 W-E
<b>PCB 06-117</b>	<u>People of the State of Illinois v. Saline County Landfill, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Saline County.	4-0 L-E
<b>PCB 06-118</b>	<u>Mahr’s Sales &amp; Service 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 Fulton County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 06-119</b>	<u>People of the State of Illinois v. Strata Geologic Services, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Rock Island County.	4-0 L-E



<b>PCB 06-120</b>	<u>Southern Illinois Power Cooperative (Wet Scrubber System) (Property Identification Number 10-26-200-002) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Southern Illinois Power Cooperative located in Williamson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
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<b>PCB 06-121</b>	<u>Southern Illinois Power Cooperative (Selective Catalytic Reduction System) (Property Identification Number 10-26-200-002) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Southern Illinois Power Cooperative located in Williamson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
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<b>PCB 06-122</b>	<u>Southern Illinois Power Cooperative (Rothemuhle Electrostatic Precipitator) (Property Identification Number 10-26-200-002) v. IEPA</u> - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Southern Illinois Power Cooperative located in Williamson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
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**CASES PENDING DECISION**

<b>R03-9</b>	<u>In the Matter of: Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910 – Proposed Rule, Second Notice, Opinion and Order</u>	R, Noise
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## **OTHER ITEMS**

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Chairman's Motion under Section 2.06(c) of the Open Meeting Act to continue to preserve only written minutes of closed Board deliberative sessions occurring on or before June 30, 2004, and to approve destruction of verbatim tape recordings of meetings held: January 7 and January 15; February 3, February 11, and February 26; March 11 and March 25; April 8, April 22, and April 29; May 13 and May 27; June 10 and June 24 4-0

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Chairman's Motion under Section 2.06(d) of the Open Meetings Act to continue to keep confidential minutes of closed Board meetings occurring between July 1, 2005 and December 31, 2005 4-0

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## **ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:55 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 19, 2006, by a vote of.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board