

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



MARCH 2, 2006 SPRINGFIELD OFFICE
1021 N. Grand Avenue East
Conference Room 1244 N, First Floor
11:00 A.M.

ANNOUNCEMENTS

Chairman Girard welcomed members of the public and staff.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the February 16, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

R03-9	<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 – The Board adopted a final opinion and order in this rulemaking which amends the Board’s noise pollution regulations.</u>	4-0 R, Noise
R04-12 R04-20 (cons.)	<u>In the Matter of: Technical Correction to Formulas in 35 Ill. Adm. Code 214 “Sulfur Limitations”; In the Matter of: Clean-Up Part III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219 – The Board adopted a second notice proposal to amend the Board’s air regulations.</u>	4-0 R, Air

R05-19	<u>In the Matter of: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146)</u> – The Board adopted a final opinion and order in this rulemaking which amends the Board’s air quality standards regulations.	4-0 R, Air
R05-20	<u>In the Matter of: Proposed Amendments to Exemptions From Permitting Requirements for Plastic Injection Molding Operations Code 201.146</u> – The Board adopted a final opinion and order in this rulemaking which amends the Board’s air quality standards regulations.	4-0 R, Air
R06-22	<u>In the Matter of: NO_x Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – No action taken.	R, Air
R06-24	<u>In the Matter of: Revisions to Water Quality Standards for Total Dissolved Solids in the Lower Des Plaines River for Exxon Mobil Oil Corporation: Proposed 35 Ill. Adm. Code 303.445</u> – The Board accepted for hearing petitioner’s February 7, 2006 proposal to amend the Board’s water pollution control regulations. The Board granted petitioner’s motions to waive requirements to submit 200 signatures and for expedited review. The Board also requested that petitioner address the “published study or report” requirement of 35 Ill. Adm. Code 102.210(c).	4-0 R, Water

ADJUSTED STANDARDS

AS 06-2	<u>In the Matter of: Petition of BP Products North America, Inc. for an Adjusted Standard Pursuant to 35 Ill. Adm. Code 721.122</u> – The Board dismissed this petition for an adjusted standard for petitioner’s failure to timely publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected, as required by Section 28.1 of the Environmental Protection Act (415 ILCS 5/28.1(d)(1) (2004)).	4-0 Air
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ADMINISTRATIVE CITATIONS

AC 05-8 IEPA v. Ted Harrison and Gerald S. Gill – No action taken.

AC 06-26 IEPA v. Marshall and Juanita Garrison – The Board accepted an administrative citation against these Jefferson County respondents.

ADJUDICATORY CASES

Decisions

PCB 06-42 People of the State of Illinois v. Waste Management of Illinois, Inc. 4-0
– In this land enforcement action concerning a Whiteside 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 \$20,000, and to cease and desist from further violations. L-E

PCB 06-133 People of the State of Illinois v. City of Flora – In this land and water enforcement action concerning a Clay 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 \$9,600, and to cease and desist from further violations. 4-0
L,W-E

Motions and Other Matters

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Co., Inc., 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 Asphalt Co., Inc. – No action taken. W-E

PCB 97-193 People of the State of Illinois v. Community Landfill Company, L-E

PCB 04-207 (cons.)	<u>Inc.; People of the State of Illinois v. Edward Pruum and Robert Pruum</u> – No action taken.	
PCB 04-7	<u>People of the State of Illinois v. 4832 S. Vincennes, L.P. and Batteast Construction Company, Inc.</u> – No action taken.	A-E
PCB 04-106	<u>People of the State of Illinois v. Thomas Gray</u> – No action taken.	L-E
PCB 04-134	<u>People of the State of Illinois v. Interstate Brands Corporation</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.	4-0 A-E
PCB 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Appeal
PCB 04-216	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – No action taken.	T-S Appeal
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – The Board granted complainant’s motion to reconsider. The Board, however, upheld its October 20, 2005 ruling granting summary judgment in favor of the respondent on counts II through VI and directed the hearing officer to proceed to hearing on count I of the complaint.	4-0 A&L-E
PCB 05-51	<u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health & Safety Services</u> – No action taken.	A-E
PCB 05-139	<u>People of the State of Illinois v. Bath Incorporated</u> – No action taken.	L-E
PCB 05-157	<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</u>	4-0 Citizens

Canal Company, Kerr-McGee Chemical L.L.C. – The Board denied complainants’ motion to reconsider its’ January 5, 2006 Board Order. L-E

PCB 05-193	<u>Vernon and Elaine Zohfield v. Bob Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton, and Steve Kinder</u> – No action taken.	Citizens A-E
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PCB 05-220	<u>Kenneth E. Medema, Jr. v. TNT Logistics North America</u> – No action taken.	Citizens N-E
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PCB 06-1	<u>Robert F. Kassela, Jr. v. TNT Logistics North America</u> - No action taken.	Citizens N-E
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PCB 06-33	<u>People of the State of Illinois v. J&S Companies, Inc. and First Choice Construction, Inc.</u> – The Board denied complainant’s separate motions for default against each respondent.	4-0 L-E
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PCB 06-48	<u>People of the State of Illinois v. STS Consultants, Ltd.</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 Will County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
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PCB 06-51	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – No action taken.	A, L&W
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PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
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PCB 06-82	<u>People of the State of Illinois v. Barger Engineering, Inc.</u> – No action taken.	W-E
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PCB 06-131	<u>Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President Village of Hampshire and IEPA</u> – The Board found that all claims other than those that concern the Illinois Environmental Protection Agency’s issuance of the December 9, 2005 National Pollutant Discharge Elimination System permit to the Village of Hampshire are frivolous, and dismissed those claims. The Board accepted the matter for hearing, finding that the filing of the amended petition restarted the decision time clock.	4-0 P-A, NPDES
PCB 06-137	<u>City of Springfield, Illinois v. IEPA</u> – No action taken.	PWS-V
PCB 06-138	<u>Brenda George Bryant 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 Massac County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-139	<u>Richard Gooden v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Ford County facility.	4-0 UST Appeal
PCB 06-140	<u>W.R. Meadows, Inc. 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.

CASES PENDING DECISION

R06-18	<u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USPA Amendments (July 1, 2005 through December 31, 2005) – Proposed Rule, Proposal for Public Comment, Opinion and Order</u>	R, Land
AC 04-75	<u>IEPA v. Charles L. Parker</u>	

AC 05-18 IEPA v. William Shrum

AC 05-63 IEPA v. John R. Malloch

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:28 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 16, 2006, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board