

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 1, 2006
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

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 May 18, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

R04-22(B)	<u>In the Matter of: Proposed Amendments to: Regulations of</u>	4-0
R04-23(B)	<u>Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code</u>	R, UST
(cons.)	<u>732); In the Matter of: Proposed Amendments to Regulation of</u> <u>Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code</u> <u>734) – The Board found that the record does not support proceeding</u> with a rule defining the scope of work and setting maximum lump sum payment amounts and therefore dismissed the proposal and closed the docket in this consolidated rulemaking.	

R06-16 R06-17 R06-18 (cons.)	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2005 through December 31, 2005); In the Matter of: RCRA Subtitle D Update, USEPA Amendments (July 1, 2005 through December 31, 2005); In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and March 23, 2006)</u> – The Board granted the Illinois Environmental Protection Agency’s (Agency) motion to extend the public comment period for all participants until June 30, 2006. The Board then extended the deadline for Board adoption of the amendments as provided in Section 7.2(b) of the Act, 415 ILCS 5/7.2(b) (2004) until September 14, 2006.	4-0 R, Land
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R06-25	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury)</u> – No action taken.	R, Air
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ADJUSTED STANDARDS

AS 06-3	<u>In the Matter of: Petition of LaFarge Midwest, Inc. for Boiler Determination through Adjusted Standard Proceedings Pursuant to 35 Ill. Adm. Code 720.132 and 720.133</u> – The Board granted this Massac County petitioner an adjusted standard, with conditions, designating as an “industrial boiler” each of the two raw mill dryers at it the Joppa Portland Cement Manufacturing Plant located at 2500 Portland Road, Grand Chain, Illinois.	4-0 Air
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ADMINISTRATIVE CITATIONS

AC 06-34	<u>IEPA v. Clifford Lawson</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation due complainant’s failure to make timely service.	4-0
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AC 06-44 County of LaSalle v. Paulette Metille – The Board accepted an administrative citation against this LaSalle County respondent.

AC 06-45 IEPA v. Waste Management of Illinois, Inc., Mark Batherson, and Dale Hoekstra – The Board accepted an administrative citation against these Will County respondents.

ADJUDICATORY CASES

Decisions

PCB 05-53 People of the State of Illinois v. Clean Harbors Environmental Services, Inc. – In this land enforcement action concerning a Madison 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 \$12,000, and to cease and desist from further violations. Clean Harbors Environmental Services further agrees to engage in a supplemental environmental project: over the next two years following adoption of this stipulation and settlement agreement, Clean Harbors Environmental will undertake hazardous waste disposal and related collection and transportation services having a fair market retail price up to \$18,000.

4-0
L-E

PCB 06-41 People of the State of Illinois v. Dot Packaging Group, Inc. – In this air enforcement action concerning a Kane 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 \$33,311, and to cease and desist from further violations.

4-0
A-E

PCB 06-46	<u>People of the State of Illinois v. Osborn Development Company</u> – In this water enforcement action concerning a Madison 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 \$15,000, and to cease and desist from further violations.	4-0 W-E
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Motions and Other Matters

PCB 96-98	<u>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.</u> – No action taken.	W-E
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PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc.</u> – No action taken.	A-E
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PCB 02-186	<u>People of the State of Illinois v. Perfetti Van Melle USA, Inc. f/k/a Van Melle USA, 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 Lake County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
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PCB 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – The Board granted both respondents' motions to reconsider with respect to the Board's alleged misapplication of the law. The Board declined to modify the Board's February 16, 2006 ruling granting summary judgment in favor of the complainant on the violations alleged in the complaint and directed the hearing officer to proceed to hearing on the issue of remedy.	4-0 L-E
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PCB 04-31	<u>Broadus Oil v. IEPA</u> – No action taken.	UST Fund
PCB 05-43 (cons.)		
PCB 05-56	<u>People of the State of Illinois v. Omron Automotive Electronics, 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 Kane County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 06-33	<u>People of the State of Illinois v. J&S Companies, Inc. and First Choice Construction, Inc.</u> – No action taken.	L-E
PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken	W-V
PCB 06-137	<u>City of Springfield v. IEPA</u> – In response to the Board’s March 16, 2006 Order, petitioner filed an amended petition for variance which is currently under review for sufficiency; unless the Board or hearing officer orders otherwise the Illinois Environmental Protection Agency must file any amended recommendation by July 14, 2006. The Board granted petitioner's motion for expedited review, noting the amended petition restarts the Board’s decision time clock.	4-0 W-V
PCB 06-138	<u>Brenda George Bryant 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 Massac County facility.	4-0 UST Appeal

PCB 06-141	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage County</u> – The Board found that the complaint is not duplicative but frivolous, and granted the motion of the Metropolitan Water Reclamation District of Greater Chicago to strike and dismiss paragraphs 61 through 70 of count II of the complaint as frivolous and accepted the balance of the complaint for hearing as to all four respondents.. The Board on its own motion also struck other portions of the complaint alleging violations of law or rule other than the Environmental Protection Act or the Board’s rules. The Board directed complainant to file an amended complaint on or before July 6, 2006.	3-0 Melas abstained W-E
PCB 06-156	<u>Midwest Generation, L.L.C., Will County Generating Station v. IEPA</u> – No action taken	P-A, Air
PCB 06-163	<u>The Theodore Kosloff Trust (as formed by the Irrevocable Agreement of Trust of Theodore Kosloff, dated December 6, 1989, for Rachel Kosloff and Abigail Kosloff, a Pennsylvania trust) v. A&B Wireform Corporation</u> – The Board found that the complaint is neither duplicative or frivolous and accepted for hearing this citizen land enforcement action involving a site located in Cook County.	4-0 Citizens L-E
PCB 06-171	<u>American Bottom Conservancy v. IEPA and United States Steel Corporation – Granite City Works</u> – No action taken	P-A, NPDES 3d Party
PCB 06-173	<u>People of the State of Illinois v. First Country Homes, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Will County.	4-0 W-E
PCB 06-174	<u>People of the State of Illinois v. Bob D. Stagner and Linda S. Stagner</u> – The Board accepted for hearing this water enforcement action involving a site located in Franklin County.	4-0 W-E

PCB 06-175	<u>People of the State of Illinois v. Tres Amigos Properties, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Sangamon County.	4-0 W-E
PCB 06-176	<u>Village of River Forest v. IEPA</u> – The Board directed respondent to file an amended petition for review correcting the noted deficiencies within 30 days, or the Board will dismiss this matter.	4-0 UST Appeal
PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – The Board accepted for hearing this water enforcement action involving a site located in LaSalle County.	4-0 L-E
PCB 06-178	<u>People of the State of Illinois v. Galena Hillside Homes, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.	4-0 W-E, NPDES

CASES PENDING DECISION

R06-19	<u>In the Matter of: Clean Construction or Demolition Debris Fill Operations Under P.A. 94-272 (35 Ill. Adm. Code 1100)</u> – Proposed Rule, Second Notice, Opinion and Order	R, PWS
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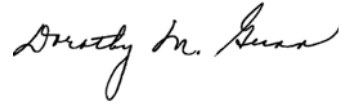
OTHER ITEMS

The Board granted the Chairman’s motion to add site for June 15, 2006 Meeting and to hold Videoconference meeting from locations in Chicago (100 W. Randolph Street, Room 11-512) and Springfield (1021 N. Grand Avenue East, Oliver Holmes Conference Room 2012 N, Second Floor)

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:40 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 15, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board