

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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September 21, 2006  
Michael A. Bilandic Building,  
160 N. LaSalle Street, Second Floor, Room N-505  
11:00 A.M.

### ANNOUNCEMENTS

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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 September 7, 2006 meeting were approved by a vote of 4-0.

### RULEMAKINGS

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<b>R06-21</b>	<u>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 – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations.</u>	4-0 R, Air
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<b>R07-1</b>	<u>Definition of VOM Update, USEPA Amendments (January 1, 2006 through June 30, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic emission regulations during the update period of January 1, 2006 through June 30, 2006.	4-0 R, Air
<b>R07-3</b>	<u>UIC Update, USEPA Amendments (January 1, 2006 through June 30, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2006 through June 30, 2006.	4-0 R, Land
<b>R07-4</b>	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2006 through June 30, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of January 1, 2006 through June 30, 2006.	4-0 R, Land
<b>R07-6</b>	<u>UST Update, USEPA Amendments (January 1, 2006 through June 30, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 2006 through June 30, 2006.	4-0 R, Land
<b>R07-7</b>	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2006 through June 30, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of January 1, 2006 through June 30, 2006.	4-0 R, Water

## ADJUSTED STANDARDS

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**AS 06-4**      In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c) – The Board accepted the amended petition of Big River Zinc Corporation for review, noting that it would proceed to a final determination consistent with the Board’s August 4, 2006 grant of expedited review.      4-0  
Land

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## ADMINISTRATIVE CITATIONS

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**AC 05-40**      IEPA v. Northern Illinois Service Company – The Board entered an interim opinion and order finding respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 14 days of service.      4-0

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**AC 05-70**      IEPA v. James Stutsman – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 14 days of service.      4-0

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**AC 06-53**      County of Ogle v. George C. Heal. – No action taken.

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**AC 06-54**      City of Chicago Department of Environment v. Mr. Bult’s Inc. – The Board on its own motion dismissed this administrative citation for lack of service.      4-0

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**AC 06-55**      County of Wayne v. Julian Buchanan – The Board granted respondent’s motion for reconsideration of its August 6, 2006 default order, and accepted respondent’s petition for review for hearing.      4-0

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**AC 06-59**      City of Chicago Department of Environment v. Mr. Bult’s Inc. – The Board on its own motion dismissed this administrative citation for lack of service.      4-0

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**AC 07-13**      Chicago Department of Environment v. Mr. Bult’s (Liberty Waste Transfer Station) – The Board accepted an administrative citation against this Cook County respondent.

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**AC 07-14**      County of LaSalle v. Eric and Sarah Cook – The Board accepted for hearing this petition for review of an administrative citation against these LaSalle County respondents.

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**AC 07-15**      IEPA v. Glenn and Brenda York – The Board accepted for hearing this petition for review of an administrative citation against these Morgan County respondents.

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**AC 07-16**      IEPA v. Dennis Ballinger – The Board accepted an administrative citation against this Edgar County respondent.

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## **ADJUDICATORY CASES**

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### Decisions

**PCB 06-183**      People of the State Illinois v. Lazar Brothers Trucking, Inc. an Illinois corporation – In this water 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 \$5,500, and to cease and desist from further violations.      4-0  
W-E

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<b>PCB 07-8</b>	<u>People of the State of Illinois v. The City of Harvey, a municipal corporation in the State of Illinois</u> – In this land 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 respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations.	4-0 1-E
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*Motions and Other Matters*

<b>PCB 03-177</b>	<u>Cady Oil Co. v. IEPA</u> – The Board granted this Peoria County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
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<b>PCB 04-16</b>	<u>People of the State of Illinois v. Packaging Personified, Inc., an Illinois corporation</u> – No action taken.	A-E
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<b>PCB 04-31</b>	<u>Broadus Oil v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 05-43</b> (cons.)		

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<b>PCB 05-49</b>	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	Citizens A&L-E
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<b>PCB 06-3</b>	<u>People of the State of Illinois v. Lake Egypt Water and Wastewater District</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 Williamson County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
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<b>PCB 06-16</b>	<u>People of the State of Illinois v. Ogoco, Inc.</u> – The Board granted complainant’s motion for summary judgment. The Board found that respondent violated Sections 12(a) and 12(d) of the Act (415 ILCS 5/12(a), 12(d) (2004)) and Sections 302.203, 304.105, and 304.106 of the Board’s water regulations (35 Ill. Adm. Code 302.203, 304.105, 304.106), ordering the respondent to pay a total civil penalty of \$28,000, and to cease and desist from further violations.	4-0 W-E
<b>PCB 06-35</b>	<u>People of the State of Illinois v. Quantum Color Graphics, L.L.C.</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
<b>PCB 06-53</b>	<u>C&amp;F Packing Company, Inc. v. IEPA and Lake County</u> – The Board accepted this petition for variance on behalf of a Lake County facility for hearing. The Board also granted Lake County’s unopposed motion for joinder, adding Lake Villa and Fox Lake as respondents to this variance proceeding. The Board took no action on other currently-pending motions.	4-0 W-V
<b>PCB 06-76</b>	<u>Gateway FS, Inc. v. IEPA</u> – The Board granted this Monroe County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
<b>PCB 06-141</b>	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage</u> – The Board denied respondent Metropolitan Water Reclamation District of Greater Chicago’s motion to strike and dismiss count II of Flagg Creek Water Reclamation District (FCWRD) amended complaint and directed the hearing officer to proceed expeditiously to hearing. The Board reserved ruling on the Village of Hinsdale’s request that the Board issue an order dismissing FCWRD’s complaint against it, directing the hearing officer to adopt a briefing schedule for the motion.	3-0 Melas abstained Citizens W-E

<b>PCB 06-163</b>	<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 v. A&amp;B Wireform Corporation</u> – No action taken.	L-E
<b>PCB 06-171</b>	<u>American Bottom Conservancy v. IEPA and United States Steel Corporation – Granite City Works</u> – The Board granted respondents’ motions to dismiss in part and denied them in part, and directed the hearing officer to proceed to hearing on the sole remaining issue of whether the Illinois Environmental Protection Agency’s (Agency) correctly denied the request for a public hearing. The Board also granted petitioner American Bottom Conservancy’s (American Bottom) motion for Edward J. Heisel to appear <i>pro hac vice</i> , and accepted the Agency’s amended record. Further, the Board granted American Bottom’s motion to supplement the record in part and denied the motion in part, accepting only those documents that pre-date the Agency’s decision of March 31, 2006.	4-0 P-A, NPDES 3d Party
<b>PCB 06-173</b>	<u>People of the State of Illinois v. First Country Homes, L.L.C.</u> – The Board granted complainant’s motion to dismiss respondent’s affirmative defenses with prejudice, ordering hearing to proceed.	4-0 W-E
<b>PCB 06-184</b>	<u>Peoria Disposal Company v. Peoria County Board</u> – No action taken.	P-A, NPDES
<b>PCB 06-189</b> <b>PCB 06-190</b> <b>(cons.)</b>	<u>L. Keller Oil Properties / Farina v. IEPA</u> – The Board reserved ruling on petitioner's motion for authorization of settlement, ordering parties to make additional filings on or before October 23, 2006.	4-0 UST Appeal
<b>PCB 07-10</b>	<u>Citgo Petroleum Corporation v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of certain conditions in the re-issued National Pollutant Discharge Elimination System Permit.	4-0 P-A, NPDES
<b>PCB 07-12</b>	<u>Fedex Ground Package System, Inc. v. IEPA</u> – No action taken.	UST Appeal

<b>PCB 07-16</b>	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in St. Clair County.	4-0 W-E
<b>PCB 07-17</b>	<u>Dale L. Stanhibel v. Tom Halat d/b/a Tom’s Vegetable Market</u> – The Board held for a later duplicative/frivolous determination this citizens’ air and noise enforcement action involving a Jackson County facility.	Citizens A&N – E
<b>PCB 07-18</b>	<u>Frey Enterprises, 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 St. Clair County facility.	4-0 UST Appeal 90-Day Ext.
<b>PCB 07-19</b>	<u>Frey Enterprises, 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 St. Clair County facility.	4-0 UST Appeal 90-Day Ext.

**CASES PENDING DECISION**

<b>R06-15</b>	<u>SDWA Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – Adopted Rule, Final Order, Opinion and Order	R, Water
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## **ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:30 a.m.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board