

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 4, 2007
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 December 21, 2006 meeting were approved by a vote of 4-0.

RULEMAKINGS

R06-11	<u>In the Matter of: Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site-Specific Rule 35 Ill. Adm. Code 901.121</u> – The Board adopted a final opinion and order in this rulemaking which amends the Board’s noise regulations.	4-0 R, Noise
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R06-26 In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D and E – No action taken. R, Air

ADJUSTED STANDARDS

None.

ADMINISTRATIVE CITATIONS

AC 05-40 IEPA v. Northern Illinois Service Company – No action taken.

AC 07-25 City of Chicago Department of Environment v. 1601-1759 East 130th Street, L.L.C. – The Board accepted respondent’s petition for review of administrative citation, but reserved ruling on respondent’s motion to consolidate this proceeding with another pending administrative citation action involving the same parties, AC 06-41. 4-0

AC 07-29 IEPA v. Gere Properties, Inc., Perry Ridge Landfill, Inc., and Mike Whitlock – The Board accepted an administrative citation against these Perry County respondents.

ADJUDICATORY CASES

Decisions

PCB 04-36 Michael A. Petrosius and Darla G. Petrosius v. Illinois State Toll Highway Authority – The Board found that sound emanating from traffic using a toll collection/entrance ramp on the northbound side of the I-294 tollway and the 75th Street Exchange in LaGrange, Illinois did not unreasonably interfere with the complainants’ enjoyment of their lives and property. 4-0
Citizens
N-E

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 Valley Asphalt Co., Inc.</u> – No action taken.	W-E
PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc., and Smithfield Foods, Inc.</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 Knox County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 00-204	<u>Gutmann Leather Company, Inc. v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
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 05-29	<u>Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc.</u> – No action taken.	L-E
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – No action taken.	A&L-E

PCB 05-157	<u>Grand Pier Center L.L.C. and 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.; Tronox L.L.C. v. Grand Pier Center L.L.C. and American International Specialty Lines Insurance Co.</u> – No action taken.	Citizens L-E
PCB 06-52	<u>Knapp Oil Company, Don’s 66 v. IEPA</u> – No action taken.	UST Appeal
PCB 06-53	<u>C&F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – No action taken.	L-E
PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – No action taken.	P-C-F-S-R
PCB 07-17	<u>Dale L. Stanhibel v. Tom Halat d/b/a Tom’s Vegetable Market</u> – No action taken.	Citizens A&N – E
PCB 07-18	<u>Frey Enterprises, Inc. (November 1, 2005 to February 25, 2006) 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 facility in St. Clair County.	4-0 UST Appeal
PCB 07-19	<u>Frey Enterprises, Inc. (February 1, 2006 to April 15, 2006) 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 facility in St. Clair County.	4-0 UST Appeal
PCB 07-24	<u>Webb & Sons, Inc. v. IEPA</u> – No action taken.	UST Appeal

PCB 07-27	<u>Village of Wilmette v. IEPA</u> – No action taken.	UST Appeal
PCB 07-30	<u>The Premcor Refining Group, Inc. v. IEPA</u> – No action taken.	P-A, Air
PCB 07-44	<u>Indian Creek Development Company individually as beneficiary under Trust 3291 of the Chicago Title and Trust Company dated December 15, 1981 and the Chicago Title and Trust Company, as trustee under trust 3291 dated December 15, 1981 v. The Burlington Northern Santa Fe Railway Company</u> – No action taken.	L&W-E
PCB 07-49	<u>People of the State of Illinois v. City of Woodstock</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	4-0 W-E
PCB 07-50	<u>Growmark, Inc. (Property Identification Number 38-11-400-001 and 38-11-400-005) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified agrichemical structures of Growmark, Inc.’s at its plant located in McLean 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
PCB 07-51	<u>LaSalle County Farm Supply (Vapor Recovery System)(Property Identification Number (22-25-333-000) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that the specified vapor recovery system of LaSalle County Farm Supply’s at its bulk fuel storage facility located in LaSalle County is a pollution control facility for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C

PCB 07-52 Logan Agri Service, Inc. (Vapor Recovery System)(Property Identification Number 43-033-07) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that the specified vapor recovery system of Logan Agri Service, Inc.’s at its bulk fuel storage facility located in Pike County is a pollution control facility for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

CASES PENDING DECISION

PCB 06-171 American Bottom Conservancy v. IEPA and United Steel Corporation – Granite City Works – (due 1/30) Johnson
P-A,
NPDES

OTHER ITEMS

Chairman’s Motion to Change Date and Room Location of Thursday, January 18, 2007 Meeting to Friday, January 26, 2007 at 11:00 a.m. at the James R. Thompson Center, 100 W. Randolph Street, Room 11-512, Chicago

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:20 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 26, 2007, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board