

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



THURSDAY, MARCH 15, 2007 CHICAGO OFFICE
100 W. Randolph Street
Conference Room 9-040
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

The minutes of the March 1, 2007 open meeting and the March 8, 2007 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

R06-26	<u>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.</u>	R, Air
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ADJUSTED STANDARDS

AS 07-3 In the Matter of: Petition of Midwest Generation, L.L.C., Waukegan Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230 – The Board granted petitioner’s motion to stay proceedings pending completion 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, R06-26. 4-0
Air

AS 07-4 In the Matter of: Petition of Midwest Generation, L.L.C., Will County Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230 – The Board granted petitioner’s motion to stay proceedings pending completion 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, R06-26. 4-0
Air

ADMINISTRATIVE CITATIONS

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

AC 06-50 IEPA v. Maria Lewis Gates, Mark Gates, and Mark Kingsley Lewis – The Board granted respondent Mark Gates’ motion in part. The Illinois Environmental Protection Agency need not produce the documents requested, but Gates is given until April 13, 2007 to amend his original petition. 4-0

AC 07-31 IEPA v. Mark A. Lewis – The Board dismissed respondent’s petition for review as untimely filed. The Board then found that this Clay County respondent violated Section (p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500. 4-0

AC 07-33	<u>IEPA v. Donald R. Langley, Perry D. Winebrinner and Bret Slater</u> – The Board found that these Logan County respondents violated Section (p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
AC 07-34	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board accepted as timely respondents’ petition for review of this administrative citation involving a Union County facility. But, the Board then directed respondents to file with in thirty days, an amended petition stating the reasons for appeal as required by 35 Ill. Adm. Code 108.206.	4-0
AC 07-35	<u>County of Jackson v. Gary Easton</u> – The Board found that this Jackson County respondent violated Section (p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)). Because the Board had previously found respondent in violation of Section 21(p)(1) (<i>see County of Jackson v. Gary Easton</i> , AC 04-42 (Mar. 18, 2004)), the total civil penalty assessed is \$3,000.	4-0
AC 07-36 AC 07-37 AC 07-38 (not cons.)	<u>IEPA v. Lawrence Abraham Bartolomucci</u> – The Board accepted respondent’s petition for review and on its own motion consolidated these administrative citations concerning three sites in Jefferson County for purpose of hearing.	4-0
AC 07-39	<u>County of Jackson v. Gary Easton</u> – The Board found that this Jackson County respondent violated Section (p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)). Because the Board had previously found respondent in violation of Section 21(p)(1) (<i>see County of Jackson v. Gary Easton</i> , AC 04-42 (Mar. 18, 2004)), the total civil penalty assessed is \$3,000.	4-0
AC 07-43	<u>County of Jackson v. Bob Osinga</u> – The Board accepted respondent’s petition for review of this administrative citation involving a Jackson County facility, and set the matter for hearing.	4-0
AC 07-46	<u>IEPA v. Adolph M. Lo</u> – The Board accepted an administrative citation against this Champaign County respondent.	

ADJUDICATORY CASES

Decisions

PCB 06-79 People of the State of Illinois v. City of Gillespie – In this water enforcement action concerning a Macoupin 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 \$2,000, and to cease and desist from further violations. The respondents must also perform a supplemental environmental project by making a \$5,000 grant to the Gillespie Soccer Association to fund a project intended to reduce or eliminate erosion and leaching at the Little Dog Coal Mine site now owned and operated by the soccer association. 4-0
W-E

PCB 07-73 People of the State of Illinois v. Randy Edmund d/b/a Edmund Farms – In this water enforcement action concerning a Henry 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 \$7,500, and to cease and desist from further violations. 4-0
W-E

Motions and Other Matters

PCB 02-11 Doris Glave and Glenn Glave v. Brent Harris, Patty Harris, and 4-0
PCB 02-32 Winds Chant Kennel, Inc.; Village of Grayslake v. Winds Chant
(cons.) Kennel, Inc. – The Board granted the parties’ stipulated motion to Citizens
dismiss this consolidated citizens’ enforcement action involving a N-E
Lake County facility.

PCB 03-191 People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris – The Board denied complainant’s motion to set a hearing date or, alternatively, sever the respondents’ claims. 4-0
L-E

PCB 05-191	<u>People of the State of Illinois v. Castle Ridge Estates Incorporated</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 Madison County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 05-193	<u>Vernon and Elaine Zohfeld v. Bob Drake, Wabash Valley Service Company, Michael J. Pfister, Doah D. Horton, and Steve Kinder</u> – No action taken.	A-E
PCB 05-212	<u>John and Linda Maracic v. TNT Logistics North America Inc.</u> – The Board granted petitioners’ motion for leave to file the amended complaint and accepted their filing of the amended complaint, but denied their motion to add Key Logistics Solutions and Location Finders, Inc. as respondents. The Board also granted respondent’s motion to dismiss the original complaint and the amended complaint.	4-0 N-E
PCB 05-213	<u>Vincent and Jennifer Neri v. TNT Logistics North America Inc.</u> – The Board granted petitioners’ motion for leave to file the amended complaint and accepted their filing of the amended complaint, but denied their motion to add Key Logistics Solutions and Location Finders, Inc. as respondents. The Board also granted respondent’s motion to dismiss the original complaint and the amended complaint.	4-0 N-E
PCB 05-216	<u>Wayne Haser v. TNT Logistics North America Inc.</u> – The Board granted petitioners’ motion for leave to file the amended complaint and accepted their filing of the amended complaint, but denied their motion to add Key Logistics Solutions and Location Finders, Inc. as respondents. The Board also granted respondent’s motion to dismiss the original complaint and the amended complaint..	4-0 N-E

PCB 05-217	<u>Ken Blouin v. TNT Logistics North America Inc.</u> – The Board granted petitioners’ motion for leave to file the amended complaint and accepted their filing of the amended complaint, but denied their motion to add Key Logistics Solutions and Location Finders, Inc. as respondents. The Board also granted respondent’s motion to dismiss the original complaint and the amended complaint.	4-0 N-E
PCB 06-52	<u>Knapp Oil Company, Don’s 66 v. IEPA</u> – No action taken.	UST Appeal
PCB 06-171	<u>American Bottom Conservancy v. IEPA and United States Steel Corporation - Granite City Works</u> – No action taken.	P-A, NPDES
PCB 07-9	<u>K.A. Steel Chemicals Inc. v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, NPDES
PCB 07-16	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – No action taken.	W-E
PCB 07-27	<u>Village of Wilmette v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with PCB 07-48. The Board took no action on respondent’s motion for summary judgment.	4-0 UST Appeal
PCB 07-37	<u>People of the State of Illinois v. Village of Dorchester</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 Macoupin County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 07-39	<u>City of Geneva v. IEPA</u> – The Board granted this Kane County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water

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> – The Board, in this land and water enforcement action involving a site located in Kane County, denied respondent’s motion to dismiss, determined that the complaint was neither duplicative nor frivolous, and accepted the complaint for hearing.	L&W-E
PCB 07-48	<u>Village of Wilmette v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with PCB 07-27.	4-0 UST Appeal
PCB 07-81	<u>People of the State of Illinois v. Durre Brothers Welding and Machine Shop, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Woodford County.	4-0 W-E
PCB 07-82	<u>Bob’s Service Center, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	4-0 UST Appeal
PCB 07-83	<u>People of the State of Illinois v. Edelstein Waterworks Co-Op</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Peoria County.	4-0 PWS-E

ADDENDUM

PCB 07-84	<u>American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc.</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Madison County facility.	4-0 P-C-F-S-R
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CASES PENDING DECISION

R07-2 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 through June 30, 2006; In the Matter of: SDWA Update, USEPA Amendments (July 1, 2006 through December 31, 2006) – Proposal for Public Comment, Deadline Extension Order R, PWS
R07-11
(cons.)

PCB 04-88 Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox P-A,
NPDES

PCB 04-184 Midwest Generation EME, L.L.C. v. IEPA – Respondent’s Clarification of Trade Secret Determination in Response to November 4, 2004 Board Order (11/30/04), Petitioner’s Motion to Strike the Clarification of the Agency’s Trade Secret Determination (12/9/04), Respondent’s Response to Petitioner’s Motion to Strike Clarification of the Agency’s Trade Secret Determination (1/11/05), Petitioner’s Motion for Leave to File Reply to the Agency’s Response to Petitioner’s Motion to Strike (1/19/05) T-C
Appeal

OTHER ITEMS

The Board granted the Chairman’s motion to cancel the April 5, 2007 Regular Board Meeting. 4-0

ADJOURNMENT

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 April 19, 2007, by a vote of.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board