

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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August 23, 2007

**CHICAGO OFFICE**  
Room 9-040, 100 West Randolph Street  
Chicago, IL 60601  
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 Assistant Clerk of the Board called the roll. All Board Members answered present.

### APPROVAL OF MINUTES

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The minutes of the August 9, 2007 open meeting were approved by a vote of 4-0.

### RULEMAKINGS

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**R06-26**

In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO<sub>2</sub>, NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D, E, and F –  
The Board adopted a final opinion and order in this rulemaking amending the Board's air pollution regulations.

4-0  
R, Air

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<b>R07-19</b>	<u>In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – The Board granted the Illinois Environmental Protection Agency’s motion to withdraw testimony.	4-0 R, Air
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**ADJUSTED STANDARDS**

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<b>AS 08-001</b>	<u>In the Matter of: Petition of Illinois Department of Transportation, District 8, Bowman Avenue Pump Station and Deep Well System, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. IL0070955)</u> – No action taken.	Water
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**ADMINISTRATIVE CITATIONS**

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**AC 06-23**      IEPA v. Harold Graves - No action taken.

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**AC 06-39**      City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc. – No action taken.

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**AC 06-40**      City of Chicago Department of Environment v. Jose R. Gonzalez - No action taken.

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**AC 06-41**      City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC - No action taken.

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**AC 07-25**      City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC - No action taken.

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**AC 07-72**      IEPA v. Landfill 33 Ltd., Wendt Family Trust, Richard Deibel, and Brian Hayes – The Board found that these Effingham County respondents violated Sections 21(o)(5) and (o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5) and (o)(12) (2006)), and ordered respondents to pay a civil penalty of \$1,000.

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AC 08-5

County of Macon, Illinois v. Annette Topps and Richard Jones –  
The Board accepted for hearing this petition for review of an  
administrative citation against these Macon County respondents.

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**ADJUDICATORY CASES**

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Decisions

None

Motions and Other Matters

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<b>PCB 04-185</b>	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Air
<b>PCB 04-216</b>	<u>Midwest Generation v. IEPA</u> – No action taken.	T-S Air
<b>PCB 06-157</b>	<u>People of the State of Illinois v. Belvidere National Bank and Trust Company Trust Number 1600, a trust, Cordray Brothers, Inc., an Illinois corporation, and as sole beneficiary of Trust No. 1600</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 three sites located in Boone and Ogle Counties, the Board ordered publication of the required newspaper notice.	4-0 W-E

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<b>PCB 07-44</b>	<u>Indian Creek Development Company, an Illinois partnership, 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, a Delaware company</u> – No action taken.	L, W-E
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-135</b>	<u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</u> – No action taken.	A,N,W-E
<b>PCB 07-145</b>	<u>Randy Grant, Donald Grant and Patricia Wallace v. Mach Mining (Pond Creek Mine #1)</u> - No action taken.	N-E
<b>PCB 07-146</b>	<u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> –The Board granted Kendall County’s motion to intervene.	4-0 P-C-F-S-R
<b>PCB 08-09</b>	<u>Midwest Generation, LLC, Will County Generating Station v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 P-A Air
<b>PCB 08-12</b>	<u>Loretta Thigpen v. Morton Mobile Home Park, LLC, an Illinois limited liability company, d/b/a Edgewood Terrace Mobile Home Park</u> – The Board held this action for proof of service and a later duplicative/frivolous determination this citizens’ public water supply enforcement action involving a Tazewell County facility.	PWS-E
<b>PCB 08-13</b>	<u>Chad Gifford v. American Metal Fibers, Inc.</u> – The Board held this action for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Lake facility.	N-E
<b>PCB 08-15</b>	<u>People of the State of Illinois v. Four S, LLC,</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

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<b>PCB 08-16</b>	<u>Dalee Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	4-0 UST Appeal
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<b>PCB 08-17</b>	<u>People of the State of Illinois v. Felker Pharmacy, Inc. and Rod Bennett Construction, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Lee County.	4-0 W-E
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### **CASES PENDING DECISION**

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<b>R07-9</b>	<u>In the Matter of: Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards: Proposed Amendments to 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 409.109(b)(2)(B), 406.100(d); Repealer of 35 Ill. Adm. Code 406.203 and Part 407; and Proposed New 35 Ill. Adm. Code 302.208(h) – Proposed Rule – First Notice</u>	R,Water
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### **OTHER ITEMS**

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	The Board granted the Chairman’s Motion to change September 6, 2007, Meeting from a Video Meeting to One Held in the James R. Thompson Center, Chicago, Room 9-040.	4-0
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### **ADJOURNMENT**

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Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:15 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 6, 2007, by a vote of .

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board