

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



OCTOBER 4, 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 Assistant Clerk of the Board called the roll. All Board Members answered present.

APPROVAL OF MINUTES

The minutes of the September 20, 2007 open meeting and September 29, 2007 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

R07-8	<u>In the Matter of: Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's solid waste disposal regulations.	4-0 R, Land
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R07-17	<p><u>In the Matter of: Amendments to the Board's Procedural Rules and Underground Storage Tank Rules to Reflect P. A. 94-0274, P.A. 94-0276, P.A. 94-0824, P.A. 95-031, P.A. 95-0177, and P.A. 95-0408 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 634.115, and 734.710)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s procedural rules and underground storage tank regulations to reflect recent legislation.</p>	4-0 R, Land
R08-8	<p><u>In the Matter of: Abbott Laboratories' Proposed Site-Specific Amendment to Applicability Section of Organic Material Emission Standards and Limitations for the Chicago Area: Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b))</u> – The Board accepted for hearing petitioner’s September 4, 2007 proposal to amend the Board’s air pollution control regulations. The Board also authorized first notice publication of the proposal without comment on the merits. The Board granted petitioner’s motions to waive requirements to submit 200 signatures, but denied the request for expedited review. The Board also requested that petitioner address the “published study or report” requirement of 35 Ill. Adm. Code 102.210(c).</p>	3-0 Moore abstained R, Air

ADJUSTED STANDARDS

AS 08-2	<p><u>In the Matter of: Petition of Stericycle, Inc. for an Adjusted Standard from Ill. Adm. Code tit. 35 1422.111(B)(1); 1450.105(A)-(B); 1450.200 (E); and Condition 15 of Permit No. 1997-264-DE/OP, Supplemental Permit No. 2005-182-SP</u> – No action taken.</p>	
AS 08-3	<p><u>In the Matter of: Petition for Adjusted Standard from 35 Ill. Adm. Code 620.420 for Nobel Risley's Landfill #2</u> – The Board granted the Agency’s motion for an extension of the time in which it must file the recommendation, now due on November 19, 2007. The Board also granted petitioner’s motion for leave to file only a total of four copies of the 1,250-page technical justification. The Board denied petitioner’ request for expedited review.</p>	4-0
AS 08-4	<p><u>In the Matter of: Petition of the City of Chicago Heights for an Adjusted Standard from 35 IAC 810.103, 814.102, and 814.501(c)</u> – No action taken.</p>	Land

ADMINISTRATIVE CITATIONS

AC 06-39	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u> – No action taken.	
AC 06-40	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u> - No action taken.	
AC 06-41	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> - No action taken.	
AC 07-25	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> - No action taken.	
AC 08-4	<u>IEPA v. Fred Honaker</u> - The Board found that this Moultrie respondent violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2006)) and ordered respondent to pay a penalty of \$4,500.	4-0
AC 08-5	<u>County of Macon, Illinois v. Annette Topps and Richard Jones</u> - The Board found that Annette Topps only, violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2006)) and ordered respondent to pay a penalty of \$4,500. Richard Jones' petition for review was accepted for hearing on September 20, 2007.	4-0
AC 08-6	<u>IEPA v. Salam H. Nijme and Shasban Karam A. Nijme</u> - The Board accepted an administrative citation against these St. Clair County respondents.	

ADJUDICATORY CASES

PCB 01-69	<u>Terminal Railroad Association v. IEPA</u> – The Board granted this St. Clair County facility's motion for voluntary dismissal of this permit appeal.	4-0 P-A, Land
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PCB 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – No action taken.	T-S Air
PCB 04-216	<u>Midwest Generation v. IEPA</u> – No action taken.	T-S Air
PCB 05-202	<u>People of the State of Illinois v. Phoenix Finishing, 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 DuPage County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 06-7	<u>Lawrence Keith Padgett and Charlotte Ann Padgett v. Attorney's Title Guaranty Fund, Inc.</u> – The Board granted the joint motion for voluntary dismissal of this citizens noise enforcement action involving a Champaign County site.	4-0 N-E
PCB 06-157	<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> – In this water enforcement action concerning a Boone 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)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$15,000, and to cease and desist from further violations.	4-0 W-E
PCB 06-185	<u>D & L Landfill, Inc. v. IEPA</u> – The Board granted this Bond County facility's motion for voluntary dismissal of this permit appeal.	4-0 A, P-A
PCB 07-40	<u>People of the State of Illinois v. Village of Browning</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 Schuyler County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E

PCB 07-44	<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.	Citizens L, W-E
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	UST Appeal
PCB 07-82	<u>Bob’s Service Center, Inc. v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 Appeal
PCB 07-85	<u>TT-Town Drive Thru, Inc. v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-99	<u>L.W. Paul Supply Co., Inc. v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-108	<u>Reed’s Service v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-115	<u>Dynergy Midwest Generation, Inc. (Havana Power Station) v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 P-A, Air
PCB 07-119	<u>Mahr’s Service and Sales v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-120	<u>Ruth Oil Co., Inc. v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-126	<u>Gateway FS, Inc. v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-127	<u>Pioneer Oil Company v. IEPA</u> – The Board denied petitioner’s	4-0

motion to consolidate this case with fourteen other UST appeals.

UST Appeal

PCB 07-128	<u>Jahraus Oil Company, Inc. v IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-129	<u>Yesley Service Company, Inc. v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-130	<u>Gallaher's Shell v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-135	<u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</u> – No action taken.	A,N,W-E
PCB 07-137	<u>Russell Oil Company, Inc. v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-138	<u>Watertower Marina, Inc. v. IEPA</u> – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-140	<u>Anne or Fred Hood 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 located in Macoupin County.	4-0 UST Appeal
PCB 07-143	<u>Joe’s Midtown Auto Repair v. IEPA</u> – No action taken.	UST Appeal
PCB 08-12	<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 found the alleged violations of the Board’s regulation and the Environmental Protection Act neither duplicative nor frivolous and accepted this citizen’s public water supply enforcement action involving a Tazewell County facility for hearing.	PWS-E, Citizens
PCB 08-15	<u>People of the State of Illinois v. Four S, LLC</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)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$2,500, and to cease and desist from further violations.	4-0 W-E

PCB 08-22	<u>Midwest Generating, LLC, Will County Generating Station v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit. The Board denied the request for stay as to a portion of Condition 5(b) only.	4-0 P-A, Air
PCB 08-23	<u>Midwest Generating, LLC, Powerton Generating Station v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit. The Board denied the request for stay as to a portion of Condition 5(b) only.	4-0 P-A, Air
PCB 08-24	<u>Midwest Generating, LLC, Joliet Generating Station v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit. The Board denied the request for stay as to a portion of Condition 5(b) only.	4-0 P-A, Air
PCB 08-26	<u>People of the State of Illinois v. Gary Cates, d/b/a Cherry Street Automotive, Calvin Booth, d/b/a Auto Salvage Illinois, and S. I. Promotion Flora, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Lee County.	4-0 L-E
PCB 08-27	<u>People of the State of Illinois v. City of Hometown</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County.	4-0 PWS-E

CASES PENDING DECISION

AS 07-2	<u>In the Matter of: Proposed Extension of Adjusted Standard Applicable to Illinois-American Water Company's Alton Public Water Supply Facility Discharge to the Mississippi River</u>	AS-Water
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:32.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 18, 2007, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board