

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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February 7, 2008

CHICAGO OFFICE  
100 W. Randolph Street  
Chicago, IL  
Conference Room 2-025

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 four Board Members answered present.

### APPROVAL OF MINUTES

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The minutes of the January 24, 2008 open meeting were approved by a vote of 4-0.

### RULEMAKINGS

<b>R08-9</b>	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304 –</u> Upon motion, the Board granted Kristy A.N. Bulleit and Brent Fewell leave to appear <i>pro hac vice</i> on behalf of Midwest Generation EME, LLC.	4-0 Water
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## ADJUSTED STANDARDS

<b>AS 07-3</b>	<u>In the Matter of: Petition of Midwest Generation, LLC, Waukegan Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230</u> – No action taken.	Air
<b>AS 07-4</b>	<u>In the Matter of: Petition of Midwest Generation, LLC, Will County Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230</u> – No action taken.	Air
<b>AS 07-6</b>	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code 738, Subpart B</u> – Referred to hearing officer for disposition.	Land
<b>AS 08-2</b>	<u>In the Matter of: Petition of Stericycle, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 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.	PIMW
<b>AS 08-7</b>	<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.	Land

## **ADMINISTRATIVE CITATIONS**

<b>AC 06-39</b>	City of Chicago Department of Environment v. <u>Speedy Gonzalez Landscaping, Inc.</u> – No action taken. All outstanding motions will be decided with the case in chief.	
<b>AC 06-40</b>	City of Chicago Department of Environment v. Jose R. Gonzalez – No action taken. All outstanding motions will be decided with the case in chief.	
<b>AC 06-41</b>	City of Chicago Department of Environment v. <u>1601-1759 East 130th Street, LLC</u> – No action taken. All outstanding motions will be decided with the case in chief.	
<b>AC 07-25</b>	City of Chicago Department of Environment v. <u>1601-1759 East 130th Street, LLC</u> – No action taken. All outstanding motions will be decided with the case in chief.	

<b>AC 08-13</b>	<u>County of DuPage v. Margarita Sotelo</u> – The Board accepted an administrative citation against this DuPage County respondent.	
<b>AC 08-14</b>	<u>County of DuPage v. Nicolas Cruz</u> – The Board accepted an administrative citation against this DuPage County respondent.	
<b>AC 08-15</b>	<u>County of DuPage v. Jamal Abro</u> – The Board accepted an administrative citation against this DuPage County respondent.	
<b>AC 08-16</b>	<u>IEPA v. Gene Greeden</u> – The Board accepted an administrative citation against this Iroquois County respondent.	

### **ADJUDICATORY CASES**

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<b>PCB 96-98</b>	<u>People of the State of Illinois v. Skokie Valley Asphalt, 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
<b>PCB 04-102</b>	<u>Emerald Performance Materials, L.L.C (as purchaser of Noveon, Inc.) v. IEPA</u> – The Board granted petitioner’s motion to change name from “Noveon” to “Emerald Performance Materials, L.L.C and to voluntarily dismiss objections 1, 2, 5, and 6. The Board will address issues 3 and 4 after close of briefing schedule.	4-0 P-A, Air
<b>PCB 05-164</b>	<u>Rohm and Haas Company v. IEPA.</u> – The Board granted this Kankakee County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
<b>PCB 06-177</b>	<u>People of the State of Illinois v. Sheridan Sand &amp; Gravel Co.,</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a LaSalle County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E

<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.	Citizens L, W-E
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-76</b>	<u>2F, Inc. v. IEPA</u> – The Board granted this Saline County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
<b>PCB 07-82</b>	<u>Bob's Service Center, Inc. v. IEPA</u> – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
<b>PCB 07-84</b>	<u>American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc.</u> – No action taken.	L-S-R
<b>PCB 07-85</b>	<u>TT-Town Drive Thru, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-96</b>	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	N-E
<b>PCB 07-97</b>	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	N-E
<b>PCB 07-128</b>	<u>Jahraus Oil Company, Inc. v IEPA</u> – The Board granted this Marion County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
<b>PCB 07-130</b>	<u>Gallaher's Shell v. IEPA</u> – The Board granted this Hancock County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
<b>PCB 07-147</b>	<u>L. Keller Oil Properties, Inc. / Farina v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 08-17</b>	<u>People of the State of Illinois v. Felker Pharmacy, Inc. and Rod Bennett Construction, Inc. v. McClellan Blakemore Architects, Inc. and Wendler Engineering Services, Inc.</u> – No action taken.	W-E
<b>PCB 08-33</b>	<u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-V

<b>PCB 08-35</b>	<u>Estate of William Eggert v. IEPA</u> – The Board granted respondent’s motion for dismissal of this underground storage tank appeal involving a Hancock County facility.	UST Appeal
<b>PCB 08-42</b>	<u>Tom Edwards/River Rescue v. IEPA and Peoria Disposal Company</u> – No action taken.	P-A, RCRA

**CASES PENDING DECISION**

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None

**OTHER ITEMS**

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**ADJOURNMENT**

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Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:17a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 21, 2008, by a vote of 4.0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board