

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 5, 2008

Chicago/Springfield Videoconference

CHICAGO OFFICE

100 W. Randolph Street

Chicago, IL

Videoconference Room 11-512

And

SPRINGFIELD OFFICE

1021 N. Grand Avenue East

Springfield, IL

Videoconference Room 1244N, First Floor

11:00 A.M.

ANNOUNCEMENTS

Chairman Girard welcomed members of the public and staff. Chairman Girard then introduced Catie Heindel a Legal Intern from Chicago-Kent Law School.

ROLL CALL

The Assistant Clerk of the Board called the roll. All four Board Members answered present.

APPROVAL OF MINUTES

The minutes of the May 15, 2008 open meeting were approved by a vote of 4-0.

RULEMAKINGS

R07-5, R07-14	<u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2006 through June 30, 2006)</u> <u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board adopted a final opinion and order in this consolidated “identical-in-substance” rulemaking amending the Board’s hazardous waste regulations.	4-0 Land
R08-19	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s May 9, 2008 proposal to amend the Board’s air pollution control regulations to control nitrogen oxides emissions. The Board also granted the motion to file a limited number of copies.	4-0 Air

ADJUSTED STANDARDS

AS 07-3	<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> – The Board granted motion to withdraw petition.	4-0 Air
AS 07-4	<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> – The Board granted motion to withdraw petition.	4-0 Air
AS 08-10	<u>In the Matter of: RCRA Delisting Adjusted Standard Petition for Peoria Disposal Company v. IEPA</u> – The Board found that petitioner has satisfied the jurisdictional requirement of providing newspaper notice of its petition for an adjusted standard and accepted this matter for hearing. The Board granted petitioner’s motion to expedite review and to file a reduced number of copies of specified documents. The Board reserved ruling on petitioner’s application for non-disclosure.	4-0 Land

ADMINISTRATIVE CITATIONS

AC 05-61	<u>IEPA v. Timothy Pearce</u> – No action taken.	
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AC 08-22	<u>IEPA v. Pike County Landfill, Inc., Larry Beard and Steven Blake</u> – The Board found that these respondents violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (2006)), assessing a penalty of \$500 in this administrative citation involving a Pike County facility.	4-0
AC 08-23	<u>IEPA v. William Dixon</u> – The Board found that this respondent violated Sections 21(p)(1), (p)(2), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1)(p)(3), (p)(7) (2006)), assessing a penalty of \$6,000 in this administrative citation involving an Union County facility.	4-0
AC 08-24	<u>IEPA v. Gire Properties, Inc. and Gire Construction, Inc.</u> – The Board found that these respondents violated Sections 21(p)(1), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(4), (p)(7) (2006)), assessing a penalty of \$4,500 in this administrative citation involving an Douglas County facility.	4-0
AC 08-26	<u>IEPA v. Edward W. Fisher, Rhonda L. Fisher and DEM/EX Group, Inc.</u> – The Board found that these respondents violated Sections 21(p)(1) and (p) (7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)), assessing a penalty of \$3,000 in this administrative citation involving an Mason County facility.	4-0
AC 08-28	<u>IEPA v. Joseph Cosentino and Rob Pinski</u> – The Board accepted for hearing respondent Pinski’s petition for review of this administrative citation involving a Perry County facility. The Board also granted complainant’s motion to dismiss Cosentino from this matter.	4-0
AC 08-29	<u>IEPA v. Keister's, Inc.</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Warren County facility.	4-0
AC 08-30	<u>IEPA v. Thomas, Wayne, and Valerie Hill</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0

ADJUDICATORY CASES

PCB 07-32	<u>People of the State of Illinois v. Lake Arlann Drainage District, Cochran & Wilken, Inc. and Southwind Construction Corp.</u> – Upon receipt of two proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement on behalf of Lake Arlann Drainage District and Cochran & Wilken, Inc. in this water enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice.	4-0 W-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> – No action taken.	UST Appeal
PCB 07-85	<u>T-Town Drive Thru, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	Citizens N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	Citizens N-E
PCB 07-134	<u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Village of Rockton</u> – In this water enforcement action concerning a Winnebago 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$7,514.00, and to cease and desist from further violations.	4-0 W-E
PCB 07-146	<u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – The Board denied respondent’s motion to dismiss.	4-0 PCFSR, Land

PCB 08-49	<u>Joyce Farms Recycling, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Kankakee County facility.	4-0 P-A, Air
PCB 08-76	<u>Anne McDonagh and Davd Fishbaum v. Richard Michelin and Amy Michelin</u> – No action taken.	Citizens N-E
PCB 08-90	<u>Pilkington North America v. IEPA</u> – The Board accepted for hearing and granted Kurt A. Kissling’s motion to appear <i>pro hac vice</i> in this permit appeal involving a LaSalle County facility.	4-0 P-A, Air
PCB 08-91	<u>People of the State of Illinois v. Surface Manufacturing Company</u> – The Board accepted for hearing this water enforcement action involving a site located in Boone County.	4-0 W-E
PCB 08-92	<u>People of the State of Illinois v. Advantage National Bancorp, Inc. and Vacala Construction, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in DuPage County.	4-0 W-E
PCB 08-93	<u>People of Williamson County ex rel State’s Attorney Charles Garnati and the Williamson County Board v. Kibler Development Corporation, Marion Ridge Landfill, Inc., and Illinois Environmental Protection Agency</u> – No action taken.	4-0 P-A, Land Third Party
PCB 08-94	<u>People of the State of Illinois v. CFC International, 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 Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E

CASES PENDING DECISION

R08-8	<u>In the Matter of: Abbott Laboratories Proposed Site-specific Amendment to Applicability Selection of Organic Material Emission Standards and Limitations for the Chicago Area: Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b))</u> – Proposed Rule, Second Notice, Opinion & Order	Air
PCB 08-42	<u>Tom Edwards v. IEPA and Peoria Disposal Company</u> – Final Order (due 6/19) –	PA, RCRA

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:25 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 19, 2008, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board