

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**December 18, 2008**

**Videoconference**  
**CHICAGO OFFICE**  
100 W. Randolph Street  
Chicago, IL  
**Room 11-512**

**AND**

**SPRINGFIELD OFFICE**  
1021 N. Grand Avenue East  
Springfield, IL  
**Room 1244N, First Floor**

**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 five Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the December 4, 2008 open meeting and December 11, 2008 closed deliberative session were approved by a vote of 5-0.

## RULEMAKINGS

<p><b>R08-7</b> <b>R08-13</b> (cons.)</p>	<p><u>SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> <u>SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board adopted a final opinion and order in this “identical-in-substance” consolidated rulemaking amending the Board’s drinking water regulations.</p>	<p>5-0 PWS</p>
<p><b>R09-11</b></p>	<p><u>In the Matter of: Proposed Site Specific Rule Applicable to the City of Galva Sewage Treatment Plants Discharge to Edwards River and Mud Run Creek, 35 Ill. Adm. Code 302.208(g)</u> – No action taken.</p>	<p>Water</p>
<p><b>R09-12</b></p>	<p><u>Definition of VOM Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	<p>5-0 Air</p>
<p><b>R09-13</b></p>	<p><u>SDWA Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	<p>5-0 Air</p>
<p><b>R09-14</b></p>	<p><u>UIC Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	<p>5-0 Air</p>
<p><b>R09-15</b></p>	<p><u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	<p>5-0 Air</p>
<p><b>R09-16</b></p>	<p><u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	<p>5-0 Air</p>

<b>R09-17</b>	<u>UST Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	5-0 Air
<b>R09-18</b>	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	5-0 Air
<b>R09-19</b>	<u>In the Matter of: Air Quality Standards Clean-up: Amendments to 35 Ill. Adm. Code Part 243</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s December 1, 2008 proposal to amend the Board’s air pollution control regulations.	5-0 Air

### **ADJUSTED STANDARDS**

<b>AS 08-8</b>	<u>In the Matter of: Petition of Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. for Adjusted Standard from Ammonia Nitrogen Discharge Levels at 35 Ill. Adm. Code 304.122</u> – The Board granted an adjusted standard to Citgo Petroleum Corporation (Citgo) and PDV Midwest Refining, L.L.C. (PDV) for a petroleum refinery which PDV owns and Citgo operates, located at 135th Street and New Avenue in Lemont, Will County, subject to conditions.	5-0 Water
<b>AS 09-2</b>	<u>In the Matter of: In the Matter of: Petition of Maximum Investments, LLC for an Adjusted Standard from 35 Ill Administrative Code 740.210(a)3 for the Stoney Creek Landfill, Palos Hills, Il.</u> – The Board dismissed this petition for an adjusted standard because an attorney did not file the petition and an attorney has not filed an appearance, contrary to the Board’s procedural rules, and for petitioner’s failure to timely publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected, as required by Section 28.1 of the Environmental Protection Act (415 ILCS 5/28.1(d)(1) (2006)).	5-0 Land

### **ADMINISTRATIVE CITATIONS**

<b>AC 09-14</b>	<u>IEPA v. Reynolds Service Co.</u> – The Board denied Reynolds Service Co.’s reply to the motion to clarify as moot, having denied the motion and entered a default order against respondents on December 4, 2008.	5-0
<b>AC 09-22</b>	<u>IEPA v. Bradley &amp; Carol Corzine</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Union County facility.	5-0
<b>AC 09-23</b>	<u>IEPA v. Allied Waste, Inc.</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
<b>AC 09-26</b>	<u>County of Vermilion, Illinois v. Bill Richardson</u> – The Board accepted an administrative citation against this Vermilion County respondent.	
<b>AC 09-27</b>	<u>IEPA v. Steve Danielson</u> – The Board accepted an administrative citation against this Bureau County respondent.	
<b>AC 09-28</b>	<u>IEPA v. Theodore and Sally Jackson</u> – The Board accepted an administrative citation against these Mason County respondents.	

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## ADJUDICATORY CASES

<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 07-70</b>	<u>People of the State of Illinois v. J. B. Timmermann Farms, Ltd.,</u> – No action taken.	W-E
<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> – The Board found the stipulation deficient, stating the Board lacks the authority under the Environmental Protection Act to approve the stipulation because the stipulation requires payment of funds to a private party. The Board declined to accept the stipulation.	5-0 W-E
<b>PCB 08-86</b>	<u>City of Quincy v. IEPA</u> – No action taken.	P-A, Water
<b>PCB 08-87</b>	<u>People of the State of Illinois v. Steve Soderberg d/b/a Steve's Concrete and Excavating</u> – No action taken.	W-E
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	Citizens A, L, W-E
<b>PCB 08-102</b>	<u>People of the State of Illinois v. City of Coffeen</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 Montgomery County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 09-5</b>	<u>People of the State of Illinois v. Alden Bennett Construction Company, Inc. and Bloomingdale Horizon I Limited Partnership</u> – In this water enforcement action concerning a DuPage 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 respondents to pay a total civil penalty of \$12,000, and to cease and desist from further violations.	5-0 W-E

<b>PCB 09-36</b>	<u>Apollo Plastics Corporation v IEPA</u> – No action taken.	P-A, Air
<b>PCB 09-38</b>	<u>Ameren Energy Generating Company v. IEPA</u> – No action taken.	P-A, Water
<b>PCB 09-39</b>	<u>People of the State of Illinois v. Al-Algonquin Apartments, LLC, Algonquin Apartments, LLC, and Algonquin Management, LLC</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E

### **CASES PENDING DECISION**

<b>AS 08-10</b>	In the Matter of: RCRA Delisting Adjusted Standard Petition of Peoria Disposal Company – Final Opinion and Order	Land
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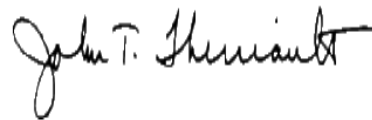
### **OTHER ITEMS**

	The Board granted the Chairman’s motion to hold a Closed Deliberative Session meeting on Tuesday, January 6, 2009, at 10:00 am in the James R. Thompson Center, Room 11-512, Chicago, IL.	5-0
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### **ADJOURNMENT**

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:20 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 8, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board