

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



March 5, 2009

CHICAGO OFFICE
100 W. Randolph Street
Chicago, IL

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 five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the February 19, 2009 open meeting and February 26, 2009 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R09-18	<u>Definition of VOM Update, USEPA amendments (July 1, 2008 through December 31, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic emission regulations during the update period of July 1, 2008 through December 31, 2008.	5-0 Air
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ADJUSTED STANDARDS

AS 09-1	<u>In the Matter of: Petition of Ameren Energy Generating Company for Adjusted Standards from 35 Ill. Adm. Code Parts 811, 814, and 815 (Hutsonville Power Station)</u> – The Board found that an adjusted standard is not the appropriate source of the regulatory relief which petitioner is seeking. The Board dismissed petitioner’s petition for an adjusted standard and closed this docket, inviting petitioner to propose a site specific rule instead.	5-0 Land
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ADMINISTRATIVE CITATIONS

AC 09-35	<u>IEPA v. William and Patricia Hajek</u> – The Board accepted William Hajek’s petition for review, but directed Patricia Hajek to file an amended petition to cure deficiencies.	5-0
AC 09-36	<u>County of Sangamon v. Landers' Children Family, LLC</u> – The Board accepted an administrative citation against this Sangamon County respondent.	
AC 09-37	<u>IEPA v. Info Corner Materials, Inc.</u> – The Board accepted an administrative citation against this Sangamon County respondent.	
AC 09-38	<u>IEPA v. Thomas, Wayne and Valerie Hill</u> – The Board accepted an administrative citation against these Union County respondents.	

ADJUDICATORY CASES

PCB 03-182	<u>People of the State of Illinois v. Vertellus Specialties, Inc., formerly known as Reilly Industries, Inc.</u> – In this air and 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$140,000.00, and to cease and desist from further violations.	5-0 A, W-E
PCB 05-50	<u>L. Keller Oil Properties (Charleston) v. IEPA</u> – The Board granted this Coles County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
PCB 05-163	<u>People of the State of Illinois v. Pekin Paperboard Company, L.P.</u> , – In this water enforcement action concerning a Tazewell 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)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$65,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 07-15	<u>Joyce Farms Recycling, Inc. v. IEPA</u> – The Board granted this Kankakee County facility’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Land
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 08-11	<u>People of the State of Illinois v. Plastic Capacitors, 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	A-E

PCB 08-17	<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
PCB 08-30	<u>Caseyville Sport Choice, LLC v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity, and Fairmount Park, Inc.</u> – No action taken.	L-E
PCB 08-34	<u>Webel Feeds and Tilhus, Inc. v. IEPA</u> – The Board granted this Pike County facility’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Land
PCB 08-49	<u>Joyce Farms Recycling, Inc. v. IEPA</u> – The Board granted this Kankakee County facility’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Land
PCB 08-51	<u>People of the State of Illinois v. Highland Baking Company</u> – In this air enforcement action concerning a Cook 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)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$75,000.00, and to cease and desist from further violations.	5-0 A-E
PCB 08-86	<u>City of Quincy v. IEPA</u> – No action taken.	P-A, Water
PCB 08-87	<u>People of the State of Illinois v. Steve Soderberg d/b/a Steve's Concrete and Excavating</u> – In this water enforcement action concerning a Winnebago County facility, the Board granted respondent’s motion for summary judgment. The Board found that respondent has violated Sections 12(a), 12(d), and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(d), 12(f) (2006)) and Sections 309.102(a) and 302.203 of the Board’s water pollution regulations (35 Ill. Adm. Code 309.102(a), 302.203), and ordered the respondent to pay a total civil penalty of \$12,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	Citizens A, L, W-E
PCB 09-21	<u>Ameren Energy Generating Company, Amerenenergy Resources Generating Company, and Electric Energy, Inc. v. IEPA</u> – No action taken.	A-V

PCB 09-33	<u>S & D. Realty, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 09-37	<u>Simons Auto Service Center v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	5-0 UST Appeal
PCB 09-38	<u>Ameren Energy Generating Company v. IEPA</u> – The Board accepted for hearing this request to modify site specific thermal standards involving a Montgomery County facility. The Board denied petitioner’s requests expedited review of its petition.	5-0 T
PCB 09-43	<u>Waste Management of Illinois, Inc. and Kendall Land and Cattle, LLC v. County Board of Kendall County</u> – No action taken.	P-C-F-S-R
PCB 09-45	<u>Jerrald R. West II v. Nakomis Quarry Company</u> – No action taken.	A-E
PCB 09-48	<u>Dynegy Midwest Generation v. IEPA</u> – The Board denied petitioner’s motion to reconsider and accepted the amended petition for hearing.	5-0 A-V
PCB 09-60	<u>People of the State of Illinois v. Crop Production Services</u> – The Board accepted for hearing this water enforcement action involving a site located in Montgomery County.	5-0 W-E
PCB 09-61	<u>Johnson Oil Company, LLC v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Vermilion County facility.	5-0 UST Appeal
PCB 09-62	<u>John Tarkowski v. IEPA</u> – No action taken.	P-A, Land
PCB 09-63	<u>J. I. Corporation v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Boone County facility.	5-0 UST Appeal, 90- Day Extension
PCB 09-64	<u>People of the State of Illinois v. Citgo Petroleum Corporation</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 Will County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

PCB 09-65	<u>People of the State of Illinois v. Stark Excavating, Inc.</u> , – The Board accepted for hearing this land enforcement action involving a site located in Montgomery County.	5-0 L-E
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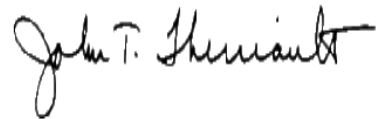
CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:27 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 19, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board