

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



September 16, 2008

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

3:00 P.M.

ANNOUNCEMENTS

Chairman Girard welcomed members of the public and staff.

ROLL CALL

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

APPROVAL OF MINUTES

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

RULEMAKINGS

<p>R07-19</p>	<p><u>In the Matter of : Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – The Board adopted a first notice opinion and order to amend the Board’s air pollution control regulations.</p>	<p>4-0 Air</p>
<p>R09-8</p>	<p><u>In the Matter of: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power and Springfield Metro Sanitary District From 35 Ill. Adm. Code Section 302.208(g)</u> – The Board accepted for hearing the petitioners’ August 29, 2008 proposal to amend the Board’s water pollution control regulations. The Board also granted the motions to waive signature requirement and for expedited consideration, directing first notice publication of the proposal in the Illinois Register without comment on its merits.</p>	<p>4-0 Water</p>
<p>R09-9</p>	<p><u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s September 3, 2008 proposal to amend the Board’s land pollution control regulations. The Board also granted the motion for relief from the requirement to file copies of material proposed to be incorporated by reference.</p>	<p>4-0 Land</p>

ADJUSTED STANDARDS

<p>AS 09-1</p>	<p><u>In the Matter of: Petition of Ameren Energy Generating Company for Adjusted Standards from 35 Il. Adm. Code Parts 811, 814, and 815 (Hutsonville Power Station)</u> – The Board accepted for hearing this petition for an adjusted standard seeking relief from the Board’s solid waste landfill regulations. The Board directed the parties to address whether adjusted standard relief is appropriate within 30 days. The Board also stayed the deadline by which the Illinois Environmental Protection Agency is to file its recommendation.</p>	<p>4-0 Land</p>
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ADMINISTRATIVE CITATIONS

AC 08-34	<u>IEPA v. Joseph Combs</u> – The Board dismissed this matter due to complainant’s failure to file with the Board proof of service on respondent.	4-0
AC 08-35	<u>IEPA v. George R. Ford</u> – The Board dismissed this matter due to complainant’s failure to file with the Board proof of service on respondent.	4-0
AC 08-36	<u>IEPA v. Charles F. Kinsel</u> – The Board dismissed this matter due to complainant’s failure to file with the Board proof of service on respondent.	4-0
AC 08-37	<u>IEPA v. Nancy Koltzenburg d/b/a K & N Excavating and Rentals</u> – The Board dismissed this matter due to complainant’s failure to file with the Board proof of service on respondent.	4-0
AC 09-4	<u>County of Jackson v. Lester Johnson and Arthur Cross</u> – The Board accepted for hearing respondents’ amended petitions for review of this administrative citation involving a Jackson County facility.	4-0
AC 09-6	<u>IEPA v. Euwell & Phyllis Beers and Jeremy Beers</u> – No action taken.	
AC 09-8	<u>County of Jackson v. Dan Kimmel</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Jackson County facility.	4-0
AC 09-9	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board ordered respondents to file an amended petition for review in this administrative citation involving a Jackson County facility, on or before October 16, 2008, or the petition for review would be subject to dismissal.	4-0
AC 09-13	<u>IEPA v. Billy Hammond, Sr.</u> – The Board accepted an administrative citation against this Franklin County respondent.	
AC 09-14	<u>IEPA v. Reynolds Service Co.</u> – The Board accepted an administrative citation against this Union County respondent.	

ADJUDICATORY CASES

PCB 04-102	<u>Emerald Performance Materials, L.L.C. (as purchaser of Noveon, Inc.) v. IEPA</u> – No action taken.	P-A, Air
PCB 05-35	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – No action taken.	P-A, Air
PCB 05-199	<u>People of the State of Illinois v. Champion Environmental Services, Inc., a Wisconsin corporation</u> – No action taken.	A-E
PCB 06-171	<u>American Bottom Conservancy v. Illinois Environmental Protection Agency and United States Steel Corporation - Granite City Works</u> – Consistent with the September 5, 2008 remanding order of the Appellate Court, Fifth District following its July 22, 2008 decision vacating the Board’s final order, the Board directed that the hearing officer schedule a telephone status conference with the parties to set deadlines for the filing of legal briefs.	4-0 P-A, NPDES 3 rd Party
PCB 07-42	<u>People of the State of Illinois v. Environmental Reclamation Company</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 Coles County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 07-43	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – No action taken.	P-A, Air
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 07-45	<u>People of the State of Illinois v. General Waste Services, Inc.,</u> – No action taken.	A-E

PCB 07-46	<u>People of the State of Illinois v. D & L. Disposal, L.L.C., a Delaware 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 Bond County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 07-63	<u>PMA & Associates, 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 08-16	<u>Dalee Oil Company v. IEPA</u> – The Board granted this Madison County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 08-30	<u>Caseyville Sport Choice, LLC, an Illinois Limited Liability Company v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity</u> – No action taken.	L-E
PCB 08-31	<u>Nokomis Oil Company v. IEPA</u> – The Board granted this Montgomery County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 08-95	<u>United City of Yorkville v. IEPA and Hamman Farms</u> – No action taken.	P-A, Land Third Party
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	Citizens A, L, W-E
PCB 09-1	<u>Archer Daniels Midland Company, Quincy v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this facility located in Adams County.	4-0 P-A, NPDES
PCB 09-7	<u>Streator Petrol Pump v. IEPA</u> – The Board granted this La Salle County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal

PCB 09-10	<u>Joseph & Victoria Morrissey v. Geoff Pahlos, Alpine Automotive</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this citizen complaint involving a Lake County site.	Citizens N-E
PCB 09-12	<u>Dennis Biddle - Seaton (Property ID Num 14-14-22-300-005) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that petitioner’s specified facilities, located in Mercer County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 09-13	<u>People of the State of Illinois v. Behr Iron & Steel, Inc., an Illinois Corporation</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this air enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 09-14	<u>People of the State of Illinois v. Behr Aluminum, Inc., an Illinois Corporation</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this air enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 09-15	<u>Lafever Farms-Joy (Property Identification Number 01-02-12-200-004) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that petitioner’s specified facilities, located in Mercer County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, W
PCB 09-16	<u>People of the State of Illinois v. Myers Industries, Inc.</u> – The Board accepted for hearing this land and noise enforcement action involving a site located in Logan County.	4-0 L, N-E

CASES PENDING DECISION

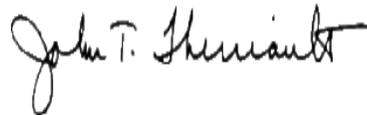
OTHER ITEMS

	The Board granted the Chairman's motion to change the 11:00 am Thursday, October 16, 2008 Board Meeting from one held in Springfield, to a videoconference meeting at 11:00 am (at the James R. Thompson Center, 100 W. Randolph, Room 11-512, Chicago, IL and 1021 N. Grand Avenue East, Conference Room 1244, First Floor, Springfield, Il.).	4-0
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ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 3:28 pm.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 30, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board