

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 8, 2009

CHICAGO OFFICE
100 W. Randolph Street
Chicago, IL

Room 2-025

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 December 18, 2008 open meeting and January 6, 2009 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R09-11	<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) – No action taken.</u>	Water
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ADJUSTED STANDARDS

AS 08-10	<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 – The Board granted an adjusted standard, subject to conditions, 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.</u>	5-0 Land
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ADMINISTRATIVE CITATIONS

AC 09-14	<u>IEPA v. Reynolds Service Co.</u> – No action taken.	
AC 09-18	<u>IEPA v. Troy Voss and Shirley Voss</u> – The Board found that these Henry County respondents violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2006)), and ordered respondent to pay a civil penalty of \$4,500.	5-0
AC 09-29	<u>IEPA v. Quinn & Glenna Hunley.</u> – The Board accepted an administrative citation against these Mason County respondents.	
AC 09-30	<u>IEPA v. Richard and Kelly Harp</u> – The Board accepted an administrative citation against these Mason County respondents.	
AC 09-31	<u>IEPA v. William and Patricia Hajek</u> – The Board accepted an administrative citation against these DeKalb County respondents.	
AC 09-32	<u>County of Will v. Glover Family Trust, Elaine D. Glover, Glen K. Glover</u> – The Board accepted an administrative citation against these Will County respondents.	

ADJUDICATORY CASES

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 07-70	<u>People of the State of Illinois v. J. B. Timmermann Farms, Ltd.,</u> – No action taken.	W-E
PCB 07-131	<u>People of the State of Illinois v. Vithalbhai Patel</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 Madison County facility, the Board ordered publication of the required newspaper notice.	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> – No action taken.	W-E
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	Citizens A, L, W-E
PCB 09-2	<u>People of the State of Illinois v. Centerpoint Properties Trust, a real estate investment trust, and FCL Investors, Inc., an Illinois corporation formerly known as FCL Builders, Inc.</u> – In this water enforcement action concerning a Lake 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 \$20,000, and to cease and desist from further violations.	5-0 W-E
PCB 09-28	<u>Huffman's Service v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Alexander County facility.	5-0 UST Appeal

PCB 09-36	<u>Apollo Plastics Corporation v IEPA</u> – The Board accepted this permit appeal involving a Cook County facility as timely filed but deficient due to the attempted consolidation of two appeals in one petition. The Board directed the filing of amended petitions in PCB 09-36 and the reserved docket PCB 09-44 along with a filing fee. The amended petitions must be filed by February 9, 2009, or the appeals will be dismissed.	5-0 P-A, Air
PCB 09-38	<u>Ameren Energy Generating Company v. IEPA</u> – No action taken.	P-A, Water
PCB 09-40	<u>People of the State of Illinois v. Illinois Valley Paving Company, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Peoria County.	5-0 W-E
PCB 09-41	<u>Kaskaskia Farm Company - Ashley v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kaskaskia Farm Company located in Jefferson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-42	<u>Mach III Farms - Beardstown v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mach III Farms located in Cass County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-43	<u>Waste Management of Illinois, Inc. and Kendall Land and Cattle, LLC v. County Board of Kendall County</u> – The Board accepted for hearing this pollution control facility siting appeal involving a Kendall County facility.	5-0 P-C-F-S-R
PCB 09-44	<u>Apollo Plastics Corporation v IEPA</u> – The Board accepted this permit appeal involving a Cook County facility as timely filed but deficient due to the attempted consolidation of two appeals in one petition. The Board directed the filing of amended petitions in PCB 09-36 and the reserved docket PCB 09-44 along with a filing fee. The amended petitions must be filed by February 9, 2009, or the appeals will be dismissed.	5-0 P-A, Air
PCB 09-45	<u>Jerrald R. West II v. Nakomis Quarry Company</u> – No action taken.	A-E

PCB 09-46	<u>Prairie Rivers Network and Sierra Club v. Illinois Environmental Protection Agency and Sugar Camp Energy, L.L.C.</u> – The Board accepted for hearing this third party permit appeal involving a Franklin County facility.	PA, NPDES- 3d P
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CASES PENDING DECISION

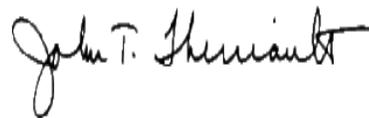
PCB 09-21	Ameren Energy Generating Company, Amerenenergy Resources Generating Company, and Electric Energy, Inc. v. IEPA – Opinion and Order (due 1/29/09)	A-V
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:21 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 22, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board