

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

---



**May 15, 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.

### **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 1, 2008 open meeting and May 8, 2008 closed deliberative session were approved by a vote of 4-0.

## **RULEMAKINGS**

<b>R08-19</b>	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211 – No action taken.</u>	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 accepted for hearing this petition for an adjusted standard seeking relief from the Board’s ammonia nitrogen discharge standards. The Board also granted the Illinois Environmental Protection Agency’s (Agency) motion and extended to June 5, 2008, the deadline by which the Agency is to file its recommendation.	4-0 Water
<b>AS 08-9</b>	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720-131(c)</u> – The Board accepted for hearing this petition for an adjusted standard seeking relief from the Board’s hazardous waste regulations. The Board granted petitioner’s motion to incorporate specified documents from prior proceedings.	4-0 Land
<b>AS 08-10</b>	<u>In the Matter of: RCRA Delisting Adjusted Standard Petition for Peoria Disposal Company v. IEPA</u> – No action taken.	Land

## **ADMINISTRATIVE CITATIONS**

<b>AC 05-61</b>	<u>IEPA v. Timothy Pearce</u> – No action taken.	
<b>AC 07-71</b>	<u>IEPA v. Steve B. and Beth M. Segner (IEPA File No. 170-07-AC)</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 08-11</b>	<u>IEPA v. Ken and Ella Cook</u> – The Board denied respondents’ motion to reconsider.	4-0
<b>AC 08-12</b>	<u>IEPA v. Norma Eddington and Cecil Eddington</u> – The Board denied respondents’ motion to reconsider.	4-0

<b>AC 08-14</b>	<u>County of DuPage v. Nicolas Cruz</u> – The Board dismissed respondent’s petition for review for failure to file an amended petition and found that this DuPage County respondent violated Section (p)(1) of the Act (415 ILCS 5/21(p)(1) (2006)), ordering respondent to pay a civil penalty of \$1,500.	4-0
<b>AC 08-27</b>	<u>IEPA v. Hiram Vanderheiden, Jr</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Mason County facility.	4-0
<b>AC 08-28</b>	<u>IEPA v. Joseph Cosentino and Rob Pinski</u> – No action taken.	
<b>AC 08-29</b>	<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.	
<b>AC 08-30</b>	<u>IEPA v. Thomas, Wayne, and Valerie Hill</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Union County facility.	

### **ADJUDICATORY CASES**

<b>PCB 06-173</b>	<u>People of the State of Illinois v. First Country Homes, L.L.C.</u> – In this water enforcement action concerning a Will 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 \$30,000, and to cease and desist from further violations.	4-0 W-E
<b>PCB 06-174</b>	<u>People of the State of Illinois v. Bob D. Stagner and Linda S. Stagner, d/b/a LB's Camping &amp; Mobile Home Park</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 Franklin County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
<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 07-85</b>	<u>T-Town Drive Thru, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-96</b>	<u>Kyle Nash v. Karen Sokolowski</u> – No action taken.	Citizens N-E
<b>PCB 07-97</b>	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	Citizens N-E
<b>PCB 07-146</b>	<u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – No action taken.	PCFSR, Land
<b>PCB 08-33</b>	<u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – The Board granted these Will County petitioners a five year variance from the Total Dissolved Solids water quality standards of 35 Ill. Adm. Code 302.208(g) and 302.407, subject to conditions.	4-0 V, W
<b>PCB 08-45</b>	<u>People of the State of Illinois v. Distinctive Homes, Ltd., an Illinois limited liability corporation, and Distinctive Companies, Ltd, an Illinois limited liability corporation</u> – The Board granted complainant’s motion to strike affirmative defenses.	4-0 W-E
<b>PCB 08-66</b>	<u>Dynegy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 P-A, Air
<b>PCB 08-74</b>	<u>Jeff Hank - Aledo v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s (Agency) motion to amend the Board’s final order of April 17, 2008 and issue a new tax certification. This supersedes the tax certification issued on April 17, 2008. Upon receipt of the Agency’s recommendation, the Board found and certified that specified facilities of Jeff Hank - Aledo, 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
<b>PCB 08-76</b>	<u>Anne McDonagh and Davd Fishbaum v. Richard Michelin and Amy Michelin</u> – No action taken.	4-0 T-C, W

<b>PCB 08-83</b>	<u>People of the State of Illinois v. Rupe Contracting, Inc. and John A. Rupe, individually and as owner and operator of Rupe Contracting, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Bureau County.	4-0 T-C, W
<b>PCB 08-84</b>	<u>Prime Pork Holdings, LLC - Kingston 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 DeKalb 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
<b>PCB 08-85</b>	<u>Keith Morby Finishing Barn - Aledo (Property ID No. 15-15-13-300-001) 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
<b>PCB 08-86</b>	<u>City of Quincy v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Adams County facility.	4-0 90-Day Ext, Permit Appeal
<b>PCB 08-87</b>	<u>People of the State of Illinois v. Steve Soderberg d/b/a Steve's Concrete and Excavating</u> – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	4-0 W-E
<b>PCB 08-88</b>	<u>People of the State of Illinois v. Village of Skokie</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
<b>PCB 08-89</b>	<u>People of the State of Illinois v. Gelco Management and Developers LLC</u> – The Board accepted for hearing this air enforcement action involving a site located in Franklin County.	4-0 A-E

**CASES PENDING DECISION**

**OTHER ITEMS**

---

---

**ADJOURNMENT**

---

Moved and seconded, by a vote of, Chairman Girard adjourned the meeting at 11:22 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 5, 2008, by a vote of.

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board