

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 5, 2008

CHICAGO OFFICE

100 W. Randolph Street
Chicago, IL
Room 9-040

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 October 16, 2008 open meeting were approved by a vote of 4-0.

RULEMAKINGS

R09-10	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury)</u> – The Board accepted for hearing the petitioners’ October 3, 2008 proposal to amend the Board’s air pollution control regulations. The Board also granted the motions to waive copy requirement and for expedited consideration, directing first notice publication of the proposal in the Illinois Register without comment on its merits.	4-0 Air
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)</u> – No action taken.	Water

ADJUSTED STANDARDS

AS 07-6	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> – The Board granted petitioner’s motion to amend the petition for an adjusted standard, but reserved ruling on petition sufficiency until the stay is lifted.	4-0 Land
AS 08-1	<u>In the Matter of: Petition of Illinois Department of Transportation, District 8, Bowman Avenue Pump Station and Deep Well System, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. IL0070955)</u> – No action taken.	Land
AS 08-3	<u>In the Matter of: Petition for Adjusted Standard from 35 Ill. Adm. Code 620.420 for Nobel Risley's Landfill #2</u> – The Board granted an adjusted standard, subject to conditions to Nobel Risley for the closed landfill site in South Central Illinois, near the City of Benton, in rural Franklin County.	4-0 PWS
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> – No action taken.	Land

ADMINISTRATIVE CITATIONS

AC 08-28	<u>IEPA v. Joseph Cosentino and Rob Pinski</u> – No action taken.	
AC 08-31	<u>IEPA v. Upper Rock Island County Landfill and Dave Geier</u> – No action taken.	
AC 08-32	<u>IEPA v. Joseph Flick</u> – No action taken.	
AC 08-34	<u>IEPA v. Joseph Combs</u> – No action taken.	
AC 08-36	<u>IEPA v. Charles F. Kinsel</u> – No action taken.	
AC 08-38	<u>County of Vermilion, Illinois v. Illinois Landfill, Inc.</u> – The Board found that this respondent violated Section 21(o)(12) of the Act (415 ILCS 5/21(o)(12) (2006)), assessing a penalty of \$500 in this administrative citation involving a Vermilion County facility.	4-0
AC 09-2	<u>IEPA v. Theodore & Elizabeth Hollenbeak and Hollenbeak Concrete, Inc.</u> – The Board accepted Theodore Hollenbeak’s petition for review, but directed Elizabeth Hollembeak and Hollembeak Concrete to file an amended petition through an attorney-at-law to cure deficiencies within 14 days.	4-0
AC 09-9	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board accepted for hearing respondents’ amended petitions for review of this administrative citation involving a Jackson County facility.	4-0
AC 09-14	<u>IEPA v. Reynolds Service Co.</u> – No action taken.	
AC 09-16	<u>IEPA v. Mid-American Machinery Company</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 09-17	<u>IEPA v. John Kraushaar, Jr. and Kyle Kraushaar</u> – The Board accepted an administrative citation against these Greene County respondents.	
AC 09-18	<u>IEPA v. Troy Voss and Shirley Voss</u> – The Board accepted an administrative citation against these Henry County respondents.	
AC 09-19	<u>IEPA v. Donald G. Wilkey</u> – The Board accepted an administrative citation against this Jefferson County respondent.	

AC 09-20	<u>IEPA v. Charles Kissick</u> – The Board accepted an administrative citation against this Morgan County respondent.	
AC 09-21	<u>IEPA v. Darrell Knox</u> – The Board accepted an administrative citation against this Morgan County respondent.	
AC 09-22	<u>IEPA v. Bradley & Carol Corzine</u> – The Board accepted an administrative citation against these Union County respondents.	

ADJUDICATORY CASES

PCB 05-35	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – No action taken.	P-A, Air
PCB 06-192	<u>People of the State of Illinois v. Larry Bielfeldt</u> – In this water enforcement action concerning a McLean 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 \$12,500, and to cease and desist from further violations.	4-0 W-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 07-63	<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 07-104	<u>People of the State of Illinois v. Washington Trails Edge, LLC</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	4-0 W-E

	5/31(c)(1) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$21,000, and to cease and desist from further violations.	
PCB 07-146	<u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – No action taken.	PCFSR, Land
PCB 08-52	<u>People of the State of Illinois v. Dr. Charles R. Boyce, d/b/a Chatham Veterinary Clinic</u> – Upon receipt of a proposed stipulation and settlement agreements and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Sangamon County facility, the Board ordered publication of the required newspaper notice.	4-0 A, L, PIMW-E
PCB 08-87	People of the State of Illinois v. Steve Soderberg d/b/a Steve's Concrete and Excavating – No action taken.	L-E
PCB 08-92	<u>People of the State of Illinois v. Advantage National Bancorp, Inc and Vacala Construction, Inc.</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 \$20,000, and to cease and desist from further violations.	4-0 W-E
PCB 09-5	<u>People of the State of Illinois v. Alden Bennett Construction Company, Inc. and Bloomingdale Horizon I Limited Partnership</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this land enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E

PCB 09-8	<u>People of the State of Illinois v. Lenzini Excavating Company</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)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations.	4-0 W-E
PCB 09-10	<u>Joseph & Victoria Morrissey v. Geoff Pahios, Alpine Automotive</u> – No action taken.	Citizens, N-E
PCB 09-16	<u>People of the State of Illinois v. MII, Inc.</u> –Referred to Hearing Officer for disposition.	4-0 L, N-E
PCB 09-24	<u>People of the State of Illinois v. Dennis Lahood, d/b/a Villeneauve Subdivision</u> – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.	4-0 W-E
PCB 09-25	<u>City of Joliet v. IEPA</u> –. The Board accepted for hearing this permit appeal involving a site located in Well County.	4-0 P-A, Water
PCB 09-26	<u>People of the State of Illinois v. Triple A Asbestos Service, Inc.</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 Madison County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 09-27	<u>People of the State of Illinois v. Richard King, Kay King, and Isaac King</u> – The Board accepted for hearing this air enforcement action involving a site located in Sangamon County.	4-0 A-E
PCB 09-28	<u>Huffman's Service 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 Alexander County facility.	4-0 UST Appeal, 90-Day Extension
PCB 09-29	<u>People of the State of Illinois v. Kaplan Development and Investment Company</u> – The Board accepted for hearing this water enforcement action involving a site located in St. Clair County.	4-0 W-E

CASES PENDING DECISION

R08-5	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> <ul style="list-style-type: none">• Adopted Rule, Final Opinion and Order	
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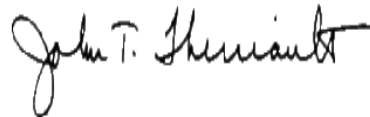
OTHER ITEMS

	The Board granted the Chairman's motion to cancel the Thursday, July 9, 2009 Board Meeting.	4-0
	The Board granted Chairman's motion to change the 11:00 am April 2, 2009 Board Meeting from one only held in Chicago to an 11:00 am Videoconference meeting in the Board's Chicago and Springfield offices (James R. Thompson Center, 100 West Randolph, Suite 11-512, Chicago, Il. and 1021 N. Grand Ave. East, Room 1244N, First Floor, Springfield, Il.)	4-0
	The Board granted Chairman's motion for approval of proposed, Closed Deliberative Board Meeting Schedule for Calendar Year 2009: January 15, 29, February 26, March 12, 26, April 9, 23, 30, May 14, 28, June 11, 25, July 9, 16, 30, August 13, 27, September 10, 24, October 8, 22, 29, November 12, and December 10, 31	4-0

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 3:25 p.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 20, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board