

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



February 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 January 22, 2008 open meeting and January 29, 2009 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R08-19	<u>In the Matter of: Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – No action taken.	Air
R09-10	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury Monitoring)</u> – The Board granted the Illinois Environmental Protection Agency’s motion to file a single copy of documents incorporated by reference.	5-0 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> – The Board accepted for hearing petitioner’s October 17, 2008 proposal to amend the Board’s water quality standards regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signatures. The Board authorizes first-notice publication of the proposal without comment on the proposal’s merits, but denied the motion for expedited consideration.	5-0 Water
R09-19	<u>In the Matter of Air Quality Standards Clean-up: Amendments to 35 Ill. Adm. Code Part 243</u> – No action taken.	Water

ADJUSTED STANDARDS

AS 09-2	<u>In the Matter of: Petition of Maximum Investments, LLC for an Adjusted Standard from 35 Ill Administrative Code 740.210(a)3 for the Stoney Creek Landfill, Palos Hills, Il.</u> – The Board granted petitioner’s motion to reconsider the December 18, 2008 dismissal order. The Board reinstated the original petition and accepted the amended petition filed by the petitioner’s attorneys, but directed briefing of an authority issue under a schedule to be set by the hearing officer.	5-0 Land
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ADMINISTRATIVE CITATIONS

AC 09-2	<u>IEPA v. Theodore & Elizabeth Hollenbeak and Hollenbeak Concrete, Inc.</u> – No action taken.	
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AC 09-14	<u>IEPA v. Reynolds Service Co.</u> – The Board denied respondent’s motion to reconsider and vacate the Board’s December 4, 2008 and December 18, 2008 orders.	5-0
AC 09-29	<u>IEPA v. Richard and Kelly Harp</u> – The Board found that these Mason County respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2006)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 09-30	<u>IEPA v. William Collander and Lynn Harris</u> – The Board found that these Mason County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2006)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 09-31	<u>IEPA v. William and Patricia Hajek</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
AC 09-33	<u>IEPA v. David Swearingen</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Coles County facility.	

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 08-51	<u>People of the State of Illinois v. Highland Baking Company</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 08-86	<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 09-36	<u>Apollo Plastics Corporation v IEPA</u> – The Board accepted for hearing petitioner’s amended petition in this permit appeal involving a Cook County facility.	5-0 P-A, Air
PCB 09-38	<u>Ameren Energy Generating Company v. IEPA</u> – No action taken.	P-A, Water
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 09-44	<u>Apollo Plastics Corporation v IEPA</u> The Board accepted for hearing petitioner’s amended petition in this permit appeal involving a Cook County facility.	5-0 P-A, Air
PCB 09-45	<u>Jerrald R. West II v. Nakomis Quarry Company</u> – The Board ordered complainant to file proof of service of the complaint on Nokomis Quarry or its authorized agent, on or before March 9, 2009, or the complaint would be subject to dismissal.	5-0 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 granted Brian A. Glasser leave to appear <i>pro hac vice</i> on behalf of Sugar Camp L.L.C.	5-0 PA, NPDES- 3d P
PCB 09-48	<u>Dynegy Midwest Generation v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies, on or before March 9, 2009, or the petition would be subject to dismissal.	5-0 A-V
PCB 09-49	<u>Bugaieski Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Franklin County facility.	5-0 UST Appeal
PCB 09-50	<u>Schrof Service Center v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Livingston County facility.	5-0 UST Appeal

PCB 09-51	<u>Hilltop View LLC – Rushville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hilltop View LLC located in Schuyler 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 09-52	<u>Cedarcrest, LLC – Table Grove v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Cedarcrest, LLC located in Fulton 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 09-53	<u>Eagle Point Farms, LLC – Table Grove v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Eagle Point Farms, LLC located in Fulton 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 09-54	<u>People of the State of Illinois v. Bill Woods, d/b/a American Asphalt Seal Coating</u> – The Board accepted for hearing this water enforcement action involving a site located in St. Clair County.	5-0 W-E
PCB 09-55	<u>Mussmans Back Acres, Inc. - Grant Park v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mussmans Back Acres, Inc. located in Kankakee 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

CASES PENDING DECISION

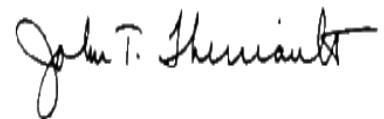
OTHER ITEMS

	The Board granted the Chairman's Motion under Section 2-06(c) of the Open Meeting Act (5 ILCS 120/2.06(c)) to continue to preserve only written minutes of closed Board deliberative sessions occurring on or before June 30, 2007, and to approve destruction of verbatim tape recordings of meetings held: January 18; February 8 and February 22; March 8, and March 22; April 16 and April 26; May 10 and May 31; and June 14 and June 28, 2007.	5-0
	The Board granted the Chairman's Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential minutes of closed Board meetings occurring between July 1, 2008 through December 31, 2008.	5-0

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:25 a.m.

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



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board