

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



February 19, 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 February 5, 2009 open meeting 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> – The Board granted the Illinois Environmental Protection Agency’s motions to correct transcripts and to amend its rulemaking proposal.	5-0 Air
R09-13	<u>SDWA Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its drinking water regulations during the update period of July 1, 2008 through December 31, 2008.	5-0 PWS
R09-14	<u>UIC Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2008 through December 31, 2008.	5-0 Land
R09-15	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of July 1, 2008 through December 31, 2008.	5-0 Land
R09-17	<u>UST Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 2008 through December 31, 2008.	5-0 Land
R09-18	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic emission regulations during the update period of July 1, 2008 through December 31, 2008.	5-0 Water

R09-19	<u>In the Matter of Air Quality Standards Clean-up: Amendments to 35 Ill. Adm. Code Part 243</u> – The Board granted the Illinois Environmental Protection Agency’s motion to amend its December 1, 2008 proposal.	5-0 Air
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ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 08-28	<u>IEPA v. Joseph Cosentino and Rob Pinski</u> – The Board entered an interim opinion and order finding respondent 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 assessed a penalty of \$4,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.	5-0
AC 09-2	<u>IEPA v. Theodore & Elizabeth Hollenbeak and Hollenbeak Concrete, Inc.</u> – The Board granted respondents’ motion to dismiss their petition for review. The Board found that these 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 assessed a penalty of \$4,500 in this administrative citation involving a Brown County facility.	5-0
AC 09-24	<u>IEPA v. Quinn & Glenna Hunley</u> – The Board accepted for hearing respondents’ amended petition for review in this administrative citation involving a Edwards County facility.	5-0
AC 09-34	<u>IEPA v. Jack Campbell</u> – The Board accepted an administrative citation against this White County respondent.	

ADJUDICATORY CASES

PCB 96-76	<u>People of the State of Illinois v. Chemetco, Inc</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 Madison County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
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PCB 06-181	<u>People of the State of Illinois v. Quad-County Ready Mix Corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air and land enforcement action involving a St.Clair County facility, the Board ordered publication of the required newspaper notice.	5-0 A,L-E
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> – The Board granted complainant’s motion to strike affirmative defenses.	5-0 W-E
PCB 07-144	<u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Mick Morfey</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 Carroll County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 08-17	<u>People of the State of Illinois v. Felker Pharmacy, Inc., and Rod Bennett Construction, Inc., v. McClellan Blakemore Architects, Inc. and Wendler Engineering Services, Inc.</u> – No action taken.	W-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 09-29	<u>People of the State of Illinois v. Kaplan Development and Investment Company</u> – In this water enforcement action concerning a St. Clair 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 \$5,000, and to cease and desist from further violations.	5-0 W-E
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 09-45	<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 granted Jonathan D. Boggs leave to appear <i>pro hac vice</i> on behalf of Sugar Camp L.L.C.	5-0 PA, NPDES- 3d P
PCB 09-56	<u>People of the State of Illinois v. Brent Speckhart, d/b/a Brent Speckhart Swine Farm</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 an Adams County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 09-57	<u>Bailey Enterprises, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Edwards County facility.	5-0 UST Appeal
PCB 09-58	<u>Marathon Petroleum Company, LLC, Crude Unit Off-Gas Handling System</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford 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, A

PCB 09-59	<u>Marathon Petroleum Company, LLC Ultra-low NOx Burners for HF Alky Isostripper Reboiler Heater (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford 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, A
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CASES PENDING DECISION

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 March 5, 2009, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board