

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**September 30, 2008**

**CHICAGO OFFICE**  
100 W. Randolph Street  
Chicago, IL

**Room 11-512**

**3:00 P.M.**

### **ANNOUNCEMENTS**

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Chairman Girard welcomed members of the public and staff.

### **ROLL CALL**

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The Assistant Clerk of the Board called the roll. All four Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the September 16, 2008 open meeting were approved by a vote of 4-0.

### **RULEMAKINGS**

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None

### **ADJUSTED STANDARDS**

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None

## ADMINISTRATIVE CITATIONS

<b>AC 07-28</b>	<u>IEPA v. Charles Norman Bartlett</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 09-3</b>	<u>IEPA v. Frank H. and Mary Lou Record and Frank Record d/b/a Quality Disposal</u> – The Board found that these Fulton County respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)). Because there are two violations of Section 21(p) and one of these violations is a subsequent offense, respondents were ordered to pay a civil penalty of \$4,500.	4-0
<b>AC 09-5</b>	<u>IEPA v. Donald E. and Mary A. Jennings</u> – The Board found that these Brown County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2006)). Because this violation of Section 21(p) is a subsequent offense, respondents were ordered to pay a civil penalty of \$3,000.	4-0
<b>AC 09-6</b>	<u>IEPA v. Euwell &amp; Phyllis Beers and Jeremy Beers</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 09-7</b>	<u>IEPA v. Mid-America Machinery Company</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 09-10</b>	<u>IEPA v. Brian Belleme</u> y – The Board found that this respondent violated Sections 21(p)(1) and (p) (7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)), assessing a penalty of \$3,000 in this administrative citation involving a Marion County facility.	4-0
<b>AC 09-11</b>	<u>IEPA v. Ruby Acklin and Joseph Flick</u> – No action taken.	
<b>AC 09-15</b>	<u>Ogle County v. Veolia ES Orchard Hills Landfill, Inc.</u> – The Board accepted an administrative citation against this Ogle County respondent.	

## ADJUDICATORY CASES

<b>PCB 05-35</b>	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 05-199</b>	<u>People of the State of Illinois v. Champion Environmental</u>	A-E

	<u>Services, Inc., a Wisconsin corporation</u> – No action taken.	
<b>PCB 06-82</b>	<u>People of the State of Illinois v. Barger Engineering, Inc.</u> – No action taken, referred to Hearing Officer for disposition.	W-E
<b>PCB 07-43</b>	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – No action taken.	P-A, Air
<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 07-45</b>	<u>People of the State of Illinois v. General Waste Services, Inc.,</u> – The Board denied respondent’s motion for summary judgment.	A-E 4-0
<b>PCB 07-63</b>	<u>PMA &amp; Associates, 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 07-104</b>	<u>People of the State of Illinois v. Washington Trails Edge, LLC</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice.	4-0 W-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 07-148</b>	<u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Carlyle North Water Company, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a Clinton County facility, the Board ordered publication of the required newspaper notice.	W-E
<b>PCB 08-30</b>	<u>Caseyville Sport Choice, LLC, an Illinois Limited Liability</u>	L-E

	<u>Company v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity</u> – No action taken.	
<b>PCB 08-92</b>	<u>People of the State of Illinois v. Advantage National Bancorp, Inc and Vacala Construction, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
<b>PCB 08-95</b>	<u>United City of Yorkville v. IEPA and Hamman Farms</u> – No action taken.	P-A, Land Third Party
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	Citizens A, L, W-E
<b>PCB 08-97</b>	<u>Veach Oil Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this facility located in Alexander County.	4-0 UST Appeal
<b>PCB 08-102</b>	<u>People of the State of Illinois v. City of Coffeen</u> – No action taken, referred to Hearing Officer for disposition.	W-E
<b>PCB 09-4</b>	<u>Woodworth &amp; Sons, Inc. v. IEPA</u> – The Board granted this Champaign facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
<b>PCB 09-8</b>	<u>People of the State of Illinois v. Red Seal Development Corporation and Lenzini Excavating Company</u> – In this water enforcement action involving a Lake County facility, upon receipt of a proposed stipulation and settlement agreement and agreed motions to request relief from the hearing requirement on behalf of respondent Lenzini Excavating Company, the Board ordered publication of the required newspaper notice. Also in a separate opinion and order, 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 on behalf of Red Seal Development Corporation, ordering the respondent to pay a total civil penalty of \$15,500.00, and to cease and desist from further violations.	4-0 W-E

<b>PCB 09-17</b>	<u>Dalee Oil v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	4-0 UST Appeal
<b>PCB 09-18</b>	<u>Baby Bacon, Inc. - Amboy 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 Lee 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 09-19</b>	<u>Hannel Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Morgan County facility.	4-0 UST Appeal

**CASES PENDING DECISION**

<b>R08-17</b>	<u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources Proposed New 35 Ill. Adm. Code Part 223 - First Notice Opinion and Order</u>	Air
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**OTHER ITEMS**

None

**ADJOURNMENT**

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 3:26 pm.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 16, 2008, by a vote of.

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board