

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**October 16, 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**

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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 30, 2008 open meeting and October 9, 2008 closed deliberative session were approved by a vote of 4-0.

## RULEMAKINGS

<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</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	4-0 Air
<b>R09-10</b>	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury)</u> – No action taken.	Air

## ADJUSTED STANDARDS

<b>AS 07-6</b>	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> – No action taken.	Land
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## ADMINISTRATIVE CITATIONS

<b>AC 08-17</b>	<u>City of Chicago Department of Environment v. Crystal IL</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cook County facility, the Board found that respondent had violated Sections 21(p)(1) and (p)(4) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(4) (2006)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violation of 415 ILCS 5/21(p) (7) (2006). The Board took no action on the request to order Crystal IL 98, L.L.C. to perform the fence work described in the stipulation, due to lack of jurisdiction.	4-0
<b>AC 09-4</b>	<u>County of Jackson v. Lester Johnson and Arthur Cross</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 09-11</b>	<u>IEPA v. Ruby Acklin and Joseph Flick</u> – The Board granted complainant’s motion to dismiss Ruby Acklin from this action. The Board found that the remaining respondent violated Sections 21(p)(1) and (7) of the Act (415 ILCS 5/21(p)(1), (7) (2006)), assessing a penalty of \$3,000 in this administrative citation involving a Union County facility.	4-0

<b>AC 09-12</b>	<u>IEPA v. George R. Ford</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Fulton County facility.	4-0
<b>AC 09-13</b>	<u>IEPA v. Billy Hammond, Sr.</u> – The Board found that this Franklin County respondent violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2006)) and ordered respondent to pay a penalty of \$4,500.	4-0
<b>AC 09-16</b>	<u>IEPA v. Mid-American Machinery Company</u> – The Board accepted an administrative citation against this Macoupin 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 05-110</b>	<u>People of the State of Illinois v. J. McDaniel</u> – In this water enforcement action concerning two separate sites in McLean and Vermilion Counties, 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 civil penalty of \$25,000 for the alleged violations in Vermilion County and a civil penalty of \$35,000 for the alleged violations in McLean County, and to cease and desist from further violations.	4-0 W-E
<b>PCB 05-199</b>	<u>People of the State of Illinois v. Champion Environmental Services, Inc., a Wisconsin corporation</u> – The Board denied respondent’s motion to finalize settlement because no settlement agreement, properly executed, was filed before the Board.	4-0 A-E
<b>PCB 06-192</b>	<u>People of the State of Illinois v. Larry Bielfeldt</u> – Upon receipt of a proposed stipulation and settlement agreement and agreed motion to request relief from the hearing requirement in this water enforcement action involving a McLean County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

<b>PCB 07-25</b>	<u>People of the State of Illinois v. Isaacson Construction, Inc.</u> – In this land 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 \$100,000, and to cease and desist from further violations.	4-0 L-E
<b>PCB 07-42</b>	<u>People of the State of Illinois v. Environmental Reclamation Company</u> – In this land enforcement action concerning a Coles 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 \$8,500, and to cease and desist from further violations.	4-0 L-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 07-46</b>	<u>People of the State of Illinois v. D &amp; L. Disposal, L.L.C., a Delaware corporation</u> – In this land enforcement action concerning a Bond 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 \$8,500, and to cease and desist from further violations. Respondent agreed to perform a supplemental environmental project (SEP). The SEP consists of the provision of 1,300 tons of disposal capacity to be used by the complainant at any of three identified landfills. The SEP has a settlement value of \$45,500, which offset penalties that could be sought by complainant.	4-0 L-E
<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 07-146</b>	<u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – No action taken.	PCFSR, Land
<b>PCB 08-26</b>	<u>People of the State of Illinois v. Gary Cates, d/b/a Cherry Street Automotive, Calvin Booth, d/b/a Auto Salvage Illinois, and S. I. Promotion Flora, Inc.</u> – In this land enforcement action concerning a Winnebago 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 \$8,000, and to cease and desist from further violations.	4-0 L-E
<b>PCB 08-30</b>	<u>Caseyville Sport Choice, LLC, an Illinois Limited Liability Company v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity</u> – The Board denied respondent Fairmont Park’s motion to dismiss and granted complainant’s motion to amend complaint. The Board found complainant’s alleged violations of the Board’s regulation and the Environmental Protection Act neither duplicative nor frivolous and accepted the amended complaint for hearing.	4-0 Citizens L-E
<b>PCB 08-44</b>	<u>People of the State of Illinois v. Prairie Material Sales, 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 08-55</b>	<u>People of the State of Illinois v. Village of Merrionette Park</u> – In this public water supply enforcement action concerning a Cook 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 \$5,000, and to cease and desist from further violations.	4-0 PWS-E

<b>PCB 08-95</b>	<u>United City of Yorkville v. IEPA and Hamman Farms</u> – The Board denied respondent Hamman Farms’ motion for attorney fees and costs.	4-0 P-A, Land Third Party
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – The Board partially granted and partially denied respondent’s motion to strike or dismiss portions of complainant’s enforcement complaint. The Board found that the amended complaint was neither duplicative nor frivolous and accepted the complaint for hearing. The Board directed complainant to file an amended complaint consistent with the order in 60 days.	4-0 Citizens A, L, W-E
<b>PCB 08-99</b>	<u>Knapp Oil Company, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no appeal was filed on behalf of this facility located in Perry County.	4-0 UST Appeal
<b>PCB 09-10</b>	<u>Joseph &amp; Victoria Morrissey v. Geoff Pahios, Alpine Automotive</u> – No action taken.	Citizens, N-E
<b>PCB 09-13</b>	<u>People of the State of Illinois v. Behr Iron &amp; Steel, Inc., an Illinois Corporation</u> – In this air enforcement action concerning a Winnebago 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 A-E
<b>PCB 09-14</b>	<u>People of the State of Illinois v. Behr Aluminum, Inc., an Illinois Corporation</u> – In this air enforcement action concerning a Winnebago 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 \$140,000, and to cease and desist from further violations. Respondent also agreed to fund a Supplemental Environmental Project in the amount of \$100,000 to be used for reducing diesel emission pollution in Illinois.	4-0 A-E
<b>PCB 09-20</b>	<u>People of the State of Illinois v. Lewis Development, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in Peoria County.	4-0 W-E

<b>PCB 09-21</b>	<u>Ameren Energy Generating Company, Amerenenergy Resources Generating Company, and Electric Energy, Inc. v. IEPA</u> – No action taken.	A-V
<b>PCB 09-22</b>	<u>People of the State of Illinois v. William Warren</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Clinton County.	4-0 PWS
<b>PCB 09-23</b>	<u>People of the State of Illinois v. James R. Cantrell</u> – The Board accepted for hearing this water enforcement action involving a site located in White County.	4-0 W-E

**CASES PENDING DECISION**

**OTHER ITEMS**

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None

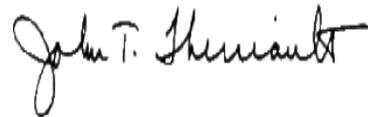
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**ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:32 am.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 5, 2008, by a vote of 4-0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board