

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



March 19, 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 March 5, 2009 open meeting and March 12, 2009 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R08-17	<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 second notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	5-0 Air
---------------	---	------------

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 06-39	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u>	5-0
AC 06-40	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u>	
AC 06-41	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u>	
AC 07-25 (cons.)	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> – The Board granted respondents’ motions to consolidate AC 06-39, AC 06-40, AC 06-41, and AC 07-25 for purposes of decision, denied complainant’s motions to strike respondents’ motions to dismiss these cases, and denied respondents’ motions to dismiss. The Board found that complainant did not prove the alleged violations of Sections 21(p)(1), (p)(2), (p)(3), (p)(4), and (p)(7)(i) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(2), (p)(3), (p)(4), (p)(7)(i) (2006)) in AC 06-39. The Board found that respondent did violate of Sections 21(p)(1), (p)(2), (p)(3), and (p)(7)(i) of the Act in AC 06-40 and in AC 06-41. Complainant did not prove that Section 21(p)(4) of the Act was violated. The Board dismissed AC 07-25 because it was improperly issued. The Board ordered the Clerk of the Board and the complainant to file by April 20, 2009 a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.	
AC 09-33	<u>IEPA v. Dave Swearingen</u> – The Board found that this Coles County respondent violated Sections 21(p) (1) and (7) of the Act (415 ILCS 5/21(p)(1) and (7) (2006)) and ordered respondent to pay a penalty of \$3,000.	5-0

AC 09-35	<u>IEPA v. William and Patricia Hajek</u> – The Board accepted for hearing respondents’ amended petition for review in this administrative citation involving a DeKalb County facility.	5-0
AC 09-39	<u>IEPA v. Donald Sapp</u> – The Board accepted an administrative citation against this Pike County respondent.	

ADJUDICATORY CASES

PCB 96-76	<u>People of the State of Illinois v. Chemetco, Inc.</u> – In this land enforcement action concerning a Madison 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 respondent to pay a total civil penalty of \$2,000,000.00, and to cease and desist from further violations.	5-0 L-E
PCB 05-218	<u>13 East Quick Stop v. IEPA</u> – The Board granted this Williamson County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
PCB 06-181	<u>People of the State of Illinois v. Quad-County Ready Mix Corporation</u> – In this land and air 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 respondent to pay a total civil penalty of \$30,000.00, and to cease and desist from further violations.	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 07-53	<u>People of the State of Illinois v. Moline Place Development, L.L.C. and Crosstowne Place Development, L.L.C.</u> – No action taken.	W-E
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal

PCB 07-144	<u>People of the State of Illinois v. Mick Morfey</u> – In this air enforcement action concerning a Carroll 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 respondent to pay a total civil penalty of \$1,000.00, and to cease and desist from further violations.	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> – The Board granted third-party complainant Rod Bennett Construction, Inc.’s motion to dismiss the third-party complaint.	5-0 W-E
PCB 08-30	<u>Caseyville Sport Choice, LLC v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity, and Fairmount Park, Inc.– No action taken.</u>	L-E
PCB 08-86	<u>City of Quincy v. IEPA</u> – No action taken.	P-A, Water
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	Citizens A, L, W-E
PCB 09-16	<u>People of the State of Illinois v. MII, 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 Logan County facility, the Board ordered publication of the required newspaper notice.	5-0 L, N-E
PCB 09-21	<u>Ameren Energy Generating Company, Amerenenergy Resources Generating Company, and Electric Energy, Inc. v. IEPA</u> – Having found that petitioner did not provide new evidence that would indicate that the Board’s January 22, 2009 opinion and order denying the variance request was in error, the Board denied the motion to reconsider.	4-1 Johnson dissenting A-V
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 09-62	<u>John Tarkowski v. IEPA</u> – No action taken.	P-A, Land

PCB 09-66	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	Citizens L-E
PCB 09-67	<u>Prime Location Properties, LLC v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies, on or before April 20, 2009, or the petition would be subject to dismissal.	5-0 UST Appeal
PCB 09-68	<u>Citation Oil and Gas v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Citation Oil & Gas Corporation located in Marion 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

CASES PENDING DECISION

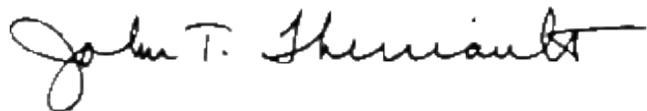
R09-8	<u>In the Matter of: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power and Springfield Metro Sanitary District From 35 Ill. Adm. Code Section 302.208(g)</u>	Water
--------------	---	-------

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:20 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 2, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board