

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



April 2, 2009

Videoconference

Chicago Office

100 W. Randolph Street
Chicago, IL

Room 11-512

AND

Springfield Office

1021 N. Grand Avenue East
Springfield, IL

Room 1244 N, First Floor

11:00 a.m.

ANNOUNCEMENTS

Chairman Girard welcomed members of the public and staff. The Chairman announced that, due to technical difficulties with the video portion of the conferencing equipment, the video conference meeting would proceed with audio only at the properly-noticed locations in Springfield and Chicago.

ROLL CALL

The Chairman called the roll, and Members Johnson and Lin answered present in Springfield, and the Chairman and Member Blankenship did so in Chicago.

Under Section 7 of the Open Meetings Act (5 ILCS 120/7) and Section 2175.120 of the Board's organizational rules (2 Ill. Adm. Code 2175.120), Member Moore provided notice to the Board's Clerk on April 1, 2009, that, because an out-of-state family emergency prevents her from being present, she wished to participate in the meeting by telephone.

The Chairman's April 2, 2009 motion to allow such participation was moved and seconded, and approved by a 4-0 vote of those members physically present in Chicago and Springfield. In response to roll call, Member Moore then answered present, and participated in the meeting by telephone.

APPROVAL OF MINUTES

The minutes of the March 19, 2009 open meeting and March 26, 2009 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R07-19	<u>In the Matter of : Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – The Board granted the Illinois Environmental Protection Agency’s motion for expedited review.	5-0 Air
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 motion for expedited review.	5-0 Air
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> – The Board adopted a second notice opinion and order in this site specific rulemaking to amend the Board’s water pollution control regulations.	5-0 Water

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 06-50	<u>IEPA v. Mark Gates</u> –The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)) and assessed a penalty of \$3,000. 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 08-28	<u>IEPA v. Joseph Cosentino and Rob Pinski</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$334.98 and a civil penalty of \$4,500. This order follows the Board's interim order of February 19, 2009, which found that this respondent had violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2006)).	5-0

AC 09-32	<u>County of Will v. Glover Family Trust, Elaine D. Glover, Glen K. Glover</u> – 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 Will 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 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 07-131	<u>People of the State of Illinois v. Vithalbhai Patel</u> – In this air 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 \$30,000.00, and to cease and desist from further violations.	5-0 A-E
PCB 08-11	<u>People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois v. Plastic Capacitors, Inc.</u> , – In this air 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)), 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 08-30	<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 08-62	<u>People of the State of Illinois v. Carri Scharf Materials Company, d/b/a Farmdale Sand & Gravel Pit</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 Tazewell County facility, the Board ordered publication of the required newspaper notice.	5-0 W-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> – The Board denied respondent’s motions to reconsider the Board’s October 16, 2008 decision and to dismiss as duplicative count I and count II of the complaint. Additionally, the Board denied complainant’s December 1, 2008 motion for leave to file an amended complaint. The Board granted complainant leave to file an amended complaint by May 4, 2009, that cures the previously noted deficiencies in count III.	5-0 Citizens A, L, W-E
PCB 09-34	<u>Intermart, Inc. v. IEPA</u> – The Board granted this Kane County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
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> – The Board directed petitioner to file proof of service of this action on the Illinois Environmental Protection Agency on or before April 24, 2009, or this action will be subject to dismissal.	5-0 P-A, Land

PCB 09-64	<u>People of the State of Illinois, Lisa Madigan v. Citgo Petroleum Corporation</u> – In this land enforcement action concerning a Will 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 \$5,000.00, and to cease and desist from further violations.	5-0 L-E
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 09-69	<u>People of the State of Illinois v. Par Development, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	5-0 W-E
PCB 09-70	<u>Timberline, LLC – Rushville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Timberline, 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 09-71	<u>Western Creek Farms, LLC – LaHarpe v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Western Creek Farms, LLC located in Hancock 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 09-72	<u>Pinnacle Genetics, LLC – Colchester v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Pinnacle Genetics, LLC located in McDonough 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

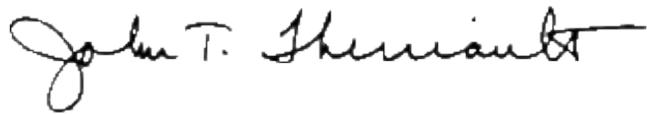
OTHER ITEMS

	The Board granted Chairman's motion to change the 11:00 am May 7, 2009 Board Meeting from one only held in Chicago to an 11:00 am Videoconference meeting in the Board's Chicago and Springfield offices (James R. Thompson Center, 100 West Randolph, Suite 11-512, Chicago, Il. and 1021 N. Grand Ave. East, Room 1244N, First Floor, Springfield, Il.)	5-0
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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 April 16, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board