

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



April 16, 2009

Chicago Office
100 W. Randolph Street
Chicago, IL
Room 11-512

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 April 2, 2009 open meeting and April 9, 2009 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R09-10	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury Monitoring)</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
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ADJUSTED STANDARDS

AS 08-1	<u>In the Matter of: Petition of Illinois Department of Transportation, District 8, Bowman Avenue Pump Station and Deep Well System, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. IL0070955)</u> – The Board granted petitioner’s motion to dismiss this action.	5-0 Water
AS 09-3	<u>In the Matter of: Petition of Westwood Lands, Inc. for an Adjusted Standard from Portions of 35 Ill. Adm. Code 807.104 and 35 Ill. Adm. Code 810.103 or in the Alternative, a Finding of Inapplicability</u> – No action taken.	Land
AS 09-4	<u>In the Matter of: Petition of Royal Fiberglass Pools, Inc. for an Adjusted Standard from 35 IAC 215.301</u> – No action taken.	Air

ADMINISTRATIVE CITATIONS

AC 09-9	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board entered an interim opinion and order finding respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the County of Jackson to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondents may respond to the cost statement within 21 days of service.	5-0
AC 09-37	<u>IEPA v. Info Corner Materials, Inc.</u> – The Board found that this Sangamon County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2006)), and ordered respondent to pay a civil penalty of \$3,000.	
AC 09-38	<u>IEPA v. Thomas, Wayne and Valerie Hill</u> – No action taken.	

ADJUDICATORY CASES

PCB 05-51	<u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health and Safety</u> – No action taken.	A-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 08-7	<u>People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois v. Union Pacific Railroad Company, a Delaware Corporation</u> – No action taken.	W-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> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Lee County facility, the Board ordered publication of the required newspaper notice.	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.</u> – The Board granted Caseyville Sport Choice, LLC’s motion to dismiss the counterclaim of Fairmount Park, Inc.	5-0 L-E
PCB 08-39	<u>Wauconda Community Unit School District #118 v. IEPA</u> – The Board granted this Lake County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal

PCB 08-45	<u>People of the State of Illinois v. Distinctive Homes, Ltd and Distinctive Companies, Ltd.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Cook 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 09-17	<u>Dalee Oil v. IEPA</u> – The Board granted this Madison County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
PCB 09-19	<u>Hannel Oil Company, an Illinois Corporation v. IEPA</u> – The Board granted this Morgan County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
PCB 09-20	<u>People of the State of Illinois v. Lewis Development, LLC</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Peoria County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 09-43	<u>Waste Management of Illinois, Inc. and Kendall Land and Cattle, LLC v. County Board of Kendall County</u> – The Board declined to consider the Kendall County Board’s combined response as either a response to the original motions for leave to file an <i>amicus</i> brief or as a reply to petitioner’s objections to those motions. The Board denied the Village of Minooka’s (Minooka) motion for leave to file a reply as moot, as the Board has granted Minooka’s motion for leave to file an <i>amicus</i> brief in an order dated March 5, 2009.	5-0 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 09-56	<u>People of the State of Illinois v. Brent Speckhart, d/b/a Brent Speckhart Swine Farm</u> – In this water enforcement action concerning a Adams 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 \$7,000, and to cease and desist from further violations.	5-0 W-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 09-73	<u>People of the State of Illinois v. Summer Ridge, L.L.C. and Stark Excavating, 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 Peoria County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 09-74	<u>People of the State of Illinois v. David J. Shultz</u> – The Board accepted for hearing this air enforcement action involving a site located in Sangamon County.	5-0 A-E
PCB 09-75	<u>People of the State of Illinois v. Andalusia Ventures, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Rock Island County.	5-0 W-E
PCB 09-76	<u>Flint Hills Resources, LP, Carbon Adsorber (NH-804) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Flint Hills Resources, LP located in Will 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 09-77	<u>Flint Hills Resources, LP, Scrubber (HT-1404) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Flint Hills Resources, LP located in Will 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 09-78	<u>Flint Hills Resources, LP, Scrubber (KT-110) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Flint Hills Resources, LP located in Will 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 09-79	<u>LaMoine Valley Farms, LLC v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of LaMoine Valley 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 09-80	<u>Riverview Frenetics – Centralia v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Riverview Frenetics-Centralia located in Clinton 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 09-81	<u>Saluki Farms – Mulkeytown v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Saluki Farms-Mulkeytown located in Franklin 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

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> (Scheduled for JCAR Review April 21, 2009) Adopted Rule, Final Opinion & Order	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> – Proposed Rule, First Notice, Opinion & Order	Air
PCB 09-25	<u>City of Joliet v. IEPA (due May 7, 2009)</u> – Opinion & Order	P-A, Water

PCB 09-48	<u>Dynegy Midwest Generation v. IEPA</u> (due June 18, 2009) – Interim Order	A-V
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:22 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 7, 2009, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board