

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**May 21, 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**

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Chairman Girard welcomed members of the public and staff. The Chairman then thanked Legal Extern Bryan Lamble from Chicago-Kent Law School for his valuable contributions to the Board, wishing him well in his future endeavors. Chairman Girard then introduced Nicole Mayer a Legal Extern from Chicago-Kent Law School.

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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The minutes of the May 7, 2009 open meeting and May 14, 2009 closed deliberative session were approved by a vote of 5-0.

## RULEMAKINGS

<b>R07-19</b>	<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 adopted a second notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	5-0 Air
<b>R09-8</b>	<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 final opinion and order in this rulemaking amending the Board’s water pollution control regulations.	5-0 Water
<b>R09-10</b>	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury Monitoring)</u> – No action taken.	Air

## ADJUSTED STANDARDS

<b>AS 09-2</b>	<u>In the Matter of: Petition of Maximum Investments, LLC for an Adjusted Standard from 35 Ill Administrative Code 740.210(a)3 for the Stoney Creek Landfill, Palos Hills, Il. v. IEPA</u> – No action taken.	Land
<b>AS 09-3</b>	<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> – The Board ordered petitioner to file an amended petition to cure noted deficiencies on or before June 22, 2009, the first business day after the 30th day after this order, or the petition would be subject to dismissal. The Board denied petitioner’s motion for expedited review.	5-0 Land
<b>AS 09-4</b>	<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

<p><b>AC 07-30</b></p>	<p><u>IEPA v. Bobby G. Myers and Donald D. Myers</u> – The Board entered an interim opinion and order finding respondents violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2006)) and assessed a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file on or before June 22, 2009, a statement of hearing costs, supported by affidavit, with service on respondent. Respondents may respond to the cost statement within 21 days of service of those statements.</p>	<p>5-0</p>
<p><b>AC 09-24</b></p>	<p><u>IEPA v. Quinn &amp; Glenna Hunley</u> – The Board granted respondents’ motion to withdraw and dismissed their amended petition to contest the administrative citation. The Board found that these respondents violated Sections 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2006)) and assessed a penalty of \$1,500 in this administrative citation involving a Edwards County facility.</p>	<p>5-0</p>
<p><b>AC 09-41</b></p>	<p><u>IEPA v. Mark A. Lewis</u> – The Board accepted an administrative citation against this Clay County respondent.</p>	
<p><b>AC 09-42</b></p>	<p><u>IEPA v. Brian Collins</u> – The Board accepted an administrative citation against this Franklin County respondent.</p>	
<p><b>AC 09-43</b></p>	<p><u>IEPA v. The Blickhan Family Corporation, Inc. &amp; Blick's Construction Co. Inc</u> – The Board accepted an administrative citation against these Adams County respondents.</p>	
<p><b>AC 09-44</b></p>	<p><u>IEPA v. Gordon Investment Group, LLC</u> – The Board accepted an administrative citation against this McDonough County respondent.</p>	
<p><b>AC 09-45</b></p>	<p><u>IEPA v. Stanley Mouser</u> – The Board accepted an administrative citation against this Alexander County respondent.</p>	
<p><b>AC 09-46</b></p>	<p><u>IEPA v. C. John Blickhan</u> – The Board accepted an administrative citation against this Adams County respondent.</p>	

## ADJUDICATORY CASES

<b>PCB 05-51</b>	<u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health and Safety</u> – No action taken.	A-E
<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 07-53</b>	<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
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 08-7</b>	<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
<b>PCB 08-17</b>	<u>People of the State of Illinois v. Felker Pharmacy, Inc., and Rod Bennett Construction, Inc.</u> – In this water enforcement action concerning a Lee 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 respondents to pay a total civil penalty of \$7,500, and to cease and desist from further violations.	5-0 W-E
<b>PCB 08-86</b>	<u>City of Quincy v. IEPA</u> – No action taken.	P-A, Water
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-E
<b>PCB 09-20</b>	<u>People of the State of Illinois v. Lewis Development, LLC</u> – In this water enforcement action concerning a Peoria 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 respondents to pay a total civil penalty of \$7,500, and to cease and desist from further violations.	5-0 W-E

<b>PCB 09-32</b>	<u>People of the State of Illinois v. Whalen Manufacturing Company, an Illinois corporation, and Yetter Manufacturing Company</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 McDonough County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 09-43</b>	<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
<b>PCB 09-45</b>	<u>Jerrald R. West II v. Nakomis Quarry Company</u> – No action taken.	A-E
<b>PCB 09-62</b>	<u>John Tarkowski v. IEPA</u> – The Board dismissed this petition for hearing because of petitioner’s failure to file proof of proper service on respondent.	5-0 P-A, Land
<b>PCB 09-102</b>	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	N-E
<b>PCB 09-105</b>	<u>People of the State of Illinois v. R. A. Cullinan &amp; Sons, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Tazewell County.	5-0 L-E
<b>PCB 09-106</b>	<u>BP Products North America, Inc. - Main Plant v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Madison County facility.	5-0 P-A, Water 90-Day Extension
<b>PCB 09-107</b>	<u>People of the State of Illinois v. Tate and Lyle Ingredients Americas, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Macon County.	5-0 A-E
<b>PCB 09-108</b>	<u>People of the State of Illinois v. Apollo Plastics Corporation</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E
<b>PCB 09-109</b>	<u>Mertz Motor Co. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	5-0 UST Appeal 90-Day Extension

**CASES PENDING DECISION**

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None

**OTHER ITEMS**

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	The Board granted Chairman’s motion to change the 11:00 am July 23, 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
	The Board granted the Chairman’s motion for approval of calendar year 2010 Board Meeting Locations and Dates as listed below:	5-0

**REGULAR BOARD MEETINGS  
SCHEDULED FOR CALENDAR YEAR 2010**  
(unless otherwise noted, meetings begin at 11:00 am)

January 7	July 1
January 21	July 15
February 4	August 5
February 18	August 19
March 4	September 2
March 18	September 16
April 1	October 7
April 15	October 21
May 6	November 4
May 20	November 18
June 3	December 2
June 17	December 16

**Unless otherwise noted below, Board meetings will be at the James R. Thompson Center, 100 W. Randolph Street, Chicago, IL**

**\* These Board meetings will be via videoconference between Chicago, 100 W. Randolph Street, Videoconference**

**Room 11-512, and Springfield, 1021 N. Grand Avenue East,  
Conference Room 1244 N, First Floor**

**\*\* These Board meetings will be in the Board's Springfield Office, 1021 N.  
Grand Avenue East, Conference Room 1244 N, First Floor**

	The Board granted the Chairman's motion for approval of calendar year 2010 Closed Deliberative Session Schedule as listed below:	5-0
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**CLOSED DELIBERATIVE SESSIONS  
SCHEDULED FOR CALENDAR YEAR 2010**  
(unless otherwise noted, meetings begin at 10:00 am)

January 14	July 8
January 28	July 22
February 11	August 12
February 25	August 26
March 11	September 10
March 25	September 24
April 8	October 14
April 22	October 28
April 30	November 9 (Tuesday)
May 13	November 23 (Tuesday)
May 27	December 9
June 10	December 23
June 24	December 30

**Unless otherwise noted, Closed Deliberative Sessions will be at the James R. Thompson  
Center, 100 W. Randolph Street, Room 11-512, Chicago, IL**

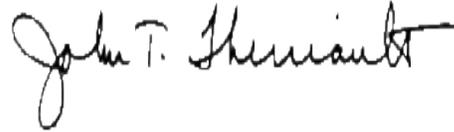
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**ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:43 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 4, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board