

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 4, 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 May 21, 2009 open meeting and May 28, 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) – No action taken.</u>	Air
R09-21	<u>In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code Part 840.101 and 840.144 – No action taken.</u>	Land

ADJUSTED STANDARDS

AS 09-4	<u>In the Matter of: Petition of Royal Fiberglass Pools, Inc. for an Adjusted Standard from 35 IAC 215.301 – The Board accepted for hearing petitioner’s April 3, 2009 petition for an adjusted standard. The Board granted petitioner’s motion to allow Dale A. Guariglia and Brandon W. Neuschafer to appear <i>pro hac vice</i>, but denied the motion for expedited consideration.</u>	5-0 Air
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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 – The Board entered a final opinion and order requiring respondents to pay hearing costs of the Board. In AC 06-40, the Board assessed Mr. Gonzalez the statutory civil penalty of \$6,000 for the four violations, as well as hearing costs totaling \$1,340.40, for a total amount due of \$7,340.40. In AC 06-41, the Board assessed 130th LLC the statutory civil penalty of \$6,000 for the four violations, as well as hearing costs totaling \$1,189.40, for a total amount due of \$7,189.40. This order follows the Board's interim order of March 19, 2009, which found that these respondents had violated Sections 21(p)(1), (p)(2), (p)(3), and (p)(7)(i) of the Act in AC 06-40 and in AC 06-41 (415 ILCS 5/21(p)(1), (p)(2), (p)(3), (p)(7)(i) (2006)).</u>	

AC 06-50	<u>IEPA v. Mark Gates</u> – The Board entered a final opinion and order requiring Mark Gates to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$317.91 and a civil penalty of \$3,000. This order follows the Board's interim order of April 2, 2009, which found that this respondent had violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)).	5-0
AC 09-8	<u>County of Jackson v. Dan Kimmel</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) (a second adjudicated violation) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)) and assessed a penalty of \$4,500. The Board ordered the Clerk of the Board and the County of Jackson to file within 30 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 09-40	<u>IEPA v. Thomas and Valerie Hill</u> – The Board accepted Thomas Hill's petition for review, but directed respondents to file an amended petition to cure deficiencies on or before July 6, 2009.	5-0
AC 09-46	<u>IEPA v. C. John Blickhan</u> – No action taken.	
AC 09-47	<u>IEPA v. D & B. Refuse Service, Inc. and Steve Loveall</u> – The Board accepted an administrative citation against these Moultrie County respondents.	
AC 09-48	<u>IEPA v. Montel & Aneita Metzger</u> – The Board accepted an administrative citation against these Woodford County respondents.	
AC 09-49	<u>IEPA v. Ameren Energy Generating Company, Ameren Corporation and Jerry Simpson</u> – The Board accepted an administrative citation against these Fulton County respondents.	
AC 09-50	<u>IEPA v. Floyd Burns</u> – The Board accepted an administrative citation against this Franklin County respondent.	

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> – In this water enforcement action concerning a Rock Island County facility, the Board granted complainant’s motion for summary judgment on Counts III and IV of the complaint, finding respondent CrossTowne Place Development, LLC. (CrossTowne) has violated Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and 12(f) (2006)) and Sections 309.102(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 309.102(a). The Board ordered the respondent to pay a total civil penalty of \$15,000.00, to cease and desist from further violations, and remediate flooding of neighboring property.	5-0 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 08-86	<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.	A,L,W-E

PCB 09-3	<u>People of the State of Illinois v. Praedium Development Corporation and Plaza 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 water enforcement action involving a Lake 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> – No action taken.	P-C-F-S-R
PCB 09-45	<u>Jerrald R. West II v. Nakomis Quarry Company</u> – The Board granted respondent’s motion to dismiss complainant’s complaint as frivolous.	5-0 A-E
PCB 09-67	<u>Prime Location Properties, LLC v. IEPA</u> – No action taken.	UST Appeal
PCB 09-87	<u>Dickerson Petroleum, Inc. v. IEPA</u> – The Board accepted petitioner’s amended petition for hearing in this underground storage tank appeal involving a St. Clair County facility.	5-0 UST Appeal
PCB 09-102	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	N-E
PCB 09-110	<u>People of the State of Illinois v. E. F. Heil, LLC</u> ,– The Board accepted for hearing this land enforcement action involving a site located in Kankakee County.	5-0 L-E
PCB 09-111	<u>L. Keller Oil Properties, Inc., Tilton Super K v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Vermillion County facility.	5-0 UST Appeal
PCB 09-112	<u>North Fork Pork, LLC - West Point v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of North Fork Pork, 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 09-113	<u>First National Bank of Barry 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 Cass County facility.	5-0 UST Appeal 90-Day Extension

PCB 09-114	<u>Peacock Oil Company v. IEPA</u> – The Board directed petitioner to file an amended petition to cure noted deficiencies on or before July 6, 2009, or this action will be subject to dismissal.	5-0 UST Appeal
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CASES PENDING DECISION

R09-11	<u>In the Matter of: City of Galva Site Specific Water Quality Standard for Boron Discharges to Edwards River and Mud Creek: 35 Ill. Adm. Code 303.447 and 303.448</u> – Proposed Rule, Second Notice	Water
R09-16	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – Proposed for Public Comment, Opinion & Order	Land
AS 09-2	<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> <ul style="list-style-type: none"> • Board Order Requesting Parties to Address Authority Issue (2/5) • Petitioner’s Brief (3/30) • Brief of Illinois Environmental Protection Agency (4/27) • Petitioner’s Reply Brief (5/18) • Petitioner’s Motion to Expedite (6/1) – Order	Land

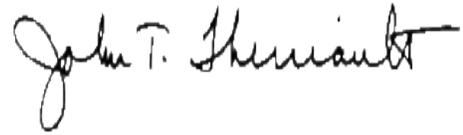
OTHER ITEMS

	The Board granted Chairman’s motion to change the following Closed Deliberative Session Dates: from Friday, April 30, 2010 to Thursday, April 29, 2010, from Friday, September 10, 2010 to Thursday, September 9, 2010, and from Friday, September 24, 2010 to Thursday, September 23, 2010.	5-0
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:24 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 18, 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 long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board