

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



September 3, 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. Four Board Members answered present, Member Moore was not in attendance.

APPROVAL OF MINUTES

The minutes of the August 20, 2009 open meeting were approved by a vote of 4-0.

RULEMAKINGS

NONE

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 06-39	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u>	
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> – No action taken.	
AC 09-12	<u>IEPA v. George R. Ford</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Fulton County facility, the Board found that respondent violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violation of Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)).	4-0
AC 09-41	<u>IEPA v. Mark A. Lewis</u> – The Board accepted for hearing respondent’s second amended petition for review of this administrative citation involving a Clay County facility.	4-0
AC 09-50	<u>IEPA v. Floyd Burns</u> – The Board found that this Franklin County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 09-52	<u>County of LaSalle v. Ernest W. Fost</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.	4-0

AC 10-1	<u>IEPA v. Jess Spradlin d/b/a Spradlin Mobile Home Sales and Drewnard Woods and Kris Warren d/b/a W&W Auto Service</u> – The Board found that these Sangamon County respondents violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2008)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
AC 10-3	<u>IEPA v. Les Curtis</u> – The Board accepted an administrative citation against this Alexander County respondent.	

ADJUDICATORY CASES

PCB 03-191	<u>People of The State of Illinois v. Community Landfill Company, Inc. and City of Morris</u> – No action taken.	L-E
PCB 06-82	<u>People of the State of Illinois v. Barger Engineering, 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 White County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 06-144	<u>People of the State of Illinois v. Golden Bag Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Kane County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 06-159	<u>People of the State of Illinois v. Gary Simmons, individually, and Lawrence County Disposal Centre, Inc.,</u> – Referred to hearing officer for disposition.	4-0 L-E
PCB 07-44	<u>Indian Creek Development Company and the Chicago Title and Trust Company v. The Burlington Northern Santa Fe Railway Company</u> – No action taken.	L, W-E, Citizens
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
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 09-40	<u>People of the State of Illinois v. Illinois Valley Paving Company, 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 Peoria County facility, the Board ordered publication of the required newspaper notice. The Board also directed the complainant to file an amended complaint or an amended stipulation and proposal for settlement addressing the inconsistency between the complaint and the stipulation and proposal for settlement.	4-0 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 09-109	<u>Mertz Motor Co. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this facility located in St.Clair County.	4-0 UST Appeal
PCB 09-110	<u>People of the State of Illinois v. E. F. Heil, LLC</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 Kankakee County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-16	<u>Detrex Corporation 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 Cook County facility.	4-0 P-A, Land 90-Day Extension
PCB 10-17	<u>Hydromet Environmental, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Douglas County facility.	4-0 P-A, Land 90-Day Extension
PCB 10-18	<u>People of the State of Illinois v. Schauble Development, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.	4-0 W-E

CASES PENDING DECISION

R06-20	<u>In the Matter of: Nitrogen Oxide (NOx) Trading Program Sunset Provisions for Electric Generating Units (EGU's): New 35 Ill. Adm. Code 217.75</u>	Air
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	– Proposed Rule, Second Notice, Opinion & Order	
PCB 04-102	<u>Emerald Performance Materials, L.L.C. (as purchaser of Noveon, Inc.)</u> <u>v. IEPA</u> – Opinion & Order	P-A, Air

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:17 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 17, 2009, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board