

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



December 4, 2008

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. Chairman Girard welcomed Member Gary Blankenship to the Board.

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of the November 20, 2008 open meeting were approved by a vote of 4-0, Member Blankenship abstained.

RULEMAKINGS

R09-11	<u>In the Matter of: Proposed Site Specific Rule Applicable to the City of Galva Sewage Treatment Plants Discharge to Edwards River and Mud Run Creek, 35 Ill. Adm. Code 302.208(g)</u> – No action taken.	Water
R09-19	In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code Part 243 – No action taken.	Air

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 stay this adjusted standard proceeding through June 4, 2009.	5-0 Water
AS 08-5	<u>In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting</u> – The Board granted an adjusted standard to BFI Waste Systems for its Davis Junction Landfill in Ogle County, Illinois, subject to conditions.	5-0 Land
AS 09-2	<u>In the Matter of: Petition of Ameren Energy Generating Company for Adjusted Standards from 35 Ill. Adm. Code Parts 811, 814, and 815 (Hutsonville Power Station)</u> – No action taken.	Land

ADMINISTRATIVE CITATIONS

AC 08-31	<u>IEPA v. Upper Rock Island County Landfill and Dave Geier</u> – The Board granted the Illinois Environmental Protection Agency’s motion to reconsider, vacated the September 4, 2008 order, and entered a default order against respondents. The Board found that these respondents violated Sections 21(o)(5) and (o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5), (o)(12) (2006)), assessing a penalty of \$1,000 in this administrative citation involving a Rock Island County facility.	5-0
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AC 08-32	<u>IEPA v. Joseph Flick</u> – The Board granted the Illinois Environmental Protection Agency’s motion to reconsider, vacated the September 4, 2008 order, and entered a default order against this respondent. The Board found that respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2006)), assessing a penalty of \$3,000 in this administrative citation involving a Union County facility.	5-0
AC 08-34	<u>IEPA v. Joseph Combs</u> – The Board granted the Illinois Environmental Protection Agency’s motion to reconsider, vacated the September 4, 2008 order, and entered a default order against this respondent. The Board found that respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2006)) in this administrative citation involving a Greene County facility. Because this administrative citation addresses second or subsequent adjudicated violations of Sections 21(p)(1) and (p)(7) by Combs, the total civil penalty is \$6,000. <i>See</i> <u>IEPA v. Joseph Combs</u> , AC 07-60, slip op. at 2 (July 12, 2005).	5-0
AC 08-36	<u>IEPA v. Charles F. Kinsel</u> – The Board granted the Illinois Environmental Protection Agency’s motion to reconsider, vacated the September 16, 2008 order, and entered a default order against this respondent. The Board found that respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2006)) in this administrative citation involving a Fulton County facility. Because this administrative citation addresses a subsequent adjudicated violation of Section 21(p)(1) by Kinsel, as well as a violation of Section 21(p)(7), the total civil penalty is \$4,500. <i>See, e.g.,</i> <u>IEPA v. Charles F. Kinsel</u> , AC 07-9, slip op. at 2 (Oct. 5, 2006).	5-0
AC 09-2	<u>IEPA v. Theodore & Elizabeth Hollenbeak and Hollenbeak Concrete, Inc.</u> – The Board found that Elizabeth Hollenbeak and Hollenbeak Concrete defaulted by failing to timely to file an amended petition. The Board withheld issuing a final order regarding Elizabeth Hollenbeak and Hollenbeak Concrete, Inc. until the Board makes its final decision regarding Theodore Hollenbeak. The Board directed the hearing officer to proceed expeditiously to hearing on the previously accepted petition for review filed by Theodore Hollenbeak.	5-0

AC 09-14	<u>IEPA v. Reynolds Service Co.</u> – The Board found that respondent’s petition was untimely, denied respondent’s motion to clarify, and entered a default order against respondent. The Board found that respondent violated Sections 21(p)(1), (p)(5), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(5), (p)(7) (2006)), assessing a penalty of \$4,500 in this administrative citation involving a Union County facility.	5-0
AC 09-19	<u>IEPA v. Donald G. Wilkey</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Jefferson County facility.	5-0
AC 09-20	<u>IEPA v. Charles Kissick</u> – The Board found that respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2006)), assessing a penalty of \$3,000 in this administrative citation involving a Morgan County facility.	5-0
AC 09-21	<u>IEPA v. Darrell Knox</u> – The Board found that respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2006)), assessing a penalty of \$4,500 in this administrative citation involving a Morgan County facility.	5-0
AC 09-24	<u>IEPA v. Quinn & Glenna Hunley</u> – The Board accepted an administrative citation against these Edwards County respondents.	
AC 09-25	<u>IEPA v. Gilbert and Mary Codgill Estate, c/o William Codgill, Executor</u> – The Board accepted an administrative citation against these Lawrence County respondents.	

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 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal

PCB 07-70	<u>People of the State of Illinois v. J. B. Timmermann Farms, Ltd.,</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> – No action taken.	W-E
PCB 08-52	<u>People of the State of Illinois v. Dr. Charles R. Boyce, d/b/a Chatham Veterinary Clinic</u> – In this, land, air and potentially infectious medical waste enforcement action concerning a Sangamon 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)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$7,100, and to cease and desist from further violations.	5-0 L-E
PCB 08-86	<u>City of Quincy v. IEPA</u> – No action taken.	P-A, Water
PCB 08-87	<u>People of the State of Illinois v. Steve Soderberg d/b/a Steve's Concrete and Excavating</u> – No action taken.	W-E
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	Citizens A, L, W-E
PCB 09-21	<u>Ameren Energy Generating Company, Amerenenergy Resources Generating Company, and Electric Energy, Inc. v. IEPA</u> – No action taken.	A-V
PCB 09-26	<u>People of the State of Illinois v. Triple A Asbestos Service, Inc.,</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)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$20,750, and to cease and desist from further violations.	5-0 A-E
PCB 09-33	<u>S & D Realty, Inc. 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.	5-0 UST Appeal, 90-Day Extension

PCB 09-34	<u>Intermart, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a site located in Kane County.	5-0 UST Appeal
PCB 09-35	<u>People of the State of IL v. James Buysee, d/b/a J & B Landscaping</u> – The Board accepted for hearing this water enforcement action involving a site located in Henderson County.	5-0 W-E
PCB 09-36	<u>Apollo Plastics Corporation v IEPA</u> – No action taken.	5-0 P-A, Air
PCB 09-37	<u>Simons Auto Service Center 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 St. Clair County facility.	5-0 UST Appeal, 90-Day Extension

CASES PENDING DECISION

R08-7 R08-13	<u>SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> <u>SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> <ul style="list-style-type: none"> • Adopted Rule, Final Opinion and Order 	PWS
AS 08-8	<u>In the Matter of: Petition of Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. for Adjusted Standard from Ammonia Nitrogen Discharge Levels at 35 Ill. Adm. Code 304.122</u>	Water
R08-7 R08-13	<u>People of the State of Illinois v. Steve Soderberg d/b/a Steve's Concrete and Excavating</u>	W-E

OTHER ITEMS

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 December 18, 2008, by a vote of.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board