

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**June 18, 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.

### **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 June 4, 2009 open meeting were approved by a vote of 5-0. The minutes of the June 11, 2009 closed deliberative session were approved by a vote of 4-0, Chairman Girard abstained.

## RULEMAKINGS

<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> – The Board adopted a final opinion and order in this rulemaking amending the Board’s air pollution control regulations.	5-0 Air
<b>R09-11</b>	<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> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s water pollution control regulations.	4-0 Member Lin abstained Water
<b>R09-21</b>	<u>In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code Part 840.101 and 840.144</u> – The Board accepted for hearing petitioner’s May 19, 2009 proposal to amend the Board’s land pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signatures but denied the motion for expedited consideration.	Land 5-0

## 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> – The Board dismissed this request for an adjusted standard petition, finding that the Board lacks the authority to grant an adjusted standard as requested by petitioner.	4-1 Member Johnson dissented Land
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## ADMINISTRATIVE CITATIONS

<b>AC 09-9</b>	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board entered a final opinion and order requiring respondents to pay hearing costs of the County of Jackson and the Board in the amount of \$161.08 and a civil penalty of \$3,000. This order follows the Board's interim order of April 16, 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
<b>AC 09-39</b>	<u>IEPA v. Donald Sapp</u> – No action taken.	

<b>AC 09-40</b>	<u>IEPA v. Thomas and Valerie Hill</u> – The Board accepted Valerie Hill’s petition for review, but directed respondents to file an amended petition to cure deficiencies on or before July 6, 2009	5-0
<b>AC 09-41</b>	<u>IEPA v. Mark A. Lewis</u> – The Board accepted respondent’s petition for review, but directed respondent to file an amended petition to cure deficiencies on or before July 6, 2009.	5-0
<b>AC 09-43</b>	<u>IEPA v. The Blickhan Family Corporation, Inc. &amp; Blick's Construction Co. Inc</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving an Adams County facility.	5-0
<b>AC 09-44</b>	<u>IEPA v. Gordon Investment Group, LLC</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a McDonough County facility.	5-0
<b>AC 09-46</b>	<u>IEPA v. C. John Blickhan</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving an Adams County facility. The Board granted respondent’s motion to consolidate AC 09-46 with AC 07-24 and AC 08-19.	5-0
<b>AC 09-51</b>	<u>IEPA v. Springfield Iron &amp; Metal Co., Inc. and Russell &amp; Evelyn Weller</u> – The Board accepted an administrative citation against these Sangamon County respondents.	
<b>AC 09-52</b>	<u>County of LaSalle v. Ernest W. Foster</u> – The Board accepted an administrative citation against this LaSalle County respondent.	
<b>AC 09-53</b>	<u>IEPA v. Marty D. Leigh and Peggy J. Leigh</u> – The Board accepted an administrative citation against these Clay County respondents.	
<b>AC 09-54</b>	<u>IEPA v. Richard A. &amp; David J. Krumholz d/b/a Krumholz Brothers Landscaping</u> – The Board accepted an administrative citation against these Peoria County respondents.	

## ADJUDICATORY CASES

<p><b>PCB 03-191</b></p>	<p><u>People of The State of Illinois v. Community Landfill Company, Inc. and City of Morris</u> – The Board had previously found in its February 16, 2006 interim opinion and order that Community Landfill Corporation (CLC) and the City of Morris (City) violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2004)), and Sections 811.700(f) and 811.712(b) of the Board’s regulations. 35 Ill. Adm. Code 811.700(f), 811.712(b). In its final opinion and order, the Board respondents, within 60 days, to file \$17,427,366.00 in financial assurance, and to update cost estimates. The Board also ordered CLC to pay a civil penalty of \$1,059,534.70 and the City to pay a civil penalty in the amount of \$399,308.98, and to cease and desist from further violations.</p>	<p>5-0 L-E Blankenship concurring</p>
<p><b>PCB 04-215</b> <b>PCB 04-216</b></p>	<p><u>Commonwealth Edison Company v. IEPA</u> <u>Midwest Generation EME, LLC v. IEPA v. IEPA</u> – No action taken.</p>	<p>T-S Air</p>
<p><b>PCB 05-51</b></p>	<p><u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health and Safety</u> – No action taken.</p>	<p>A-E</p>
<p><b>PCB 07-44</b></p>	<p><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> – The Board granted complainant’s motion to strike the affirmative defenses and granted in part and denied in part respondent’s request for leave to amend the answer.</p>	<p>5-0 Citizens L, W-E</p>
<p><b>PCB 07-63</b></p>	<p><u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.</p>	<p>UST Appeal</p>
<p><b>PCB 08-7</b></p>	<p><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.</p>	<p>W-E</p>
<p><b>PCB 08-86</b></p>	<p><u>City of Quincy v. IEPA</u> – No action taken.</p>	<p>P-A, Water</p>

<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – The Board found that complainant’s amended complaint is neither duplicative nor frivolous and accepted the amended complaint for hearing.	5-0 A,L,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 09-62</b>	<u>John Tarkowski v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 09-66</b>	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	Citizens, L-E
<b>PCB 09-67</b>	<u>Prime Location Properties, LLC v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 09-92</b>	<u>Dynegy Midwest Generation (Tilton Energy Center) v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	5-0 P-A, Air
<b>PCB 09-102</b>	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – The Board granted respondent’s motion for extension of time to file a motion to dismiss the complaint.	5-0 N-E
<b>PCB 09-115</b>	<u>Clark Kelly – Biggsville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Clark Kelly – Biggsville located in Henderson 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
<b>PCB 09-116</b>	<u>Voss Farm - Carlyle v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Voss Farm - Carlyle 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
<b>PCB 09-117</b>	<u>Baker Farms - Maquon v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Baker Farms - Maquon located in Knox 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

<b>PCB 09-118</b>	<u>JS Finishing, LLC - Alexis v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of JS Finishing, LLC - Alexis located in Mercer 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
<b>PCB 09-119</b>	<u>Frank Hopkins, Jr. - Gibson v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Frank Hopkins, Jr. - Gibson located in Knox 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
<b>PCB 09-120</b>	<u>Mage Farms, LLC - v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mage Farms, LLC located in Henderson 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
<b>PCB 09-121</b>	<u>Holesinger Farms, Inc - Fulton v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Holesinger Farms, Inc - Fulton located in Whiteside 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
<b>PCB 09-122</b>	<u>Osco/Henry Service Company 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 Henry County facility.	5-0 UST Appeal 90-Day Extension
<b>PCB 09-123</b>	<u>2001 Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
<b>PCB 09-124</b>	<u>Milliman Pork v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Milliman Pork located in Jasper 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

<b>PCB 09-125</b>	<u>Sanitary District of Decatur v. IEPA</u> – The Board accepted this request for variance involving a Macon County facility, and is awaiting the Illinois Environmental Protection Agency’s recommendation.	5-0 W-V
<b>PCB 09-126</b>	<u>Alan Durkee Swine Farm - Stronghurst v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Alan Durkee Swine Farm - Stronghurst located in Henderson 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
<b>PCB 09-127</b>	<u>SF Ventures, LLC - Gladstone v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of SF Ventures, LLC - Gladstone located in Henderson 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
<b>PCB 09-128</b>	<u>Doug Holesinger - Union Grove (Property ID No. 07-01-300-008) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Doug Holesinger - Union Grove located in Whiteside 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**

<b>R09-16</b>	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – Proposed for Public Comment, Opinion & Order	Land
<b>PCB 06-159</b>	<u>People of the State of Illinois v. Gary Simmons and Lawrence County Disposal Centre, Inc.</u> - Interim Opinion & Order	L-E

**OTHER ITEMS**

None

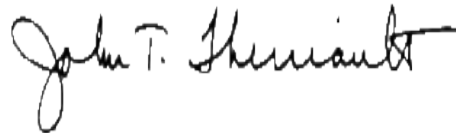
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## **ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:33 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 23, 2009, by a vote of 5-0.

A handwritten signature in black ink, reading "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