

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



February 4, 2010

Chicago

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. Five Board Members answered present..

APPROVAL OF MINUTES

The minutes of the January 21, 2010 open meeting were approved by a vote of 4-0, Member Moore abstained. The minutes of the January 28, 2010 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R 06-22	<u>In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – No action taken.	Air
R 08-9	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – No action taken.	Water
R 10-10	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group III Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	Air 5-0

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 09-43	<u>IEPA v. The Blickhan Family Corporation, Inc. & Blick's Construction Co. Inc</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Adams County facility, the Board found that respondents had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2006)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violation of Section 21(p)(1) and (p)(7) of the Act.	5-0
AC 10-14	<u>Macon County Solid Waste Management Dept. v. Veolia ES Valley View Landfill (File No. 2010-002-AC)</u> – The Board accepted an administrative citation against this Macon County respondent.	
AC 10-15	<u>IEPA v. David Antrim</u> – The Board accepted an administrative citation against this Effingham County respondent.	

AC 10-16	<u>County of Ogle v. Richard Haan, Jr.</u> – The Board accepted an administrative citation against this Ogle County respondent.	
-----------------	---	--

ADJUDICATORY CASES

PCB 05-193	<u>Vernon and Elaine Zohfeld v. Bob Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton, and Steve Kinder</u> – The Board granted complainants’ motion for voluntary dismissal of this enforcement action concerning a Hamilton County site.	5-0 A-E, Citizens
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 09-31	<u>People of the State of IL v. James Buysee, d/b/a J & B Landscaping</u> – In this water enforcement action concerning a Rock Island 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) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$14,300.00, and to cease and desist from further violations.	5-0 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 09-87 PCB 10-5 (cons.)	<u>Dickerson Petroleum, Inc. v. IEPA</u> <u>Dickerson Petroleum, Inc. v. IEPA</u> – The Board remanded these consolidated underground storage tank appeals involving a St. Clair County facility, to the Illinois Environmental Protection Agency (Agency) and directed the Agency to issue determinations consistent with this order with applicable statutory and regulatory requirements within 30 days. The Board declined to exercise its discretion to direct the Agency to reimburse petitioner’s attorney fees from the UST Fund.	5-0 UST Appeal

PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-22	<u>People of the State of Illinois v. Western Sand & Gravel Company, 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 LaSalle County facility, the Board ordered publication of the required newspaper notice.	5-0 L -E
PCB 10-26	<u>ConocoPhillips Company/ Warrenville-Phillips v. IEPA</u> – The Board dismissed this petition for review because of petitioner’s failure to file an amended petition for review as directed by the Board’s order dated November 5, 2009.	5-0 UST Appeal
PCB 10-35	<u>North Aurora Gas Station (F/N/A Intermart, Inc.) v. IEPA</u> – No action taken.	UST Appeal
PCB 10-53	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board granted petitioner’s motion for a stay of the permit’s contested conditions.	5-0 P-A, Water
PCB 10-54	<u>Zervos Three, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 10-55	<u>The Premcor Refining Group, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.	5-0 P-A, Air
PCB 10-56	<u>Gervase Buehne - St. Rose v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s (Agency) recommendation, the Board found and certified that specified facilities of Gervase Buehne 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 (2008)). No action was taken on the Agency’s recommendation to deny certification of the walls and roof of the freestall barns and the solid concrete floors in the freestall barns as pollution control facilities as defined in Section 11-10 of the Property Tax Code (35 ILCS 200/11-10 (2008)) until the appeal time has expired.	5-0 T-C, W

PCB 10-57	<u>Mark Dunn - Aledo v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mark Dunn 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 (2008)).	5-0 T-C, W
PCB 10-58	<u>George Harrell - Stronghurst v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of George Harrell 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 (2008)).	5-0 T-C, W
PCB 10-59	<u>Pitch Co III, Inc. - Montrose v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Pitch Co III, Inc. 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 (2008)).	5-0 T-C, W
PCB 10-60	<u>JD Pork, LLC - LaHarpe v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of JD 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 (2008)).	5-0 T-C, W

CASES PENDING DECISION

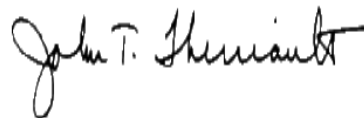
R09-16/	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u>	R-Land
R10-4 (cons.)	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> <ul style="list-style-type: none">- Proposed Rule, Proposal for Public Comment, Opinion & Order	
R06-20(A)	<u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 739,808,809</u> <ul style="list-style-type: none">• Scheduled for JCAR Review February 9, 2010- Adopted Rule, Final Order	R- Land

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:23 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 18, 2010, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board