

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 7, 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. All five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the December 17, 2009 open meeting and January 5, 2010 closed deliberative 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 09-21	<u>In the Matter of: Ameren Ashpond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code 840.101 through 840.144</u> – In response to various post-hearing comments, the Board directed petitioner to submit specified information.	5-0 Land
R 10-7	<u>Definition of VOM Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s volatile organic emission regulations.	5-0 Air
R 10-8	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air pollution regulations.	5-0 Air
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 Il. Adm. Code 218 and 219</u> – No action taken.	Air
R 10-11	<u>UIC Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R 10-12	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R 10-13	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land

R 10-14	<u>UST Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R 10-15	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Water
R 10-16	<u>Definition of VOM Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air
R 10-17	<u>SDWA Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	PWS

ADJUSTED STANDARDS

AS 09-3	<u>In the Matter of: Petition of Westwood Lands, Inc. for an Adjusted Standard from Portions of 35 Ill. Adm. Code 807.104 and 35 Ill. Adm. Code 810-103 or in the Alternative, a Finding of Inapplicability</u> – The Board denied petitioner’s request for an adjusted standard and its alternative request for a finding of inapplicability.	5-0 Land
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ADMINISTRATIVE CITATIONS

AC 09-19	<u>IEPA v. Donald G. Wilkey</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
AC 10-15	<u>County of Jackson v. Gary Clover</u> – The Board directed respondent to file an amended petition for review on or before February 8, 2010, or this action will be subject to dismissal.	5-0

AC 10-6	<u>IEPA v. Larry M. Ison</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Jefferson County facility.	5-0
AC 10-7	<u>IEPA v. Larry M. Ison</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Jefferson County facility.	5-0

ADJUDICATORY CASES

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 07-124	<u>People of the State of Illinois v. Kraft Foods Global, Inc.</u> – In this water enforcement action concerning a DuPage 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 \$84,570.00, and to cease and desist from further violations.	5-0 W -E
PCB 07-133	<u>People of the State of Illinois v. Thomas P. Mathews</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 McHenry County facility, the Board ordered publication of the required newspaper notice.	5-0 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 09-66	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	Citizens, L-E
PCB 09-74	<u>People of the State of Illinois v. David J. Shultz</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 Sangamon County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 09-80	<u>Riverview Frenetics - Centralia (Property ID No. 14-13-16-400-004) v. IEPA</u> – No action taken.	T-C, W
PCB 09-92	<u>Dynegy Midwest Generation (Tilton Energy Center) v. IEPA</u> – The Board granted petitioner’s motion for leave to file an amended petition, and accepted it for hearing.	5-0 P-A, Air
PCB 09-104	<u>People of the State of Illinois v. Village of Rockton</u> – In this water enforcement action concerning a Winnebago 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 \$10,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 09-125	<u>Sanitary District of Decatur v. IEPA</u> – The Board granted the petitioner a five year variance from the general use water quality standards for nickel and zinc (35 Ill. Adm. Code 302.208(e)) and the rule for establishing water-quality-based effluent limits as it applies to nickel and zinc (35 Ill. Adm. Code 304.105), subject to conditions.	5-0 W-V
PCB 10-7	<u>Onken's Incorporated v. IEPA</u> – The Board granted this Macon County facility’s motion for voluntary dismissal of this underground storage tank appeal.	UST Appeal
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-19	<u>People of the State of Illinois v. Marathon Tire Service of Olney, Inc.</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 Richland County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

PCB 10-36	<u>Susan Malinowski v. Chicago Transit Authority</u> – No action taken.	Citizens, N-E
PCB 10-40	<u>Niebrugge Oil Company v. IEPA</u> – The Board accepted for hearing petitioner’s amended petition in this underground storage tank appeal involving a Shelby County facility.	5-0 UST Appeal
PCB 10-43	<u>People of the State of Illinois v. Robert Miller, d/b/a MIL-R-MOR FARM</u> – The Board accepted for hearing this water enforcement action involving a site located in Stephenson County.	5-0 W-E
PCB 10-44	<u>Scates Service Station v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Gallatin County facility.	5-0 UST Appeal
PCB 10-45	<u>Smoot Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jefferson County facility.	5-0 UST Appeal
PCB 10-46	<u>Freedom Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McLean County facility.	5-0 UST Appeal
PCB 10-47	<u>Von Holten Farms - Lyndon v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Von Holten Farms 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 (2008)).	5-0 T-C, W
PCB 10-48	<u>Freedom Oil Company - Streator 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 LaSalle County facility.	5-0 UST Appeal, 90-Day Extension
PCB 10-49	<u>Wheeling Park District 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

CASES PENDING DECISION

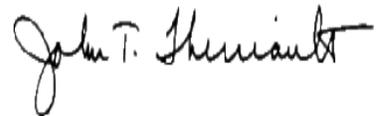
R09-16/	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u>	R-Land
R10-4 (cons.)	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> - Proposed Rule, Proposal for Public Comment, Opinion & Order	
R10-18	<u>In the Matter of: Procedural Rules on Hearings in Identical in Substance Rulemakings</u> - Proposed Rule, First Notice, Opinion & Order	R- Proc.

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:26 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 21, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board