

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**APRIL 15, 2010**

### **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. Five Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the April 1, 2010 open meeting were approved by a vote of 4-0, Chairman Girard abstained. The minutes of the April 8, 2010 closed deliberative session were approved by a vote of 5-0.

## RULEMAKINGS

<b>R 06-22 (B)</b>	<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> – No action taken.	Land
<b>R 06-22</b>	<u>In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – No action taken.	Air

## ADJUSTED STANDARDS

<b>AS 09-3</b>	<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> – No action taken.	Land
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## ADMINISTRATIVE CITATIONS

<b>AC 09-56</b>	<u>IEPA v. Gary J. and James R. Szczebleski</u> – The Board entered an interim opinion and order finding respondents violated Sections 21(p) (1) and (p) (7) of the Illinois Environmental Protection Act (415 ILCS 5/21(p) (1), (p) (7) (2008)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondents. Respondents may respond to the cost statement within 21 days of service.	5-0
<b>AC 10-21</b>	<u>IEPA v. David Charles Bettis</u> – The Board accepted an administrative citation against this Greene County respondent.	
<b>AC 10-22</b>	<u>IEPA v. Jeff Dooley</u> – The Board accepted an administrative citation against this Coles County respondent.	

## ADJUDICATORY CASES

<b>PCB 07-44</b>	<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
<b>PCB 07-53</b>	<u>People of the State of Illinois v. Moline Place Development, L.L.C.</u> – No action taken.	W -E
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 08-86</b>	<u>City of Quincy v. IEPA</u> – No action taken.	P-A, Water
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-E
<b>PCB 09-39</b>	<u>People of the State of Illinois v. Al-Argonquin Apartments, LLC, Algonquin Apartments, LLC, and Algonquin Management, LLC</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 Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A -E
<b>PCB 09-87 PCB 10-5 (cons.)</b>	<u>Dickerson Petroleum, Inc. v. IEPA</u> <u>Dickerson Petroleum, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 09-75</b>	<u>People of the State of Illinois v. Andalusia Ventures, L.L.C.</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 \$8,000.00, and to cease and desist from further violations.	5-0 W-E, NPDES
<b>PCB 09-105</b>	<u>People of the State of Illinois v. R. A. Cullinan &amp; Sons, Inc.,</u> – In this land enforcement action concerning a Tazewell 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 \$16,000.00, and to cease and desist from further violations.	5-0 L-E

<b>PCB 10-9</b>	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, A. E. Staley Manufacturing Co., Archer Daniels Midland, Inc., Aramark Uniform Services, Inc., Bell Sports, Inc., Borden Chemical Co., Bridgestone/Firestone, Inc., Climate Control, Inc., Caterpillar, Inc., Combe Laboratories, Inc., General Electric Railcar Services Corporation, P &amp; H Manufacturing, Inc., Trinity Rail Group, Inc., Tripple S Refining Corporation and Zexel Illinois, Inc.</u> – The Board granted respondent Bridgestone Americas Tire Operations, LLC’s motion to allow Heidi H. Bumpers to appeal <i>pro hac vice</i> on its behalf.	5-0 L-E
<b>PCB 10-13</b>	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
<b>PCB 10-35</b>	<u>North Aurora Gas Station (F/N/A Intermart, Inc.) v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-48</b>	<u>Broadus Oil Company - Streator v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a LaSalle County facility.	5-0 UST Appeal
<b>PCB 10-49</b>	<u>Wheeling Park District 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 Cook County facility.	5-0 UST Appeal, 90-Day Extension
<b>PCB 10-52</b>	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal v. IEPA</u> – The Board accepted for hearing this appeal of conditions of a supplemental permit regarding maintenance requirements a for the closed landfill involving a site in Vermilion County.	5-0 P-A, Land
<b>PCB 10-54</b>	<u>Zervos Three, Inc. v. IEPA</u> – The Board denied petitioner’s motion for default judgment and, in the alternative, sanctions.	5-0 UST Appeal
<b>PCB 10-61</b>	<u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC, and Springfield Coal Company, LLC</u> – The Board granted the Environmental Law and Policy Center's (ELPC) motion to intervene. The Board accepts ELPC’s complaint for filing but will not rule on whether to accept it for hearing until respondents’ time for filing any motion under 35 Ill. Adm. Code 103.212 elapses.	5-0 W-E
<b>PCB 10-74</b>	<u>Mill Creek Water Reclamation District v. IEPA and Grand Prairie Sanitary District</u> – No action taken.	P-A, Water

<b>PCB 10-75</b>	<u>Chicago Coke Co., Inc v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 10-76</b>	<u>Coalville Road Enterprises v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Livingston County facility.	5-0 P-A, Land
<b>PCB 10-77</b>	<u>People of the State of Illinois v. Avante, LLC</u> – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.	5-0 A-E
<b>PCB 10-78</b>	<u>J. D. 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 J. D. 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
<b>PCB 10-79</b>	<u>Ryan McClure v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ryan McClure 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
<b>PCB 10-80</b>	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Vermilion County facility.	5-0 P-A, Land, 90-Day Extension

### CASES PENDING DECISION

<b>PCB 06-171</b>	<u>American Bottom Conservancy v. Illinois Environmental Protection Agency and United States Steel Corporation - Granite City Works</u> – Opinion & Order, Final Order on Remand	P-A, NPDES
<b>PCB 10-1</b>	<u>Weeke Oil Company v. IEPA</u> (due May 20, 2010) – Opinion & Order (due 2/4/10)	UST Appeal

### OTHER ITEMS

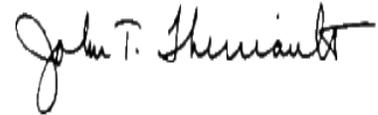
	The Board granted the Chairman’s Motion to cancel April 22, 2010 Closed Deliberative Session.	5-0
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## ADJOURNMENT

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Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:20 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 6, 2010, by a vote of 5-0, Chairman Girard abstained.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board