

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



May 6, 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

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 April 15, 2010 open meeting and of the April 29, 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 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 second notice opinion and order in this rulemaking to amend the Board’s air pollution regulations.	5-0 Air
R 10-21	<u>In the Matter of: Regulatory Proposal for 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162</u> – The Board accepted for hearing Illinois Environmental Protection Agency’s April 20, 2010 proposal to amend the Board’s air pollution regulations.	5-0 Air

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> – No action taken.	Land
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ADMINISTRATIVE CITATIONS

AC 10-18	<u>County of Jackson v. Ed Cripps</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 10-19	<u>County of Jackson v. Glenn Moore</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1)(2008)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 10-20	<u>County of Jackson v. Susan Crow</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	5-0

AC 10-22	<u>IEPA v. Jeff Dooley</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
AC 10-23	<u>IEPA v. John J. and Kathy D. Still</u> – The Board accepted an administrative citation against these Brown County respondents.	

ADJUDICATORY CASES

PCB 06-171	<u>American Bottom Conservancy v. Illinois Environmental Protection Agency and United States Steel Corporation - Granite City Works</u> – On remand from the Fifth District Appellate Court, the Board found that the Illinois Environmental Protection Agency’s (Agency) did not abuse its discretion in declining the requests to hold a public hearing prior to the issuance of the U.S. Steel permit on March 31, 2006. The Board affirmed as written the National Pollutant Discharge Elimination System permit, issued by the Agency to U.S. Steel.	5-0 P-A, NPDES 3 rd Party
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 07-53	<u>People of the State of Illinois v. Moline Place Development, L.L.C.</u> – No action taken.	W -E
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 09-74	<u>People of the State of Illinois v. David J. Shultz</u> – In this air 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) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$7,000.00, and to cease and desist from further violations.	5-0 A -E
PCB 09-87 PCB 10-5 (cons.)	<u>Dickerson Petroleum, Inc. v. IEPA</u> <u>Dickerson Petroleum, Inc. v. IEPA</u> – No action taken.	UST Appeal

PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-14	<u>People of the State of Illinois v. Eco-Clean Environmental, Inc. now d/b/a Eco Environmental, 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 Montgomery County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 10-35	<u>North Aurora Gas Station (F/N/A Intermart, Inc.) v. IEPA</u> – No action taken.	UST Appeal
PCB 10-43	<u>People of the State of Illinois v. Robert Miller, d/b/a MIL-R-MOR FARM</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 Stephenson County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 10-61	<u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC, and Springfield Coal Company, LLC</u> – No action taken.	W-E
PCB 10-63	<u>Community Landfill (Parcel B) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Grundy County facility.	5-0 P-A, Land, 90-Day Extension
PCB 10-64	<u>Community Landfill (Parcel A) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Grundy County facility.	5-0 P-A, Land, 90-Day Extension
PCB 10-74	<u>Mill Creek Water Reclamation District v. IEPA and Grand Prairie Sanitary District</u> – No action taken.	P-A, Water
PCB 10-75	<u>Chicago Coke Co., Inc v. IEPA</u> – No action taken.	P-A, Air
PCB 10-81	<u>Jakobs Brothers Farms, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jakobs Brothers Farms, Inc. 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 10-82	<u>John and Jennifer Fehr - Rankin v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of John and Jennifer Fehr located in Iroquois 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 10-83	<u>Village of Morton v. IEPA</u> – The Board accepted for hearing this petition for a community well setback exception involving a site located in Tazewell County. The Board also granted the parties’ request for expedited hearing.	5-0 PWS-WWS
PCB 10-84	<u>People of the State of Illinois v. Professional Swine Management, LLC, Hilltop View LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., North Fork Pork, LLC, Little Timber, LLC, and Twin Valley Pumping, Inc.</u> – The Board accepted for hearing this water enforcement action involving several sites located in Adams, Fulton, Hancock, and Schuyler Counties.	5-0 W-E
PCB 10-85	<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
PCB 10-86	<u>People of the State of Illinois v. Illinois Fuel Company, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in Gallatin County.	5-0 W-E
PCB 10-87	<u>People of the State of Illinois v. Mark Pickett, d/b/a Mark's Auto Sales</u> – The Board accepted for hearing this land enforcement action involving a site located in Winnebago County.	5-0 L-E
PCB 10-88	<u>Lee Brummer - Louisville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Lee Brummer located in Clay 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 10-89	<u>People of the State of Illinois v. Freeport Area Economic Development Foundation, d/b/a Northwest Illinois Development Alliance and Weitz Industrial, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in Stephenson County.	5-0 W-E

PCB 10-90	<u>American Louver Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.	P-A, Air
PCB 10-91	<u>4th Meridian Farm, Inc. - Rio v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of 4th Meridian Farm, Inc. 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 (2008)).	5-0 T-C, W
PCB 10-92	<u>BMI Farms, LLC - Versailles v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BMI Farms, LLC located in Brown 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 10-93	<u>Elk Grove Village/Former Penske Truck Leasing Facility (Incident-Claim No. 20081536-56785) v. IEPA</u> – No action taken.	UST Appeal, 90-Day Extension
PCB 10-94	<u>People of the State of Illinois v. Gary L. Penrith</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Lake County facility, the Board accepted the case and ordered publication of the required newspaper notice.	5-0 W-E
PCB 10-95	<u>Triple E Farms - Altona v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Triple E Farms 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 (2008)).	5-0 T-C, W

CASES PENDING DECISION

R06-20(B)	<u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Il. Adm. Code 739, 808, 809</u> – Second Notice, Opinion & Order	Land
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PCB 10-1	<u>Weeke Oil Company v. IEPA</u> (due May 20, 2010) - Opinion & Order	UST Appeal
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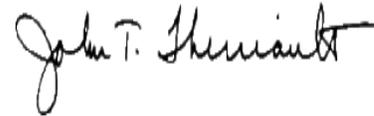
OTHER ITEMS

None

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:28 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 20, 2010, by a vote of 5-0, Chairman Girard abstained.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board