

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 3, 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 May 20, 2010 open meeting and of the May 27, 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 08-9A	<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 (Recreational Use Designations)</u> – No action taken.	Water
R 10-19	<u>Procedural Rules for Authorizations Under P. A. 95-115 (Regulation of Phosphorus in Detergents Act), 35 Il. Adm. Code 106.Subpart H</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0 Proc.

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 08-27	<u>IEPA v. Hiram Vanderheiden, Jr.</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$406.60 and a civil penalty of \$3,000. This order follows the Board's interim order of April 4, 2010, which found that this respondent had violated Sections 21(p) (1) and (7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (7) (2008)).	5-0
AC 09-56	<u>IEPA v. Gary J. and James R. Szczeblewski</u> – The Board entered a final opinion and order requiring respondents to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$506.20 and a civil penalty of \$3,000. This order follows the Board's interim order of April 15, 2010, which found that these respondents had violated Sections 21(p) (1) and (7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (7) (2008)).	5-0

AC 10-17	<u>Perry County Solid Waste Management Dept. v. Perry Ridge Landfill, Inc.</u> – The Board accepted for hearing respondent’s amended petition for review of this administrative citation involving a Perry County facility.	5-0
AC 10-21	<u>IEPA v. David Charles Bettis</u> – The Board directed respondent to file a certificate of service with the Board documenting that Bettis served a copy of the petition on the Illinois Environmental Protection Agency on or before July 5, 2010, or this action will be subject to dismissal.	5-0

ADJUDICATORY CASES

PCB 03-22	<u>People of the State of Illinois v. Saint-Gobain Containers, Inc.,</u> – No action taken.	Air
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 09-39	<u>People of the State of Illinois v. Al-Algonquin Apartments, LLC, Algonquin Apartments, LLC, and Algonquin Management, LLC</u> – In this air enforcement action concerning a Cook 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 \$43,000, and to cease and desist from further violations.	5-0 A -E
PCB 09-66	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – The Board directed complainants to file proof of service of a pending motion to add Texaco as a respondent on Texaco with the Board on or before June 17, 2010.	5-0 L-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 10-53	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board granted this Madison County facility’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Water
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 10-65	<u>Donald Koch, d/b/a Llad Enterprises 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 Lake County facility.	5-0 UST Appeal
PCB 10-74	<u>Mill Creek Water Reclamation District v. IEPA and Grand Prairie Sanitary District</u> – No action taken.	P-A, Water
PCB 10-90	<u>American Louver Company v. IEPA</u> – No action taken.	P-A, Air
PCB 10-98	<u>Midwest Generation, LLC - Will County Generating Station v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Will County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.	5-0 P-A, Air
PCB 10-99	<u>American Louver Company v. IEPA</u> – No action taken.	P-A, Air

CASES PENDING DECISION

R09-16 R10-4 (cons.)	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> <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 – Deadline Extension Order	Land
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R10-1	<u>SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009) (due June 17, 2010)</u>	PWS
R10-17	<u>SDWA Update, USEPA Amendments (July 1, through December 31, 2009)</u> - <u>Consolidation and Deadline Extension Order</u>	
R10-8	<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> • <u>Scheduled for Review at June 15, 2010 JCAR Meeting</u> - <u>Adopted Rule, Final Order</u>	Air
PCB 00-211	<u>People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyo America, Inc.</u> - <u>Opinion and Order</u>	A,L-E, RCRA

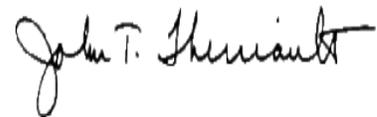
OTHER ITEMS

None

ADJOURNMENT

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 June 17, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board