

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 17, 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 June 3, 2010 open meeting and of the June 10, 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 09-16 R 10-4 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> – The Board adopted a proposal for public comment in this “identical-in-substance” consolidated rulemaking to amend the Board’s hazardous waste regulations and extended the deadline for completion of rulemaking from September 13, 2010 until November 15, 2010.	5-0 Land
R 10-1 R 10-17 Cons.	<u>SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009) (due June 17, 2010)</u> <u>SDWA Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board on its own motion consolidated these “identical-in-substance” rulemakings to amend the Board’s drinking water regulations and extended the deadline for completion of amendments from June 29, 2010 until November 15, 2010.	5-0 PWS
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 final opinion and order in this rulemaking amending the Board’s air rules. The Board on its own motion opened a subdocket B in this rulemaking for the purpose of addressing issues raised by the Flexible Packaging Association.	5-0 Air
R 10-18	<u>In the Matter of: Procedural Rules on Hearings in Identical in Substance Rulemakings</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0 Proc.
R 10-21	<u>In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air rules.	5-0 Air

R 10-22	<u>Attorney General's Proposal of Regulations; Statement of Reasons; Notice of Proposed Amendment; Proposed Amendment to 35 Ill. Adm. Code 101.304</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0 Proc.
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ADJUSTED STANDARDS

AS 07-6	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> – No action taken.	Land
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

ADMINISTRATIVE CITATIONS

AC 08-9	<u>IEPA v. Gene & Elena Greenwood</u> – No action taken.	
AC 09-54	<u>IEPA v. Richard A. & David J. Krumhoz d/b/a Krumholz Brothers Landscaping</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2008)) 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)(3) and (p)(7) of the Act.	5-0
AC 10-23	<u>IEPA v. John J. and Kathy D. Still</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Brown County facility.	5-0

AC 10-24	<u>IEPA v. Steve Danielson</u> – The Board found that this Bureau County respondent violated Section 21(p) (1) of the Act (415 ILCS 5/21(p) (1) (2008)). Because this is a second or subsequent adjudicated violation of Section 21(p) (1) (<i>see IEPA v. Danielson, AC 09-27 (Jan. 22, 2009)</i>), the Board ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 10-25	<u>IEPA v. Kenneth Verbout</u> – The Board accepted respondent’s petition for review in this administrative citation involving a Bureau County facility, and set the matter for hearing.	5-0
AC 10-26	<u>IEPA v. Tuttle Grain, Inc.</u> – The Board found that this Crawford County respondent violated Section 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 10-28	<u>IEPA v. Gary J. and James r. Sczeblewski</u> – The Board accepted an administrative citation against these Franklin County respondents.	
AC 10-29	<u>IEPA v. Christa Hjort</u> – The Board accepted an administrative citation against this Macon County respondent.	
AC 10-30	<u>County of Jackson v. Frances Klink</u> – The Board accepted an administrative citation against this Jackson County respondent.	

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> – The Board granted in part and denied in part the Illinois Environmental Protection Agency’s (IEPA) motion to reconsider. In addition, the Board denied IEPA’s motion to supplement the motion to reconsider with new matter. The Board affirmed its March 4, 2010 decision, in which the Board: (1) granted City of Quincy’s (Quincy) motion for summary judgment; (2) struck the provisions of Special Condition 14(7) of the permit that designate the receiving waters of CSO outfalls 002, 006, and 007 as “sensitive areas” and imposed corresponding requirements; and (3) remanded the matter to IEPA to reissue the NPDES permit to Quincy in accordance with the Board’s opinion.	5-0 P-A, Water
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-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 10-8	<u>People of the State of Illinois v. Don Swinson, and Champion Environmental Services, Inc.</u> – The Board directed that either the complainant file an amended complaint or the parties file an amended stipulation and proposed settlement, accompanied by another request for relief from the hearing requirement.	5-0 L-E
PCB 10-10	<u>People of the State of Illinois v. Thermogas Company, Inc. n/k/a Williams Fertilizer, Inc, formerly d/b/a McLeansboro Thermogas, a foreign corporation</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 Hamilton County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
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> – In this land enforcement action concerning a Montgomery 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 \$10,250.00, and to cease and desist from further violations.	5-0 L-E

PCB 10-35	<u>North Aurora Gas Station (F/N/A Intermarkt, 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> – In this water enforcement action concerning a Stephenson 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 \$2,000.00, and to cease and desist from further violations.	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 10-69	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Vermilion County facility.	5-0 P-A, Land
PCB 10-70	<u>Wheeling/GWA Auto Shop v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 10-72	<u>People of the State of Illinois v. Byron Ward, d/b/a Ward Electric, and Timothy James</u> – No action taken.	L-E
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 10-90	<u>American Louver Company v. IEPA</u> – The Board granted petitioner’s motion for a stay of the permit’s contested conditions.	5-0 P-A, Air
PCB 10-98	<u>Midwest Generation, LLC - Will County Generating Station v. IEPA</u> – The Board granted petitioner’s motion for a stay of the permit’s contested conditions.	5-0 P-A, Air
PCB 10-99	<u>American Louver Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	5-0 P-A, Air

PCB 10-100	<u>Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust and Prairie Living West, LLC</u> – No action taken.	L-E
PCB 10-101	<u>Dave McGhee 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 Douglas County facility.	5-0 UST Appeal, 90-Day Extension
PCB 10-102	<u>People of the State of Illinois v. City of Charleston</u> – The Board accepted for hearing this water enforcement action involving a site located in Coles County.	5-0 W-E
PCB 10-103	<u>Stop The Mega-Dump v. County Board of Dekalb County, Illinois and Waste Management, of Illinois Inc.</u> – The Board accepted for hearing this pollution control facility siting appeal involving a DeKalb County facility. The Board on its own motion consolidated this appeal with <u>Waste Management of Illinois, Inc. v. DeKalb County Board</u> , PCB 10-104.	5-0 L-S-App Third Party
PCB 10-104	<u>Waste Management of Illinois, Inc. v. DeKalb County Board</u> – The Board accepted for hearing this pollution control facility siting appeal involving a DeKalb County facility. The Board on its own motion consolidated this appeal with <u>Stop The Mega-Dump v. County Board of Dekalb County, Illinois and Waste Management, of Illinois Inc.</u> , PCB 10-103.	5-0 L-S-App
PCB 10-105	<u>People of the State of Illinois v. Kevin Fairfield and Sue Fairfield</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 Morgan County facility, the Board accepted the case and ordered publication of the required newspaper notice.	5-0 W-E

CASES PENDING DECISION

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
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OTHER ITEMS

None

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:33 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 1, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board