

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



August 5, 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 July 15, 2010 open meeting and the July 22 and July 29, 2010 closed deliberative sessions 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 08-9 (A)	<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</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s water pollution regulations.	5-0 Water
R 08-9 (B)	<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 (Disinfection Necessary to Meet Use Designations ?)</u> – The Board granted the Metropolitan Water Reclamation District of Greater Chicago’s motion to hold additional hearings concerning the final report on the Chicago Health Environmental Exposure and Recreation Study.	5-0 Water
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> – No action taken.	Land
R 10-1 R10-7	<u>SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> <u>SDWA Update, USEPA Amendments (July 1, 2009 through December 31, 2009)</u> – The Board adopted a proposal for public comment in these “identical-in-substance” consolidated rulemakings to amend the Board’s drinking water regulations. The Board on its own motion consolidated R11-6 with the previously consolidated R10-1 and R10-17 rulemaking.	5-0 PWS
R 10-8(A)	<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> – No action taken.	Air
R 10-18	<u>In the Matter of: Procedural Rules on Hearings in Identical in Substance Rulemakings</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s procedural rules.	5-0 Proc.

R 11-1	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of January 1, through June 30, 2010.	5-0 Land
R 11-3	<u>UST Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 2009 through December 31, 2009.	5-0 Land
R 11-4	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of July 1, 2009 through December 31, 2009.	5-0 Water
R 11-5	<u>Definition of VOM Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic emission regulations during the update period of July 1, 2009 through December 31, 2009.	5-0 Air
R 11-6	<u>SDWA Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” consolidated rulemaking to amend the Board’s drinking water regulations. The Board on its own motion consolidated R11-6 with the previously consolidated R10-1 and R10-17 rulemaking.	5-0 PWS
R 11-7	<u>UIC Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2009 through December 31, 2009.	5-0 Land

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 10-30	<u>County of Jackson v. Frances Klink</u> – The Board directed respondent to file proof of service of the amended petition for review to the Illinois Environmental Protection Agency on or before August 26, 2010.	5-0
AC 11-1	<u>IEPA v. William A. Cogdill</u> – No action taken.	
AC 11-2	<u>IEPA v. Link Truck Service, Inc.</u> – The Board directed respondent to file an amended petition for review on or before September 6, 2010 to cure deficiencies.	5-0
AC 11-3	<u>IEPA v. Bader Agricultural Service, Inc.</u> – No action taken.	
AC 11-4	<u>IEPA v. Karen L. Allen</u> – The Board accepted an administrative citation against this Williamson County respondent.	
AC 11-5	<u>IEPA v. Brian Branson</u> – The Board accepted an administrative citation against this Macoupin County respondent.	

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 07-53	<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 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – Because Sokolowski has moved away from the site noted in the complaint, the Board is now without authority to grant the requested cease and desist order, finding this matter has become frivolous. The Board dismissed this case on its own motion, denied all pending motions as moot, and closed the docket.	5-0 Citizens N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – No action taken.	Citizens N-E
PCB 08-30	<u>Caseyville Sport Choice, LLC v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity, and Fairmount Park, Inc.</u> – No action taken.	L-E
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-E
PCB 09-54	<u>People of the State of Illinois v. Bill Woods, an individual, d/b/a American Asphalt Seal Coating</u> – No action taken.	W-E
PCB 09-65	<u>People of the State of Illinois v. Stark Excavating, Inc.</u> , – In this land enforcement action concerning a McLean 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 cease and desist from further violations. The stipulation and settlement agreement stated that respondent had performed a supplemental environmental project (SEP) with a settlement value of \$11,133.70, which the People agree to accept in lieu of a civil penalty payment. According to the stipulation, the SEP consisted of Stark providing material, labor, and equipment to demolish two dilapidated structures at 4000 North Peoria Road in Springfield, Sangamon County for the Illinois State Police Heritage Foundation, as well as Stark paying to remove and dispose of the demolition debris.	5-0 L-E
PCB 09-66	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	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 10-10	<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> – In this water enforcement action concerning a Hamilton 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 \$15,000, and to cease and desist from further violations.	5-0 W-E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-18	<u>People of the State of Illinois v. Schauble Development, LLC</u> – In this water 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 \$2,752, and to cease and desist from further violations.	5-0 W-E
PCB 10-71	<u>People of the State of Illinois v. 87th & Greenwood, LLC, Innovative Recycling Technologies, Inc., and Land Reclamation Services, Inc.</u> – No action taken.	L-E
PCB 10-74	<u>Mill Creek Water Reclamation District v. IEPA and Grand Prairie Sanitary District</u> – The Board granted both the Grand Prairie Water Reclamation’s and the Illinois Environmental Protection Agency’s motions to dismiss.	5-0 P-A, Water
PCB 10-75	<u>Chicago Coke Co., Inc v. IEPA</u> – No action taken.	P-A, Air
PCB 10-80	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal v. IEPA</u> – The Board accepted for hearing this appeal of a permit affidavit for certification of completion of post-closure care for the closed landfill located in Vermilion County.	5-0 P-A, Land
PCB 10-83	<u>Village of Morton v. IEPA</u> – The Board accepted petitioner’s amended petition in this request for a community well setback exception involving a site located in Tazewell County.	5-0 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 granted the People of the State of Illinois’ motion for leave and accepted the first amended complaint for hearing.	5-0 W-E
PCB 10-93	<u>Elk Grove Village/Former Penske Truck Leasing Facility (Incident-Claim No. 20081536-56785) v. IEPA</u> – The Board dismissed this case and closed the docket for failure to timely file an amended petition.	5-0 UST Appeal
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 10-103 PCB 10-104	<u>Stop The Mega-Dump v. County Board of DeKalb County, Illinois and Waste Management, of Illinois Inc. Waste Management of Illinois, Inc. v. DeKalb County Board</u> – No action taken.	L-S-App Third Party
PCB 10-106	<u>Dave McGhee v. IEPA</u> – No action taken.	A,N-E, Citizens
PCB 10-110	<u>KCBX Terminals Company v. IEPA</u> – No action taken.	P-A, Air
PCB 11-1	<u>William H. Leesman v. Cimco Recycling, Sterling and Cimco Resources, Inc.</u> – No action taken.	Citizens, N-E
PCB 11-3	<u>People of the State of Illinois v. Alden Management Services, Inc., and Alden Long Grove Rehabilitation and Health Care Center, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Lake County.	5-0 W-E
PCB 11-4	<u>People of the State of Illinois v. Roxana Landfill, Inc.</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 land enforcement action involving a Madison County facility, the Board accepted the case and ordered publication of the required newspaper notice.	5-0 L-E
PCB 11-5	<u>Mother Hubbard's Cupboard v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Rock Island County facility.	5-0 UST Appeal

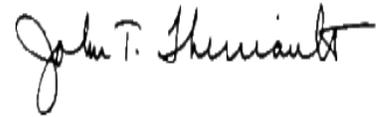
CASES PENDING DECISION

OTHER ITEMS

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 August 19, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board