

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**August 19, 2010**

**Chicago Office**  
100 W. Randolph Street  
Chicago, IL

**Room 9-040**

**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 August 5, 2010 open meeting and the August 12, 2010 closed deliberative session were approved by a vote of 5-0.

## RULEMAKINGS

<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
<b>R 09-21</b>	<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
<b>R 10-1</b> <b>R10-7</b> <b>R11-6 (cons.)</b>	<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> <u>SDWA Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board adopted a supplemental opinion and order requesting public comment on additional issues in these “identical-in-substance” consolidated rulemakings to amend the Board’s drinking water regulations.	5-0 PWS
<b>R 10-8(A)</b>	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> – The Board adopted a first notice opinion and order authorizing publication of the July 29, 2010 Illinois Environmental Protection Agency proposed corrections in this rulemaking to amend the Board’s air pollution regulations.	5-0 Air
<b>R 10-20</b>	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> – No action taken.	Air

## ADJUSTED STANDARDS

<b>AS 07-6</b>	<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
<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

### ADMINISTRATIVE CITATIONS

AC 10-31	<u>Macon County Environmental Management Department v. Dale Pugsley</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
AC 11-1	<u>IEPA v. William A. Cogdill</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Lawrence County facility.	5-0
AC 11-3	<u>IEPA v. Bader Agricultural Service, Inc.</u> – No action taken.	
AC 11-6	<u>IEPA v. Belleville's Garage, LLC</u> – The Board accepted an administrative citation against this Cass County respondent.	

### ADJUDICATORY CASES

PCB 00-211	<u>People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyo America, Inc.</u> – No action taken.	A,L-E, RCRA
PCB 07-13	<u>People of the State of Illinois v. Ray F. Landers, individually, and Equipping the Saints Ministry International, Inc., an Illinois not-for-profit corporation</u> – No action taken.	A-E,
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 &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – The Board granted complainant’s motion to amend the caption as well as respondent’s motion for leave to file a reply <i>instanter</i> , and accepted the accompanying reply for review. The Board denied complainant’s motion for summary judgment and respondent’s motions to dismiss and consolidate.	5-0 Citizens N-E

<b>PCB 08-7</b>	<u>People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois v. Union Pacific Railroad Company, a Delaware Corporation</u> – No action taken.	W-E
<b>PCB 08-30</b>	<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
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-E, Citizens
<b>PCB 09-54</b>	<u>People of the State of Illinois v. Bill Woods, an individual, d/b/a American Asphalt Seal Coating</u> – The Board granted complainant’s motion to dismiss this enforcement action involving a Madison County facility.	5-0 W-E
<b>PCB 09-66</b>	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	L-E, Citizens
<b>PCB 09-87</b> <b>PCB 10-5</b> <b>(cons.)</b>	<u>Dickerson Petroleum, Inc. v. IEPA</u> <u>Dickerson Petroleum, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 09-91</b>	<u>People of the State of Illinois v. Ken Rawson</u> – In this water enforcement action concerning a McHenry 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 \$12,000, and to cease and desist from further violations.	5-0 W-E
<b>PCB 10-8</b>	<u>People of the State of Illinois v. Don Swinson, and Champion Environmental Services, 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, as to Swinson only, involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	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., Triple S Refining Corporation and Zexel Illinois, Inc.</u> – No action taken.	L-E
<b>PCB 10-13</b>	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
<b>PCB 10-70</b>	<u>Wheeling/GWA Auto Shop v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-71</b>	<u>People of the State of Illinois v. 87th &amp; Greenwood, LLC, Innovative Recycling Technologies, Inc., and Land Reclamation Services, Inc.</u> – The Board granted complainant’s motions to deem facts admitted and for summary judgment against Land Reclamation Services, Inc. (LRS) only. The Board found that LRS had violated Sections 21(a), (d)(1), and (e) of the Environmental Protection Act (415 ILCS 5/1 <i>et seq.</i> (2008)) as alleged in the complaint. The Board ordered LRS to pay a total civil penalty of \$20,000, and to cease and desist from further violations. The case against respondents 87th & Greenwood, LLC. and Innovative Recycling Technologies, Inc. is still pending.	5-0 L-E
<b>PCB 10-75</b>	<u>Chicago Coke Co., Inc v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 10-77</b>	<u>People of the State of Illinois v. Avante, LLC</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 DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
<b>PCB 10-85</b>	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal v. IEPA</u> – The Board accepted for hearing this appeal of a permit to release financial assurance funds concerning a closed landfill located in Vermilion County.	5-0 P-A, Land
<b>PCB 10-90</b>	<u>American Louver Company v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Air
<b>PCB 10-97</b>	<u>Webel Feeds v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no	5-0 UST Appeal

	underground storage tank appeal was filed on behalf of this Pike County facility.	
<b>PCB 10-99</b>	<u>American Louver Company v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Air
<b>PCB 10-100</b>	<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
<b>PCB 10-103</b> <b>PCB 10-104</b>	<u>Stop The Mega-Dump v. County Board of Dekalb County, Illinois and Waste Management, of Illinois Inc.</u> <u>Waste Management of Illinois, Inc. v. DeKalb County Board</u> – The Board granted Waste Management of Illinois motion to sever PCB 10-103 from PCB 10-104.	5-0 L-S-App Third Party
<b>PCB 10-106</b>	<u>Dave McGhee v. IEPA</u> – The Board directed complainant to file an amended complaint on or before September 20, 2010 to cure deficiencies.	5-0 A,N-E, Citizens
<b>PCB 10-110</b>	<u>KCBX Terminals Company v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 11-1</b>	<u>William H. Leesman v. Cimco Recycling, Sterling and Cimco Resources, Inc.</u> – No action taken.	Citizens, N-E
<b>PCB 11-6</b>	<u>People of the State of Illinois v. American Construction, LLC, Inc., an Illinois limited liability company, and Real Estate Elmhurst, LLC, an Illinois limited liability company</u> – The Board accepted for hearing this water enforcement action involving a site located in DuPage County.	5-0 W-E

### CASES PENDING DECISION

<b>PCB 10-31</b>	<u>Veolia ES Valley View Landfill, Inc. v. County Board of Macon County, Illinois</u> – Opinion & Order	L-SA
<b>PCB 10-33</b>	<u>Cancer Treatment Centers of America, Inc. v. IEPA</u> – Opinion & Order	UST App

## **OTHER ITEMS**

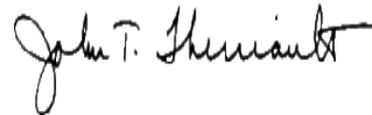
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### **ADJOURNMENT**

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

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 2, 2010, by a vote of 4-0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board