

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

---



**September 2, 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. Four Board Members answered present, Member Moore was not in attendance.

### **APPROVAL OF MINUTES**

---

The minutes of the August 19, 2010 open meeting and the August 26, 2010 closed deliberative session were approved by a vote of 4-0.

## RULEMAKINGS

<b>R 06-20(B)</b>	<u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 739, 808, 809</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s regulations concerning special waste manifests and tracking requirements as they pertain to used oil recycling.	4-0 Land
<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 09-16</b> <b>R 10-4</b> <b>Cons.</b>	<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 extended the deadline for completion of rulemaking from November 15, 2010 until November 30, 2010.	4-0 Land
<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 10-20</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> – The Board adopted a final opinion and order in this fast track rulemaking amending the Board’s air rules.	4-0 Air
<b>R 11-8</b>	<u>In the Matter of: Regulatory Proposal for NOx Trading Program Sunset Provisions for Non-Electric Generation Units ("Non-EGU.")</u> : Amendments to 35 Ill. Adm. Code Part 217, Subpart U – The Board accepted for hearing the Illinois Environmental Protection Agency’s August 19, 2010 proposal to amend the Board’s air pollution regulations.	4-0 Air

## ADJUSTED STANDARDS

<b>AS 04-1</b>	<u>In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 IAC Section 215.301</u> – No action taken.	Air
----------------	--	-----

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 10-30	<u>County of Jackson v. Frances Klink</u> – The Board accepted for hearing respondent’s amended petition for review of this administrative citation involving a Jackson County facility.	4-0
AC 11-3	<u>IEPA v. Bader Agricultural Service, Inc.</u> – The Board found that this Morgan County respondent violated 21(p)(1) and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), 55(k)(1) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 11-4	<u>IEPA v. Karen L. Allen</u> – The Board directed respondent to file an amended petition for review on or before October 4, 2010 to cure deficiencies.	4-0
AC 11-6	<u>IEPA v. Belleville's Garage, LLC</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 11-7	<u>IEPA v. Marion Metal &amp; Roofing and C &amp; T. Recycling</u> – The Board accepted an administrative citation against these Williamson County respondents.	

### 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

<b>PCB 07-53</b>	<u>People of the State of Illinois v. Moline Place Development, L.L.C.</u> – No action taken.	W -E
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-95</b>	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – No action taken.	L-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 09-66</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> – The Board granted petitioner’s motion for reconsideration. The Board directed petitioner to file on or before September 23, 2010, a statement of its legal costs that may be eligible for reimbursement. The Board directed respondent to file any response with the Board on or before October 7, 2010.	4-0 UST Appeal
<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 10-31</b>	<u>Veolia ES Valley View Landfill, Inc. v. County Board of Macon County, Illinois</u> – In this pollution control facility siting appeal, the Board affirmed three of the conditions, affirmed in part one of the conditions, and struck one.	4-0 P-C-F-S-R
<b>PCB 10-33</b>	<u>Cancer Treatment Centers of America, Inc. v. IEPA</u> – The Board affirmed the Illinois Environmental Protection Agency’s October 9, 2009 denial of Cancer Treatment Centers of America’s request for reimbursement for early action at an underground storage tank site located at 2414 North Sheridan Road, Zion, Lake County.	4-0 UST Appeal
<b>PCB 10-61</b>	<u>Zervos Three, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-61</b>  <b>PCB 11-2</b> (cons.)	<u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC</u> <u>Environmental Law and Policy Center v Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC</u> – No action taken.	W-E
<b>PCB 10-70</b>	<u>Wheeling/GWA Auto Shop v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-70</b>	<u>Wheeling/GWA Auto Shop v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-75</b>	<u>Chicago Coke Co., Inc v. IEPA</u> – The Board denied respondent’s motion to dismiss and accepted the petition for review. The Board reinstated the stay, which will remain in effect until 90 days before the decision deadline. The Board directed the hearing officer to set a date for the filing of the Agency record and for hearing when the stay is lifted.	P-A, Air
<b>PCB 10-87</b>	<u>People of the State of Illinois v. Mark Pickett, d/b/a Mark's Auto Sales</u> – In this land enforcement action concerning a Winnebago 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 \$1,340.00, and to cease and desist from further violations.	4-0 L-E
<b>PCB 10-89</b>	<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> – No action taken.	NPDES -E

<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> – The Board granted complainants’ motion for an extension of time to respond to respondents’ motion to dismiss, extending the deadline to respond to August 30, 2010.	4-0 L-E
<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> – The Board directed complainant to file proof of service of the complaint on the respondent on or before October 4, 2010.	4-0 L-E
<b>PCB 11-7</b>	<u>Van Zelst Landscape Compost Facility v. IEPA</u> – The Board directed respondent to file an amended petition for review on or before October 4, 2010 to cure deficiencies.	4-0 P-A, Land
<b>PCB 11-8</b>	<u>City of Joliet v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Will County facility.	4-0 P-A, Water

### CASES PENDING DECISION

<b>R10-21</b>	<u>In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162</u> – Proposed Rule, Second Notice, Opinion & Order	Air
---------------	--	-----

### OTHER ITEMS

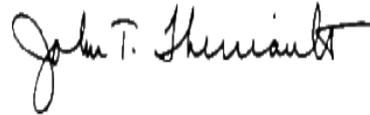
	The Board granted the Chairman’s Motion under Section 2-06(c) of the Open Meeting Act (5 ILCS 120/2.06(c)) to continue to preserve only written minutes of closed Board deliberative sessions occurring July 1, 2008, through December 31, 2008, and to approve destruction of verbatim tape recordings of meetings held: July 1, 2008, through December 31, 2008.	4-0
	The Board granted the Chairman’s Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential minutes of closed Board meetings occurring January 1, 2010 through June 30, 2010.	4-0

## **ADJOURNMENT**

---

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:22 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 16, 2010, by a vote of 4-0.

A handwritten signature in black ink, reading "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