

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 7, 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 September 16, 2010 open meeting and the September 23, 2010 closed deliberative session (which was reconvened September 29, 2010), were approved by a vote of 5-0.

RULEMAKINGS

<p>R 09-16</p> <p>R10-4</p>	<p><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 final opinion and order in this “identical-in-substance” consolidated rulemaking which amend the Board’s hazardous waste regulations.</p>	<p>5-0 Land</p>
<p>R 09-21</p>	<p><u>In the Matter of: Ameren Ashpond Closure Rules (Hutsonville Power Station)Proposed: 35 Ill. Adm. Code 840.101 through 840.144</u> – The Board adopted a first notice opinion and order in this site-specific rulemaking proposal to amend the Board’s land pollution control regulations.</p>	<p>5-0 Land</p>
<p>R 10-21</p>	<p><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 second notice opinion and order in this rulemaking to amend the Board’s air rules.</p>	<p>5-0 Air</p>

ADJUSTED STANDARDS

<p>AS 04-1</p>	<p><u>In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 IAC Section 215.301</u> – The Board granted the motion of Leisure Properties LLC d/b/a Crownline Boats to re-open the docket and to substitute Leisure Properties LLC for Crownline Boats, Inc. as petitioner. The Board amended the July 22, 2002 order in this matter and granted this Franklin County petitioner an adjusted standard, with conditions, from volatile organic material emission requirements.</p>	<p>5-0 Air</p>
<p>AS 07-6</p>	<p><u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> – The Board granted this Douglas County petitioner an adjusted standard, with conditions and ending December 21, 2027, from the requirements of 35 Ill. Adm. Code 738.110(a) and 738.116 (c)(1) and (c)(2) for the underground injection control Wells # 2 and #3 at its Tuscola facility.</p>	<p>5-0 Land</p>

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> – The Board granted the motion of Westwood Lands, Inc. (petitioner) for reconsideration and, upon reconsideration, finds that the steelmaking slag fines petitioner processes to produce coarse and fine metallic fractions in bulk, nugget, and briquette form to be used for steel manufacturing are not, under listed conditions, a waste. The Board granted petitioner’s requested alternative relief and exempts the steelmaking slag fines from the Board’s solid waste regulations. The Board denied petitioner’s request for an adjusted standard as moot.	5-0 Land
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ADMINISTRATIVE CITATIONS

AC 09-40	<u>IEPA v. Thomas and Valerie Hill</u> – The Board entered an interim opinion and order finding respondents violated Sections 21(p) (1) and (p) (7) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(p) (1), (p) (7) (2008)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondents may respond to the cost statement within 32 days of service.	5-0
AC 11-7	<u>IEPA v. Marion Metal & Roofing and C & T. Recycling</u> – The Board granted complainant’s motion to voluntarily dismiss this administrative citation and closed the docket.	5-0
AC 11-8	<u>IEPA v. August Oelschlager</u> – The Board accepted an administrative citation against this Livingston County respondent.	
AC 11-9	<u>IEPA v. Kenneth Earl and Barbara Koker</u> – The Board accepted an administrative citation against these Saline County respondents.	

ADJUDICATORY CASES

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 & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 08-7	<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
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, Citizens
PCB 09-10	<u>Joseph & Victoria Morrissey v. Geoff Pahios, Alpine Automotive</u> – In this noise enforcement action concerning a Lake 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)), and accepted a stipulation and settlement agreement, closing the docket.	5-0 N-E
PCB 09-66	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	L-E, Citizens
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 09-108	<u>People of the State of Illinois v. Apollo Plastics Corporation</u> – No action taken.	A-E

PCB 10-8	<u>People of the State of Illinois v. Don Swinson, and Champion Environmental Services, Inc.</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 two separate stipulation and settlement agreements, and ordered the respondents to pay a total civil penalty of \$7,500.00, and to cease and desist from further violations.	5-0 L-E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-54	<u>Zervos Three, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 10-61 PCB 11-2	<u>People of the State of Illinois v. Freeman United Coal Mining Company and Springfield Coal Company, LLC; Environmental Law and Policy Center as Intervenor</u> <u>Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC</u> – No action taken.	W-E
PCB 10-70	<u>Wheeling/GWA Auto Shop v. IEPA</u> – No action taken.	UST Appeal
PCB 10-77	<u>People of the State of Illinois v. Avante, LLC</u> – In this land enforcement action concerning a DuPage 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 \$10,000.00, and to cease and desist from further violations.	5-0 L-E
PCB 10-83	<u>Village of Morton v. IEPA</u> – The Board granted the Village of Morton a water well setback exception for Community Water Supply Wells #7 and #10 from Section 14.2(c) of the Environmental Protection Act and the Board’s water well setback regulations. 415 ILCS 5/14.2(c) (2008); 35 Ill. Adm. Code 106.300 <i>et seq.</i>	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> – No action taken	W-E

PCB 10-89	<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
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 10-106	<u>Terri D. Gregory v. Regional Ready Mix</u> – The Board directed complainant to file an amended complaint on or before November 8, 2010 to cure deficiencies.	5-0 A, N-E
PCB 10-107	<u>People of the State of Illinois v. Rockford Sand and Gravel, Inc.,</u> – No action taken.	W-E
PCB 10-108	<u>People of the State of Illinois v. William Charles Real Estate Investment, L.L.C.,</u> – No action taken.	W-E
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> – The Board directed complainant to file an amended complaint on or before November 8, 2010 to cure deficiencies.	5-0 N-E
PCB 11-7	<u>Van Zelst Landscape Compost Facility v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Lake County facility.	5-0 P-A, Land
PCB 11-10	<u>Veolia ES Zion Landfill, Inc. v. City Council of the City of Zion, Illinois</u> – No action taken.	P-C-F-S-R
PCB 11-12	<u>People of the State of Illinois v. Altorfer, 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 Peoria County facility, the Board accepted the case and ordered publication of the required newspaper notice.	5-0 L-E
PCB 11-13	<u>Stickney Auto & Truck Company, Inc. 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 Cook County facility.	5-0 UST Appeal, 90- Day Extension

PCB 11-14	<u>People of the State of Illinois v. Waste Management of Illinois, Inc. and Cottonwood Hills Landfill</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 11-15	<u>Midwestern Regional Medical Center, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Lake County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.	5-0 P-A, Air

CASES PENDING DECISION

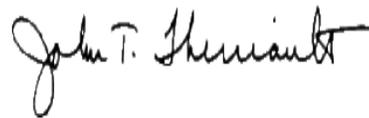
R10-22	<u>In the Matter of: Revision of Mailing Address for Service of Documents: Proposed Amendment to 35 Ill. Adm. Code 101.304</u> – Proposed Rule, Second Notice, Opinion & Order October 21, 2010	Procedural
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:29 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 21, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board