

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 21, 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 October 7, 2010 open meeting and the October 14, 2010 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R 06-20(B)	<u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Il. Adm. Code 739, 808, 809</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s regulations concerning special waste manifests and tracking requirements as they pertain to used oil recycling.	5-0 Land
R 10-22	<u>In the Matter of: Revision of Mailing Address for Service of Documents: Proposed Amendment to 35 Ill. Adm. Code 101.304</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0 R Procedural

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 11-4	<u>IEPA v. Karen L. Allen</u> – The Board directed respondent to file a certificate of service with the Board by November 11, 2010 to cure deficiencies, or the Board will dismiss the amended petition and enter a default order.	5-0
AC 11-9	<u>IEPA v. Kenneth Earl and Barbara Koker</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
AC 11-10	<u>IEPA v. Luke Marquard, Jr.</u> – The Board accepted an administrative citation against this Morgan County respondent.	

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 07-81	<u>People of the State of Illinois v. Durre Bros. Welding and Machine Shop, Inc.</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 Woodford County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
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 09-66	<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> – The Board denied respondent’s motion for stay of the proceeding.	5-0 A-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	<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>	W-E
PCB 11-2	<u>Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC</u> – No action taken.	
PCB 10-70	<u>Wheeling/GWA Auto Shop v. IEPA</u> – No action taken.	UST Appeal
PCB 10-75	<u>Chicago Coke Co. v. IEPA</u> – The Board denied the Illinois Environmental Protection Agency’s motion to reconsider the Board’s September 2, 2010 decision.	5-0 P-A, Air
PCB 10-75	<u>Coalville Road Enterprises v. IEPA</u> – No action taken.	P-A, Land
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> – 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 Freeport Area Economic Development Foundation, d/b/a Northwest Illinois Development Alliance only, involving a Stephenson County facility, the Board ordered publication of the required newspaper notice.	5-0 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 10-107	<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 11-11	<u>People of the State of Illinois v. Clinton Landfill, 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 A-E
PCB 11-15	<u>Midwestern Regional Medical Center, Inc. v. IEPA</u> – The Board granted petitioner’s motion for a stay of contested permit conditions.	5-0 P-A, Air
PCB 11-16	<u>SK Singh, LLC v. IEPA (Claim 942280-58558)</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Sangamon County facility.	5-0 UST Appeal, 90- Day Extension
PCB 11-17	<u>SK Singh, LLC v. IEPA (Claim 942280-58558)</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Sangamon County facility.	5-0 UST Appeal, 90- Day Extension

CASES PENDING DECISION

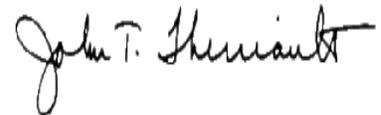
R 10-1	<u>SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u>	PWS
R10-7	<u>SDWA Update, USEPA Amendments (July 1, 2009 through December 31, 2009)</u>	
R11-6 (cons.)	<u>SDWA Update, USEPA Amendments (January 1, through June 30, 2010)</u> - Deadline Extension Order	
R 10-8	<u>In the 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> - Second Notice, Opinion & Order	Air

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:21 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 4, 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