

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 4, 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 21, 2010 open meeting and the October 28, 2010 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

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</u> – The Board denied the People of the State of Illinois’ motion to bar the Metropolitan Water Reclamation District of Greater Chicago from filing a supplement to the Chicago Health Environmental Exposure and Recreation Study (CHEERS). The Board will consider all information received by December 31, 2010.	5-0 Water
R 09-9	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)</u> – No action taken.	
R 09-19	<u>In the Matter of Air Quality Standards Clean-up: Amendments to 35 Ill. Adm. Code Part 243</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air rules.	5-0 Air
R 10-1 R10-7 R11-6 (cons.)	<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 extended the deadline for completion of rulemaking from November 15, 2010 until December 30, 2010.	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> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air rules.	5-0 Air

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 11-8	<u>IEPA v. August Oelschlager</u> – The Board found that this Livingston County respondent violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1)(2008)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
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AC 11-11	<u>IEPA v. Kenneth Earl and Barbara Koker</u> – The Board accepted an administrative citation against these Logan County respondents.	
AC 11-12	<u>County of Perry v. Martin Vuichard</u> – The Board accepted an administrative citation against this Perry 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> – In this water enforcement action concerning a Rock Island County facility, the Board granted complainant’s motion for summary judgment on Counts I and II of the complaint, finding respondent Moline Place Development, L.L.C. (Moline Place) has violated Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and 12(f) (2006)) and Sections 309.102(a) of the Board’s water pollution regulations (35 Ill. Adm. Code 309.102(a)). In addition, Moline Place must properly implement the storm water pollution prevention plan in its National Pollutant Discharge Elimination System permit, and comply with all other requirements of that permit. The Board ordered the respondent to pay a total civil penalty of \$45,000.00, to cease and desist from further violations.	5-0 W -E
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
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> – The Board granted complainant’s motion to strike respondent’s third motion to dismiss, including respondent’s supporting brief. Additionally, the Board denied respondent’s motion to strike complainant’s answer to respondent’s affirmative defenses to count IV of the amended complaint. The Board determined that respondent may file an answer, including any affirmative defenses, to counts I, II, and III of the amended complaint by January 3, 2011.	5-0 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 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-52 PCB 10-69 PCB 10-80 PCB 10-85	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal (IEPA Log No. 2007-300) v. IEPA</u> – The Board granted petitioner’s motion to consolidate the pending permit appeals and for leave to amend the pleadings.	5-0 P-A, Land
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 10-73	<u>Metropolitan Pier & Exposition Authority v. IEPA</u> – No action taken.	P-A, Land
PCB 10-76	<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 10-100	<u>Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust and Prairie Living West, LLC</u> – The Board denied respondents’ motion to dismiss the complaint and to dismiss Mr. Hill and Villa as parties to this dispute. The Board found that the alleged violations in the complaint were neither duplicative nor frivolous, and accepted for hearing this matter involving a Jackson County facility.	5-0 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 11-10	<u>Veolia ES Zion Landfill, Inc. v. City Council of the City of Zion, Illinois</u> – The Board denied respondent’s motion to dismiss.	5-0 P-C-F-S-R
PCB 11-11	<u>People of the State of Illinois v. Clinton Landfill, Inc.</u> , – The Board granted the complainant’s motion to clarify and found that count III of the complaint is part of the stipulation. Upon receipt of clarification of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a DeWitt County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E

PCB 11-14	<u>People of the State of Illinois v. Waste Management of Illinois, Inc. and Cottonwood Hills Landfill</u> – The Board granted the complainant’s motion to clarify and found that count VI of the complaint is part of the stipulation. Upon receipt of clarification of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 11-15	<u>Midwestern Regional Medical Center, Inc. v. IEPA</u> – No action taken.	P-A, Air
PCB 11-18	<u>People of the State of Illinois v. Sub Source, Inc., an Illinois corporation,</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 Winnebago County facility, the Board accepted the case and ordered publication of the required newspaper notice.	5-0 L-E

CASES PENDING DECISION

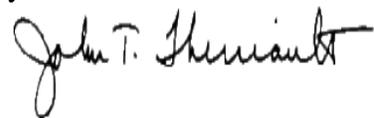
R10-21	<u>In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162</u> <ul style="list-style-type: none"> • Scheduled for November 16, 2010 JCAR meeting <ul style="list-style-type: none"> – Adopted Rule, Final Opinion & Order 	Air
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:26 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 18, 2010, by a vote of 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board