

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 18, 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 Blankenship was not in attendance.

APPROVAL OF MINUTES

The minutes of the November 4, 2010 open meeting and the November 9, 2010 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

R 09-9	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)</u> – The Board granted petitioner’s motion to voluntarily withdraw this rulemaking proposal and closed the docket.	4-0 Land
R 10-21	<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 final opinion and order in this rulemaking which amends the Board’s air rules.	4-0 Air
R 11-9	<u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s November 9, 2010 proposal to amend the Board’s land pollution control regulations.	4-0 Land

ADJUSTED STANDARDS

AS 07-6	<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 petitioner’s motion for reconsideration and correction of the typographical error in condition 2, sentence 2, of the Board’s October 7, 2010 opinion and order.	4-0
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ADMINISTRATIVE CITATIONS

AC 11-4	<u>IEPA v. Karen L. Allen</u> – The Board accepted respondent’s amended petition for review for hearing.	4-0
AC 11-10	<u>IEPA v. Luke Marquard, Jr.</u> – The Board found that this Morgan County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 11-13	<u>IEPA v. Ray Newingham</u> – The Board accepted an administrative citation against this Greene County respondent.	
AC 11-14	<u>IEPA v. Jason Johnson Sr. and Robin Johnson</u> – The Board accepted an administrative citation against these Mason County respondents.	

ADJUDICATORY CASES

<p>PCB 07-13</p>	<p><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> – In this air enforcement action concerning a Sangamon County facility, the Board granted complainant’s motion for summary judgment, finding respondent Equipping the Saints Ministry International, Inc. has violated Section 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(d)(1) (2008)) by violating the federal Clean Air Act (CAA) regulations involving the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos (40 C.F.R. Part 61, Subpart M). The Board denied the complainant’s motion for summary judgment as to Ray F. Landers.</p>	<p>4-0 A-E</p>
<p>PCB 07-44</p>	<p><u>Indian Creek Development Company and the Chicago Title and Trust Company v. The Burlington Northern Santa Fe Railway Company</u> – No action taken.</p>	<p>L, W-E, Citizens</p>
<p>PCB 07-63</p>	<p><u>PMA & Associates, Inc. v. IEPA</u> – No action taken.</p>	<p>UST Appeal</p>
<p>PCB 08-7</p>	<p><u>People of the State of Illinois, v. Union Pacific Railroad Company, a Delaware Corporation</u> – No action taken.</p>	<p>W-E</p>
<p>PCB 08-30</p>	<p><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.</p>	<p>L-E, Citizens</p>
<p>PCB 09-66</p>	<p><u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.</p>	<p>L-E, Citizens</p>
<p>PCB 09-87 PCB 10-5 (cons.)</p>	<p><u>Dickerson Petroleum, Inc. v. IEPA</u> <u>Dickerson Petroleum, Inc. v. IEPA</u> – No action taken.</p>	<p>UST Appeal</p>
<p>PCB 10-13</p>	<p><u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.</p>	<p>Citizens, N-E</p>
<p>PCB 10-54</p>	<p><u>Zervos Three, Inc. v. IEPA</u> – No action taken.</p>	<p>UST Appeal</p>

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 10-73	<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 10-106	<u>Terri D. Gregory v. Regional Ready Mix</u> – The Board found that complainant’s second amended complaint was frivolous and dismissed this matter.	4-0 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> , – The Board accepted respondent’s amended answer and affirmative defense and denied as moot complainant’s motion to strike respondent’s originally-pled affirmative defenses.	4-0 W-E
PCB 10-110	<u>KCBX Terminals Company v. IEPA</u> – No action taken.	P-A, Air
PCB 11-12	<u>People of the State of Illinois v. Altorfer, Inc.</u> , – In this land enforcement action concerning a Peoria 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 \$25,000.00, and to cease and desist from further violations.	4-0 L-E

PCB 11-15	<u>Midwestern Regional Medical Center, Inc. v. IEPA</u> – The Board granted this Lake County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
PCB 11-19	<u>People of the State of Illinois v. Gerald N. Knoblauch, LLC and Bender Land Improvement, 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 Woodford County facility, the Board accepted the case and ordered publication of the required newspaper notice.	4-0 W-E
PCB 11-20	<u>People of the State of Illinois v. City of Colchester</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 McDonough County facility, the Board accepted the case and ordered publication of the required newspaper notice.	4-0 W-E
PCB 11-21	<u>People of the State of Illinois v. Prairieland Investment Group, LLC and Kevin S. Cook, d/b/a KC Construction</u> – The Board accepted for hearing this air enforcement action involving a site located in Hancock County.	4-0 A-E
PCB 11-22	<u>Scott Mayer v. Lincoln Prairie Water Company, Korte & Luitjohan Contractors, Inc., and Milano & Grunloh Engineers, LLC</u> – No action taken.	L-E, Citizens

CASES PENDING DECISION

<u>R10-1</u>	<u>SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009) (due June 17, 2010)</u>	PWS
<u>R10-17</u>	<u>SDWA Update, USEPA Amendments (July 1, through December 31, 2009)</u>	
<u>R11-6</u> (cons.)	<u>SDWA Update, USEPA Amendments (January 1, 2010 through June 30, 2010)</u> – Adopted Rule, Final Opinion & Order	
<u>R10-22</u>	<u>In the Matter of: Revision of Mailing Address for Service of Documents: Proposed Amendment to 35 Ill. Adm. Code 101.304</u> – Adopted Rule, Final Opinion & Order	Proc

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:25 a.m.

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

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board