

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



December 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. Five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the November 18, 2010 open meeting were approved by a vote of 4-0; Member Blankenship abstained. The minutes of the November 23, 2010 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R 10-1	<u>SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u>	5-0
R10-7	<u>SDWA Update, USEPA Amendments (July 1, 2009 through December 31, 2009)</u>	PWS
R11-6 (cons.)	<u>SDWA Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board adopted a final opinion and order in these “identical-in-substance” consolidated rulemakings which amends the Board’s drinking water regulations.	
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 final opinion and order in this rulemaking which amends the Board’s procedural rules.	5-0 R Procedural
R 11-17	<u>In the Matter of: Proposed Site-Specific NOx Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 34 Ill Adm. Code Section 217.152(b)</u> – The Board accepted for hearing petitioner’s November 24, 2010 proposal to amend the Board’s air pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signatures but denied the motion for expedited consideration.	5-0 Air

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 09-40	<u>IEPA v. Thomas and Valerie Hill</u> – The Board entered a final opinion and order requiring respondents to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$488.55 and a civil penalty of \$3,000. This order follows the Board's interim order of October 7, 2010, which found that these respondents had violated Sections 21(p) (1) and (7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (7) (2008)).	5-0
AC 11-11	<u>IEPA v. James and Patricia Quisenberry</u> – The Board found that these Logan County respondents violated Sections 21(p)(1), 21(p)(3), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), 55(k)(1) (2008)), and ordered respondents to pay a civil penalty of \$4500.	5-0

ADJUDICATORY CASES

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 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 08-7	<u>People 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, 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> – The Board granted petitioner’s motion for authorization of payment of legal fees, and directed the Illinois Environmental Protection Agency to reimburse petitioner for \$52,343.00 in legal fees and \$676.29 costs for a total amount of \$53,019.29 from the Underground Storage Tank Fund as corrective action costs.	5-0 UST Appeal
PCB 09-114	<u>Peacock Oil Company v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
PCB 10-9	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, A. E. Staley Manufacturing Co., 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 & H Manufacturing, Inc, and Borg Warner, Inc.</u> – The Board accepted complainant’s second amended complaint for hearing.	5-0 L-E

PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – The Board found that complainant’s complaint was frivolous. The Board directed complainant to file an amended complaint to cure deficiencies by January 3, 2011.	5-0 Citizens, N-E
PCB 10-32	<u>Highland Baking Company v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Air
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 10-89	<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> – In this water enforcement action concerning a Stephenson 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 as to Freeport Area Economic Development Foundation only, and ordered the respondent to pay a total civil penalty of \$546.00, and to cease and desist from further violations.	5-0 W -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 having previously found that complainant’s complaint was frivolous, dismissed this matter for his failure to file to an amended complaint to cure deficiencies.	5-0 Citizens, N-E
PCB 11-5	<u>Mother Hubbard's Cupboard v. IEPA</u> – The Board granted this Rock Island County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
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
PCB 11-23	<u>Hartney Trust - Stronghurst (Property ID No. 08-018-007-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hartney Trust - Stronghurst located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).	5-0 T-C, W

CASES PENDING DECISION

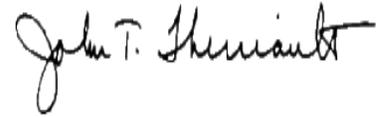
R10-8 (A)	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm.</u> <ul style="list-style-type: none"> • [Scheduled for 12/14/10 JCAR meeting] <ul style="list-style-type: none"> – Adopted Rule, Final Opinion & Order 	Air
R10-22	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2010 through June 30, 2010)</u> <ul style="list-style-type: none"> – Deadline Extension Order 	Land

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 4-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board