

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**January 6, 2011**

**Chicago**

100 W. Randolph Street  
Chicago, IL

**Room 9-040**

**11:00 a.m.**

### **ANNOUNCEMENTS**

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Chairman Girard welcomed members of the public and staff.

### **ROLL CALL**

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The Assistant Clerk of the Board called the roll. Five Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the December 16, 2010 open meeting and the closed deliberative sessions held on December 23 and 30, 2010 were approved by a vote of 5-0.

## RULEMAKINGS

<b>R 08-9(B)</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 extended the deadline to allow responses to final comments until January 31, 2011 and allowed replies until February 15, 2011.	5-0 Water
<b>R 11-10</b>	<u>UST Update, USEPA Amendments (July 1,2010 through December 31, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 11-11</b>	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1,2010 through December 31, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Water
<b>R 11-12</b>	<u>Definition of VOM Update, USEPA Amendments (July 1,2010 through December 31, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air
<b>R 11-13</b>	<u>SDWA Update, USEPA Amendments (July 1,2010 through December 31, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Water
<b>R 11-14</b>	<u>UIC Update, USEPA Amendments (July 1,2010 through December 31, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 11-15</b>	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1,2010 through December 31, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land

<b>R 11-16</b>	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1,2010 through December 31, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 11-20</b>	<u>In the Matter of: Amendments to 35 Ill. Adm. Code Part 229: Hospital/Medical/Infectious Waste Incinerators</u> – The Board accepted for hearing petitioner’s December 23, 2010 proposal to amend the Board’s air pollution control regulations. The Board reserved ruling on the motions waiver of copy submission requirements and for expedited review.	5-0 Air

**ADJUSTED STANDARDS**

NONE

**ADMINISTRATIVE CITATIONS**

<b>AC 10-15</b>	<u>IEPA v. David Antrim</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Effingham County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations of Section 21(p)(3) and (p)(7) of the Act.	5-0
<b>AC 10-17</b>	<u>Perry County Solid Waste Management Dept. v. Perry Ridge Landfill, Inc.</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket. The Board also dismissed as moot respondent’s petition to contest the administrative citation.	5-0
<b>AC 11-13</b>	<u>IEPA v. Ray Newingham</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Greene County facility.	5-0

<b>AC 11-14</b>	<u>IEPA v. Jason Johnson Sr. and Robin Johnson</u> – The Board accepted for hearing Jason Johnson Sr.’s petition for review of this administrative citation involving a Mason County facility. The Board, on its own motion, dismissed Robin Johnson from this case for lack of evidence of timely service.	5-0
<b>AC 11-16</b>	<u>IEPA v. Phillip Newell</u> – The Board accepted an administrative citation against this Williamson County respondent.	
<b>AC 11-17</b>	<u>County of Perry v. Joseph Melvin</u> – The Board accepted an administrative citation against this Perry County respondent.	

### ADJUDICATORY CASES

<b>PCB 99-134</b>	<u>People of the State of Illinois v. Heritage Coal Company, LLC (f/k/a/ Peabody Coal Company, LLC)</u> – No action taken.	W-E
<b>PCB 04-185</b>	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
<b>PCB 04-215</b> <b>PCB 04-216</b>	<u>Commonwealth Edison Company v. IEPA</u> <u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
<b>PCB 05-157</b>	<u>Grand Pier Center LLC and American International Specialty Lines Insurance Co., as subrogee of Grand Pier Center LLC v. River East LLC, Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Tronox LLC</u> – The Board granted both motions for voluntary dismissal of this citizen complaint and citizen counter-complaint, closing the docket.	5-0 L-E
<b>PCB 07-44</b>	<u>Indian Creek Development Company and the Chicago Title and Trust Company v. The Burlington Northern Santa Fe Railway Company</u> – The Board granted Indian Creek Development Company’s motion to strike paragraphs 6 through 8 of the five-year statute of limitations defense pled in Burlington Northern Santa Fe Railway Company’s (BNSF) amended answer. On its own motion, the Board struck the requests for costs and expenses from BNSF’s amended answer.	5-0 L, W-E, Citizens
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal

<b>PCB 08-7</b>	<u>People of the State of Illinois, v. Union Pacific Railroad Company, a Delaware Corporation</u> – No action taken.	W-E
<b>PCB 08-30</b>	<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
<b>PCB 09-46</b>	<u>Prairie Rivers Network and Sierra Club v. Illinois Environmental Protection Agency and Sugar Camp Energy, L.L.C.</u> – The Board granted petitioners’ motion for voluntary dismissal of this permit appeal.	5-0 P-A, Water, 3 <sup>rd</sup> Party
<b>PCB 09-102</b>	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	N-E, Citizens
<b>PCB 10-3</b>	<u>Prairie Rivers Network and Sierra Club v. IEPA and Hillsboro Energy, LLC</u> – The Board granted petitioners’ motion for voluntary dismissal of this permit appeal.	5-0 P-A, Water, 3 <sup>rd</sup> Party
<b>PCB 10-13</b>	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
<b>PCB 10-54</b>	<u>Zervos Three, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-61</b> <b>PCB 11-2</b>	<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
<b>PCB 10-70</b>	<u>Wheeling/GWA Auto Shop v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-73</b>	<u>Metropolitan Pier &amp; Exposition Authority v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 10-76</b>	<u>Coalville Road Enterprises v. IEPA</u> – No action taken.	P-A, Land

<b>PCB 10-84</b>	<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
<b>PCB 10-89</b>	<u>People of the State of Illinois v. Weitz Industrial, LLC</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 water enforcement action involving a Stephenson County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 10-100</b>	<u>Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust and Prairie Living West, LLC</u> – No action taken.	Citizens, L-E
<b>PCB 10-108</b>	<u>People of the State of Illinois v. William Charles Real Estate Investment, L.L.C.</u> , – No action taken.	W-E
<b>PCB 10-110</b>	<u>KCBX Terminals Company v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 11-3</b>	<u>People of the State of Illinois v. Alden Management Services, Inc., and Alden Long Grove Rehabilitation and Health Care Center, 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 water enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 11-11</b>	<u>People of the State of Illinois v. Clinton Landfill, Inc.</u> , – In this air enforcement action concerning a DeWitt 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. Clinton Landfill also agreed to perform a supplemental environmental project with a settlement value of \$30,000, consisting of providing landfill disposal services to the People of the State of Illinois.	5-0 A-E

<b>PCB 11-18</b>	<u>People of the State of Illinois v. Sub Source, Inc., an Illinois corporation</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 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
<b>PCB 11-19</b>	<u>People of the State of Illinois v. Gerald N. Knoblauch, LLC and Bender Land Improvement, Inc.</u> – In this water enforcement action concerning a Woodford 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 \$5,000.00, and to cease and desist from further violations. Respondents also agreed to pay \$20,699.68 to the State of Illinois Wildlife and Fish Fund for recovery of fish killed and investigation expenses.	4-0 W-E
<b>PCB 11-20</b>	<u>People of the State of Illinois v. City of Colchester</u> – In this water enforcement action concerning a McDonough 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 \$5,346.00, and to cease and desist from further violations.	4-0 W-E
<b>PCB 11-22</b>	<u>Scott Mayer v. Lincoln Prairie Water Company, Korte &amp; Luitjohan Contractors, Inc., and Milano &amp; Grunloh Engineers, LLC</u> – No action taken.	L-E, Citizens
<b>PCB 11-28</b>	<u>1st AYD Corporation v. S&amp;S Automotive Inc.</u> – No action taken.	A-E, Citizens
<b>PCB 11-29</b>	<u>Wildcat Farms, LLC - Dallas City (Propety ID No. 05-28-300-004)</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Wildcat Farms, LLC - Dallas City located in Hancock 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

<b>PCB 11-30</b>	<u>Newcomer Confinements, Inc. - Lamark (Property ID No. 07-09-14-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Newcomer Confinements, Inc. - Lamark located in Carroll 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
<b>PCB 11-31</b>	<u>Louis Fowler - Macomb (Property ID Nos. 01-000-208-00 and 01-000-198-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Louis Fowler - Macomb located in McDonough 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
<b>PCB 11-32</b>	<u>Brandon Hofman Finishing Barn (Property Id No. 15-15-03-400-005) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Brandon Hofman Finishing Barn located in Mercer 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
<b>PCB 11-33</b>	<u>Exxonmobil Oil Corporation (Jim's Service) 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 Sangamon County facility.	5-0 UST Appeal, 90 Day Ext.
<b>PCB 11-34</b>	<u>Gas &amp; Mini Mart v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McLean County facility.	5-0 UST Appeal
<b>PCB 11-35</b>	<u>Merlin McClure-Kirkwood v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Merlin McClure - Kirkwood located in Mercer 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
<b>PCB 11-36</b>	<u>4 Nelson Farms - Altona v. IEPA</u> – No action taken.	T-C, W

## CASES PENDING DECISION

<b>R09-19</b>	<u>In the Matter of Air Quality Standards Clean-up: Amendments to 35 Ill. Adm. Code Part 243</u> <ul style="list-style-type: none"><li>• Proposed Rule, Second Notice, Opinion &amp; Order</li></ul>	Air
<b>R09-21</b>	<u>In the Matter of: Ameren Ashpond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code 840.101 through 840.144</u> <ul style="list-style-type: none"><li>• Adopted Rule, Final Opinion &amp; Order</li></ul>	Land

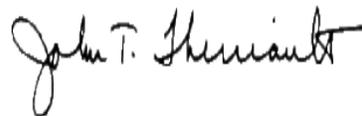
## OTHER ITEMS

None

## ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:40 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 20, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board