

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



December 16, 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 December 2, 2010 open meeting and the December 9, 2010 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R 09-21	<u>In the Matter of: Ameren Ashpond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code 840.101 through 840.144</u> – The Board adopted a second notice opinion and order in this site-specific rulemaking proposal to amend the Board’s land pollution control regulations.	5-0 Land
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.</u> – The Board adopted a final opinion and order in this rulemaking, which amends the Board’s air rules.	5-0 Air
R 11-2	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2010 through June 30, 2010)</u> – The Board extended the deadline for completion of this rulemaking from January 8, 2011 until July 1, 2011.	5-0 Land
R 11-18	<u>In the Matter of: Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 302.Subparts B, C, E, F and 303.312</u> – The Board accepted for hearing petitioner’s December 2, 2010 proposal to amend the Board’s water pollution control regulations.	5-0 Water
R 11-19	<u>In the Matter of: Revision of Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240</u> – The Board accepted for hearing petitioner’s December 16, 2010 proposal to amend the Board’s air pollution control regulations. Noting the April 7, 2011 statutory deadline for completing this rulemaking, the Board adopted an opinion and order for public comment and granted petitioner’s motion to file reduced copies.	5-0 Air

ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 10-18	<u>County of Perry v. Martin Vuichard</u> – The Board found that this Perry County respondent violated Sections 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.	5-0
AC 11-15	<u>IEPA v. Paul Aureden</u> – The Board accepted an administrative citation against this JoDaviess County respondent.	

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 07-81	<u>People of the State of Illinois v. Durre Bros. Welding and Machine Shop, 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.	5-0 W-E
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> – The Board granted complainants’ motion to file an amended complaint and ordered the Clerk to amend the case heading as provided in this order to reflect the parties named in this amended complaint. The Board denied respondents’ motion for a determination that the amended formal complaint should not be set for hearing, found that the amended formal complaint is neither duplicative nor frivolous, and accepted complainants’ amended complaint for hearing.	5-0 L-E, Citizens
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	5-0 Citizens, N-E
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> – No action taken.	Citizens, L-E

PCB 10-107	<u>People of the State of Illinois v. Rockford Sand and Gravel, Inc.</u> , – The Board granted respondent’s motion for leave to file an amended answer and accepted the amended answer. The acceptance of the amended answer renders complainant’s motion to strike affirmative defenses alleged in the original answer moot.	5-0 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 11-14	<u>People of the State of Illinois v. Waste Management of Illinois, Inc. and Cottonwood Hills Landfill</u> – In this land enforcement action concerning a St. Clair 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)), and accepted a stipulation and settlement agreement. Respondents agreed to undertake a supplemental environmental project with a settlement value of \$12,000, consisting of providing landfill disposal space to the People of the State of Illinois. The Board also ordered respondents to cease and desist from further violations.	5-0 L-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
PCB 11-24	<u>People of the State of Illinois v. U. S. Chrome Corporation of Illinois, Inc.</u> , – The Board accepted for hearing this air enforcement action involving a site located in Boone County.	5-0 A-E
PCB 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – The Board directed respondent to file an amended petition for review on or before January 17, 2011, or this action will be subject to dismissal.	5-0 UST Appeal
PCB 11-26	<u>People of the State of Illinois v. Lowell Null, d/b/a MAB Pallets</u> – The Board accepted for hearing this land enforcement action involving a site located in Boone County.	5-0 L-E
PCB 11-27	<u>People of the State of Illinois v. Sud Family Limited Partnership</u> – The Board accepted for hearing this water enforcement action involving a site located in Boone County.	5-0 W-E

PCB 11-28	<u>1st AYD Corporation v. S&S Automotive Inc.</u> – No action taken.	A-E, Citizens
------------------	--	------------------

CASES PENDING DECISION

None

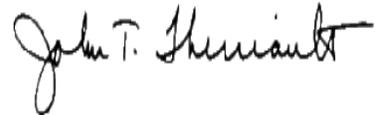
OTHER ITEMS

None

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:22 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 6, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board