

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 20, 2011

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 January 6, 2011 open meeting and the January 13, 2011 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R 09-21	<p><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 final opinion and order in this site-specific rulemaking, which amends the Board’s land pollution control regulations.</p>	5-0 Land
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ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 11-15	<p><u>IEPA v. Paul Aureden</u> – The Board found that this JoDaviess County respondent violated Sections 21(p)(1), 21(p)(7), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7), 55(k)(1) (2008)), and ordered respondent to pay a civil penalty of \$4,500.</p>	5-0
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ADJUDICATORY CASES

PCB 99-134	<p><u>People of the State of Illinois v. Heritage Coal Company, LLC (f/k/a/ Peabody Coal Company, LLC)</u> – No action taken.</p>	W-E
PCB 04-185	<p><u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.</p>	T-S Air
PCB 04-215 PCB 04-216	<p><u>Commonwealth Edison Company v. IEPA</u> <u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.</p>	T-S Air
PCB 07-63	<p><u>PMA & Associates, Inc. v. IEPA</u> – No action taken.</p>	UST Appeal
PCB 08-7	<p><u>People of the State of Illinois, v. Union Pacific Railroad Company, a Delaware Corporation</u> – No action taken.</p>	W-E
PCB 08-30	<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>	L-E, Citizens

PCB 09-35	<u>People of the State of Illinois v. Alan Durkee, d/b/a Alan Durkee Swine Farm</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Henderson County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 09-102	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	N-E, Citizens
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – The Board found that complainant’s amended complaint was frivolous and dismissed this matter.	5-0 Citizens, N-E
PCB 10-54	<u>Zervos Three, Inc. v. IEPA</u> – The Board granted petitioner’s motion for summary judgment, finding that petitioner is entitled to deem its application for reimbursement from the UST Fund approved by operation of law. The Board directed respondent to reimburse petitioner in the amount of \$97,049.28. The Board denied the respondent’s motion for summary judgment. The Board directed petitioner to file on or before March 8, 2011, a statement of its legal costs that may be eligible for reimbursement; the Illinois Environmental Protection Agency may file a response.	5-0 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 10-75	<u>Chicago Coke Co., Inc. v. IEPA</u> – No action taken.	P-A, Air
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 granted the respondents’ motion for leave to file a third-party counterclaim.	5-0 Citizens, L-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 11-13	<u>Stickney Auto & Truck Company, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	4-0 UST Appeal Zalewski abstained
PCB 11-16	<u>SK Singh, LLC v. IEPA (Claim 942280-58558)</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Sangamon County facility.	5-0 UST Appeal
PCB 11-16	<u>SK Singh, LLC v. IEPA (Claim 942280-58559)</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Sangamon County facility.	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 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – The Board accepted petitioner’s amended petition for hearing.	5-0 UST Appeal
PCB 11-28	<u>1st AYD Corporation v. S&S Automotive Inc.</u> – No action taken.	A-E, Citizens

PCB 11-36	<u>4 Nelson Farms - Altona v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s (Agency) recommendation, the Board found and certified that specified facilities of 4 Nelson Farms, Inc. - Altona located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)). The Board granted the Agency’s motion to amend, and correct the legal description of petitioner’s facilities	5-0 T-C, W
PCB 11-37	<u>Austin Greuel Farms, Inc. - East Moline v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Austin Greuel Farms, Inc. - East Moline 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
PCB 11-38	<u>Bureau Service Company 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 Bureau County facility.	5-0 UST Appeal, 90 Day Ext.
PCB 11-39	<u>Greuel Pork Farms - Industry v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Greuel Pork Farms - Industry 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
PCB 11-40	<u>Mark A. Phillips - Newton v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mark A. Phillips - Newton located in Jasper 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
PCB 11-41	<u>KB Sullivan, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Moultrie County facility.	5-0 UST Appeal

CASES PENDING DECISION

R10-9	<u>In the Matter of: Financial Assurance Instruments--Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104 and 811.Subpart G</u> – Proposed Rule, First Notice, Opinion & Order	Land
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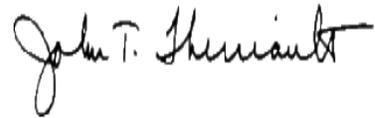
OTHER ITEMS

None

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:21 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 3, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board