

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



May 5, 2011

11:00 a.m.

Chicago

100 W. Randolph Street
Chicago, IL

Room 9-040

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 April 21, 2011 open meeting and the April 28, 2011 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R 11-23	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> – No action taken.	Air
R 11-25	<u>In the Matter of: Setback Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s April 20, 2011 proposal to amend the Board’s public water supply regulations.	5-0 PWS
R 11-26	<u>In the Matter of: Illinois Environmental Regulatory Group’s Emergency Rulemaking, Nitrogen Oxides Emissions: Amendments to 35 Ill. Adm. Code Part 217</u> – No action taken.	Air

ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 11-18	<u>IEPA v. John and Debra Watson</u> – The Board accepted respondents’ amended petition for review, but directed respondents to file a second amended petition to cure deficiencies.	5-0
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ADJUDICATORY CASES

PCB 99-134	<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
PCB 04-192	<u>People of the State of Illinois v. Smithfield Properties, L.L.C., Wooton Construction, Ltd., and Chicago Sun-Times, Inc.</u> – No action taken.	L,W-E
PCB 06-17	<u>Morgan Southern Company v. IEPA</u> – No action taken.	UST Appeal
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-99	<u>L. W. Paul Supply Co., Inc v. IEPA</u> – No action taken.	UST Appeal
PCB 07-108	<u>Reed’s Service v. IEPA</u> – No action taken.	UST Appeal

PCB 07-119	<u>Mahr's Service & Sales v. IEPA</u> – No action taken.	UST Appeal
PCB 07-120	<u>Ruth Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 07-126	<u>Gateway FS, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-127	<u>Pioneer Oil Company v. IEPA</u> – No action taken.	UST Appeal
PCB 07-129	<u>Yesley Service Company, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-137	<u>Russell Oil Company, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-138	<u>Watertower Marina, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-139	<u>People of the State of Illinois v. JR Investment Group, LLC, an Illinois limited liability company (f/k/a Jalil "Jerry" Rizqallah, d/b/a Timberline Mobile Home Park)</u> – The Board granted the complainant's motion for leave to file the first amended complaint. Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Woodford County facility, the Board ordered publication of the required newspaper notice.	5-0 PWS-E
PCB 08-10	<u>Dunn's University BP (Corrective Action Plan dated March 5, 2007) v. IEPA</u> – No action taken.	UST Appeal
PCB 08-43	<u>Moto, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 09-35	<u>People of the State of Illinois v. Alan Durkee, d/b/a Alan Durkee Swine Farm</u> – The Board granted the complainant's motion to file a substitute stipulation clarifying that count IV is part of the stipulation. Upon receipt the substitute stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Woodford County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 09-50	<u>Schrof Service Center v. IEPA</u> – No action taken.	UST Appeal
PCB 09-102	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	N-E, Citizens

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 10-71	<u>People of the State of Illinois v. 87th & Greenwood, LLC, Innovative Recycling Technologies, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 10-72	<u>People of the State of Illinois v. Byrom Ward, d/b/a Ward Electric, and Timothy James</u> – No action taken.	L-E
PCB 10-73	<u>Metropolitan Pier & Exposition Authority 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 10-103	<u>Stop The Mega-Dump v. County Board of DeKalb County, Illinois and Waste Management, of Illinois Inc.</u> – No action taken.	P-C-F-S-R
PCB 10-110 PCB 11-43 (cons.)	<u>KCBX Terminals Company v. IEPA</u> – No action taken.	P-A, Air
PCB 11-7	<u>Van Zelst Landscape Compost Facility v. IEPA</u> – No action taken.	P-A, Land

PCB 11-57	<u>Bunge-SCF Grain, LLC v. IEPA</u> – The Board granted petitioner’s motion for name change from SCF Development, LLC to Bunge-SCF Grain, LLC.	5-0 P-A, Air
PCB 11-60	<u>American Disposal Services of Illinois, Inc. v. County Board of McLean County, Illinois, Henson Disposal, Inc. and TKNTK, LLC</u> – No action taken.	L-SA, 3d P
PCB 11-64	<u>People of the State of Illinois v. Northern Illinois University</u> – In this air enforcement action concerning a DeKalb 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, and to cease and desist from further violations.	5-0 A-E
PCB 11-68	<u>People of the State of Illinois v. Tradition Investments, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in JoDaviess County.	5-0 W-E
PCB 11-69	<u>Knapp Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Marion County facility.	5-0 UST Appeal
PCB 11-70	<u>Brandon and Jill Hoffman Finishing Barn v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Brandon and Jill Hoffman 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
PCB 11-71	<u>Daniel Koster v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Daniel Koster located in Whiteside 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 11-72	<u>David and Harold Hawkinson v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of David and Harold Hawkinson located in Eureka 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 11-73	<u>Clayton Pork, LLC - Eureka v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Clayton Pork, LLC located in Eureka 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 11-74	<u>People of the State of Illinois v. Adolf M. Lo and Renee C. Lo d/b/a Lo Farms</u> – The Board accepted for hearing this air and water enforcement action involving a site located in Champaign County.	5-0 A, W-E
PCB 11-75	<u>Bohnerts Jerseys - East Moline v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Bohnerts Jerseys located in Rock Island 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 11-76	<u>Warsaw Itco v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Tazewell County facility.	5-0 UST Appeal
PCB 11-77	<u>Scott H. Huelsing v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Scott H. Huelsing located in Effingham 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

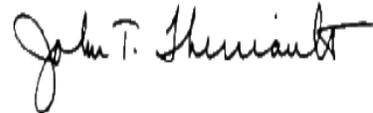
R08-9(A)	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – Proposed Rule, Second Notice. Opinion & Order	Water
R11-8	<u>In the Matter of: Regulatory Proposal for NOx Trading Program Sunset Provisions for Non-Electric Generation Units ("Non-EGU."):</u> <u>Amendments to 35 Ill. Adm. Code Part 217. Subpart U</u> – Proposed Rule, First Notice. Opinion & Order	Air

OTHER ITEMS

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 May 19, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board