

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



July 21, 2011

11:00 a.m.
Videoconference

Chicago
100 W. Randolph Street
Chicago, IL
11-512

And

Springfield
1021 N. Grand Avenue East
Conference Room 1244 N, First Floor
Springfield, IL

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 July 7, 2011 open meeting were approved by a vote of 5-0. The minutes of the July 14, 2011 closed deliberative session were approved by a vote of 4-0, Member Johnson abstained.

RULEMAKINGS

R 08-9(C)	<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> – No action taken.	Water
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> – The Board adopted a final opinion and order in this fast-track rulemaking proposal which amends the Board’s air pollution control regulations.	5-0 Air
R 11-24 R 11-26 (cons.)	<u>In the Matter of: Nitrogen Oxides Emissions, Amendments to 35 Ill. Adm. Code 217</u> <u>In the Matter of: Illinois Environmental Regulatory Group's Emergency Rulemaking, Nitrogen Oxides Emissions: Amendments to 35 Ill. Adm. Code Part 217</u> – The Board granted the Illinois Environmental Regulatory Group’s (IERG) motion to reconsider the May 19, 2011 decision denying IERG’s emergency rulemaking proposal. The Board also adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations.	5-0 Air
R 12-8	<u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources; Amendments to 35 Ill. Adm. Code Part 223</u> – No action taken.	Air

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 11-29	<u>IEPA v. Whelan's Inc & Thomas Whelan</u> – The Board found that these Cook County respondents violated Section 21(p)(1) and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2010)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 11-30	<u>IEPA v. Rodney Pinter</u> – The Board found that this Bureau County respondent violated Section 21(p)(1) and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	5-0

AC 11-31	<u>IEPA v. Patrick D. and Monique D. Patterson</u> – The Board accepted respondents’ petition for review, but directed respondents to file an 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> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
PCB 08-30	<u>E.R. 1, LLC, assignee of Caseyville Sport Choice, LLC, an Illinois Limited Liability Company 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 09-102	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – The Board denied both motions for summary judgment and to strike.	5-0 N-E, Citizens
PCB 09-108	<u>People of the State of Illinois v. Apollo Plastics Corporation</u> – In this air enforcement action concerning a Cook 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$30,946.00, and to cease and desist from further violations.	5-0 A-E
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 10-84	<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 11-6	<u>People of the State of Illinois v. American Construction, LLC, Inc., and Real Estate Elmhurst, LLC</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 DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 11-7	<u>Van Zelst Landscape Compost Facility v. IEPA</u> – No action taken.	P-A, Land
PCB 11-21	<u>People of the State of Illinois v. Prairieland Investment Group, LLC, and Kevin S. Cook, d/b/a KC Construction</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 Hancock County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 11-54	<u>People of the State of Illinois v. Stewart Spreading, Inc.,</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 Kendall County facility, the Board ordered publication of the required newspaper notice.	5-0 A, W-E
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 11-65	<u>Chevron Environmental Management Company (10/27/09 to 9/3/10) 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 DuPage County facility.	5-0 UST Appeal

PCB 11-66	<u>Chevron Environmental Management Company (8/1/2008 to 9/27/2009) 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 DuPage County facility.	5-0 UST Appeal
PCB 11-68	<u>People of the State of Illinois v. Tradition Investments, LLC</u> – No action taken.	W-E
PCB 11-92	<u>People of the State of Illinois v. P & H Mfg. Co</u> – In this air enforcement action concerning a Shelby 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$38,000.00, and to cease and desist from further violations.	5-0 L-E
PCB 12-2	<u>Ameren Energy Generating Company, Wet Flue Gas Desulfurization Scrubber on Coffeen Unit No. 1 (Property ID No. 04-000-172-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
PCB 12-3	<u>Marathon Petroleum Company, LLC Enhanced Selective Non-Catalytic Reduction (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
PCB 12-4	<u>Marathon Petroleum Company, LLC, External Floating Roof on Tank No. 21D-811 (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A

PCB 12-5	<u>Marathon Petroleum Company, LLC, Ultra-Low Sulfur Diesel Project (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
PCB 12-6	<u>Marathon Petroleum Company, LLC, Vent Gas Recovery Project (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
PCB 12-7	<u>WRB Refining, LLC, Alky HM2 NO_x Reduction (Property ID No. 19-1-08-34-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
PCB 12-8	<u>WRB Refining, LLC, Benzene Extraction Unit - Heat Medium Heaters NO_x Reduction (Property ID No. 19-1-08-35-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
PCB 12-9	<u>WRB Refining, LLC, Boiler No. 15 NO_x Reduction (Property ID No. 19-1-08-35-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A

PCB 12-10	<u>WRB Refining, LLC, Catalytic Cracking Units Nos. 1 and 2 SO2 and NOx Reduction (Property ID No. 19-1-08-35-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
PCB 12-11	<u>WRB Refining, LLC, North Property Flare Expansion (Property ID No. 19-1-08-35-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
PCB 12-12	<u>Congress Development Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility. The Board grants petitioner’s motion to consolidate PCB 11-90 and PCB 12-12	5-0 P-A, Water
PCB 12-13	<u>People of the State of Illinois v. Knight Hawk Coal, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in Jackson County.	5-0 W-E
PCB 12-14	<u>Center Point Energy, Mississippi River Transmission, LLC v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Madison County facility.	5-0 P-A, Air, 90-Day Extension
PCB 12-15	<u>Gary Szczeblewski v. State Fire Marshall, Division of Petroleum & Chemical Safety</u> – No action taken.	UST Appeal

CASES PENDING DECISION

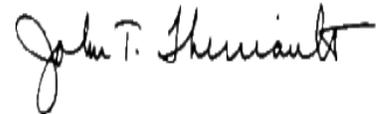
R08-9(A)	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> <ul style="list-style-type: none"> • Scheduled for Review at August 16, 2011 JCAR Meeting <ul style="list-style-type: none"> – Adopted Rule, Final Order, Opinion & Order 	Water
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, 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 August 4, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board