

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 2, 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 May 19, 2011 open meeting and the May 26, 2011 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

<p>R 08-9(A)</p>	<p><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 reserved ruling on the Illinois Environmental Protection Agency’s motion to stay. The Board adopted a proposed second notice for public comment, requiring Any comments be filed by June 10, 2011. The Board will place adoption of this, or an amended second notice opinion and order on the Board’s Agenda for decision at our regularly scheduled meeting on June 16, 2011.</p>	<p>5-0 Water</p>
<p>R 11-2 R 11-16</p>	<p><u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2010 through June 30, 2010)</u> <u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2010 through December 31, 2010)</u> – The Board on its own motion consolidated these “identical-in-substance” rulemakings to amend the Board’s hazardous waste regulations, adopted a proposal for public comment, and extended the deadline for completion of amendments from July 1, 2011 until October 17, 2011.</p>	<p>5-0 Land</p>

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

<p>AC 10-10</p>	<p><u>IEPA v. Jess Spradlin, d/b/a Spradlin Motor Homes and Drewnard Woods and Kris Warren, d/b/a W&W Auto Service</u> – The Board granted the Illinois Environmental Protection Agency’s motion for voluntary dismissal of Jess Spradlin, and dismissed his petition for review as moot. The Board found that these Sangamon County respondents violated Section 21(p)(1) and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), 5/55 (k)(1) (2008). The Board previously found that Drewnard Woods and Kris Warren, d/b/a W&W Auto Service defaulted by failing to timely to file a petition for review in its order of March 4, 2010. Because this is a second or subsequent adjudicated violation of Section 21(p)(1) (<i>see</i> IEPA v. Jess Spradlin d/b/a Spradlin Mobile Home Sales and Drewnard Woods and Kris Warren d/b/a W&W Auto Service, AC 10-1 (September 3, 2009)), the Board ordered respondent to pay a civil penalty of \$4,500.</p>	<p>5-0</p>
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AC 10-13	<u>County of Vermilion, Illinois v. Charles Long</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	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 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
PCB 04-215 PCB 04-216 (Cons.)	<u>Commonwealth Edison Company v. IEPA</u> <u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
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 05-15	<u>People of the State of Illinois v. Michael Collins, d/b/a C & R Construction</u> – The Board granted complainant’s motion for dismissal of this enforcement action and closed the docket.	5-0 A-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> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving an Union County facility.	5-0 UST Appeal
PCB 07-99	<u>L. W. Paul Supply Co., Inc v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 07-108	<u>Reed's Service v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a White County facility.	5-0 UST Appeal

PCB 07-119	<u>Mahr's Service & Sales v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Fulton County facility.	5-0 UST Appeal
PCB 07-120	<u>Ruth Oil Company v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Stark County facility.	5-0 UST Appeal
PCB 07-126	<u>Gateway FS, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Randolph County facility.	5-0 UST Appeal
PCB 07-127	<u>Pioneer Oil Company v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Montgomery County facility.	5-0 UST Appeal
PCB 07-129	<u>Yesley Service Company, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Randolph County facility.	5-0 UST Appeal
PCB 07-137	<u>Russell Oil Company, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Williamson County facility.	5-0 UST Appeal
PCB 07-138	<u>Watertower Marina, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a McHenry County facility.	5-0 UST Appeal
PCB 08-10	<u>Dunn's University BP (Corrective Action Plan dated March 5, 2007) v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss this with prejudice underground storage tank appeal involving a Coles County facility.	5-0 UST Appeal

PCB 08-43	<u>Moto, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving an Effingham County facility.	5-0 UST Appeal
PCB 09-50	<u>Schrof Service Center v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Livingston County facility.	5-0 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> – The Board grants petitioner’s motion for authorization of payment of legal fees but denies petitioner’s motion for authorization of payment of experts’ fees. The Board directed the Illinois Environmental Protection Agency to provide petitioner with reimbursement for legal fees and costs in the amount of \$73,347.88 from the Underground Storage Tank Fund as corrective action costs.	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 10-72	<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 11-7	<u>Van Zelst Landscape Compost Facility v. IEPA</u> – No action taken.	P-A, Land
PCB 11-60	<u>American Disposal Services of Illinois, Inc. v. County Board of McLean County, Illinois, Henson Disposal, Inc. and TKNTK, LLC</u> – The Board directed Henson Disposal, Inc. as the applicant for site approval to submit to the Board within 14 days of this order, on or before June 16, 2011, a filing addressing the adequacy of service of notice under Section 39.2(b) of the Act.	5-0 L-SA, 3d P
PCB 11-82	<u>Marathon Petroleum Company, LLC, Coker Blowdown System, (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 (2008)).	5-0 T-C, A
PCB 11-83	<u>Marathon Petroleum Company, LLC, Floating Roof on Tank # 15, (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 (2008)).	5-0 T-C, A
PCB 11-84	<u>Marathon Petroleum Company, LLC, Roofing of Light Straight Run from Crude Unit to Gasoline Desulfurization Unit, (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 (2008)).	5-0 T-C, A
PCB 11-85	<u>Holland Energy, LLC v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Shelby County facility.	5-0 P-A, Water

PCB 11-86	<u>ExxonMobil Oil Corporation v. IEPA</u> – The Board accepted for hearing this variance request involving a Will County facility.	5-0 W-V
PCB 11-87	<u>Jakobs Brothers Farms, Inc. - Sterling v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Panther Creek Ranch, LLC 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

CASES PENDING DECISION

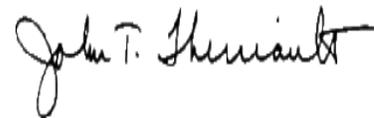
R08-9(B)	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – Proposed Rule, First Notice. Opinion & Order	Water
R11-23	<u>In the Matter of: 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> – Proposed Rule, Second Notice. Opinion & Order	Air

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:24 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 16, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board