

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**August 18, 2011**

**11:00 a.m.**

**Chicago**

100 W. Randolph Street

Chicago, IL

**9-040**

### **ANNOUNCEMENTS**

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Chairman Girard welcomed members of the public and staff.

### **ROLL CALL**

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The Assistant Clerk of the Board called the roll. Five Board Members answered present.

### **APPROVAL OF MINUTES**

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

## RULEMAKINGS

<p><b>R 08-9(A)</b></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 adopted a final opinion and order in this rulemaking proposal which amends the Board’s water pollution control regulations. Specifically the Board adopted four categories of recreational use designation for the CAWS and LDPR: Primary Contact Recreation, Incidental Contact Recreation, Non-contact Recreation, and Non Recreation.</p>	<p>5-0 Water</p>
<p><b>R 11-2</b>  <b>R 11-16 (cons.)</b></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 adopted a final opinion and order in this rulemaking proposal which amends the Board’s hazardous waste regulations.</p>	<p>5-0 Land</p>
<p><b>R 11-20</b></p>	<p><u>In the Matter of: Amendments to 35 Ill. Adm. Code Part 229: Hospital/Medical/Infectious Waste Incinerators</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations.</p>	<p>5-0 Air</p>
<p><b>R 11-24</b>  <b>R 11-26 (cons.)</b></p>	<p><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 adopted final rules to extend the compliance date for certain Part 217 air requirements. Also the Board granted the Illinois Environmental Protection Agency motion to correct the transcript of the Board’s June 28, 2011 hearing.</p>	<p>5-0 Air</p>
<p><b>R 12-10</b></p>	<p><u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources; Amendments to 35 Ill. Adm. Code Part 223</u> – The Board accepted for hearing petitioner’s August 15, 2011 proposal to amend the Board’s air pollution control regulations for registration of smaller sources.</p>	<p>5-0 Air</p>

## ADJUSTED STANDARDS

NONE

## ADMINISTRATIVE CITATIONS

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<b>AC 11-23</b>	<u>IEPA v. Dennis Weiler</u> – No action taken.	
<b>AC 11-26</b>	<u>IEPA v. Estate of Kenneth D. Berhenke, Sr.</u> – The Board granted complainant’s motion to voluntarily dismiss the administrative citation.	5-0
<b>AC 11-28</b>	<u>IEPA v. Thad and Linda Shafer</u> – The Board accepted respondent Thad Shafer’s amended petition for review. The Board directed the Illinois Environmental Protection Agency to file proof of service on Linda Shafer on or before September 8, 2011.	5-0

### ADJUDICATORY CASES

<b>PCB 99-134</b>	<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
<b>PCB 04-192</b>	<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
<b>PCB 07-13</b>	<u>People of the State of Illinois v. Ray F. Landers, individually, and Equipping the Saints Ministry International, Inc., an Illinois not-for-profit corporation</u> – In this air enforcement action concerning a Sangamon County facility, the Board directed Equipping the Saints Ministry International, Inc. (ESMI) to pay a civil penalty of \$3,000 for violating Section 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(d)(1) (2010)) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos (40 C.F.R. Part 61, Subpart M). This follows the November 18, 2010 interim opinion and order which granted complainant’s motion for summary judgment, finding respondent ESMI had violated Section 9.1(d)(1) of the Act and 40 C.F.R. § 61.145(b).	5-0 A-E
<b>PCB 08-30</b>	<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

<b>PCB 10-61</b>	<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>	W-E
<b>PCB 11-2</b>	<u>Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC</u> – No action taken.	
<b>PCB 10-70</b>	<u>Wheeling/GWA Auto Shop v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-84</b>	<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
<b>PCB 11-55</b>	<u>People of the State of Illinois v. American Excavating &amp; Septic Services, Inc. and CBS Leasing, L.L.C.</u> , – In this water and mine enforcement action concerning a Jo Daviess 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 respondents to pay a total civil penalty of \$8,000.00, and to cease and desist from further violations.	5-0 W, M-E
<b>PCB 11-60</b>	<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
<b>PCB 11-68</b>	<u>People of the State of Illinois v. Tradition Investments, LLC</u> – No action taken.	W-E
<b>PCB 11-102</b>	<u>People of the State of Illinois v. Super Mix, Inc.</u> – In this air enforcement action concerning a DuPage 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 \$60,000.00, and to cease and desist from further violations.	5-0 A-E

<b>PCB 11-103</b>	<u>People of the State of Illinois v. Markham Transfer &amp; Recycling, LLC</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 \$25,000.00, and to cease and desist from further violations.	5-0 L-E
<b>PCB 12-14</b>	<u>Center Point Energy, Mississippi River Transmission, LLC v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 12-15</b>	<u>Gary Szczeblewski v. State Fire Marshall, Divison of Petroleum &amp; Chemical Safety</u> – No action taken.	UST Appeal
<b>PCB 12-16</b>	<u>Mark Lilly v. City of Rock Falls, IL</u> – No action taken.	A-E, Citizens
<b>PCB 12-24</b>	<u>Chronister Oil Co. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Christian County facility.	UST Appeal
<b>PCB 12-25</b>	<u>Speedway LLC 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 Cook County facility.	5-0 UST Appeal 90- Day Extension
<b>PCB 12-26</b>	<u>Vos Farms - Chadwick v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Vos Farms 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 (2010)).	5-0 T-C, W

### **CASES PENDING DECISION**

<b>PCB 04-16</b>	<u>People of the State of Illinois v. Packaging Personified, Inc.</u> – Final Order, Opinion & Order	A-E
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### **OTHER ITEMS**

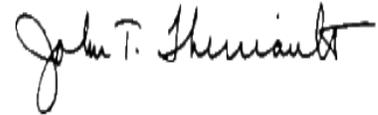
	The Board granted the Chairman’s Motion to Reschedule the 11:00 am, October 5, 2011 Board Meeting as a Videoconference Meeting Between the Board’s Chicago Office (Room 11-512) and the Board’s Springfield Office (Room 1244N, First Floor).	5-0
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## **ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:19 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board,  
certify that the Board approved the above minutes on September 8, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board