

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**October 20, 2011**

**11:00 a.m.**

**Chicago**  
100 W. Randolph Street  
Chicago, IL  
**Room 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 October 6, 2011 open meeting and the October 13, 2011 closed deliberative session were approved by a vote of 5-0.

## RULEMAKINGS

<b>R08-18</b>	<u>In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s groundwater quality regulations.	5-0 PWS
<b>R 09-19</b>	<u>In the Matter of Air Quality Standards Clean-up: Amendments to 35 Ill. Adm. Code Part 243</u> – The Board adopted a final opinion and order in this rulemaking proposal which amends the Board’s air pollution control regulations.	5-0 Air
<b>R10-9(A)</b>	<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> – The Board adopted a final opinion and order in this rulemaking proposal which amends the Board’s land pollution control regulations.	5-0 Land
<b>R 11-23(A)</b>	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II and Group IV Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> – The Board adopted a final opinion and order in this rulemaking proposal which amends the Board’s air pollution control regulations.	5-0 Air
<b>R 12-11</b>	<u>In the Matter of: Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Procedural 1

## ADJUSTED STANDARDS

<b>AS 12-1</b>	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> – No action taken.	Land
<b>AS 12-2</b>	<u>Terrona Farms' Request for Adjusted Agronomic Rate of Municipally Collected Leaves for Farmland Application</u> – The Board dismissed this request for an adjusted standard. The Board directed petitioner to file a new adjusted standard petition addressing the jurisdictional, procedural and informational deficiencies noted.	5-0 Land

## ADMINISTRATIVE CITATIONS

### ADJUDICATORY CASES

<b>PCB 97-193</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u>	5-0 L-E
<b>PCB 04-207 (cons.)</b>	<u>People of the State of Illinois v. Edward Pruiim and Robert Pruiim</u> – On remand from the Third District Appellate Court, the Board directed the parties to file briefs arguing the appropriate apportionment of the penalties.	
<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> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 Member Burke abstained L,W-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 10-9</b>	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, A. E. Staley Manufacturing Co., Aramark Uniform Services, Inc., Bell Sports, Inc., Borden Chemical Co., Bridgestone/Firestone, Inc., Climate Control, Inc., Caterpillar, Inc., Combe Laboratories, Inc., General Electric Railcar Services Corporation, P &amp; H Manufacturing, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement as to Climate Control, Inc., and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Macon County facility, the Board ordered publication of the required newspaper notice	L-E 5-0
<b>PCB 10-23</b>	<u>United States Steel Corporation v. IEPA, American Bottom Conservancy as Intervenor</u> – No action taken.	P-A, Air

<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 10-84</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 10-100</b>	<u>Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust, and Prairie Living West, LLC</u> – No action taken.	L-E, Citizens
<b>PCB 11-25</b>	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
<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 11-65</b>	<u>Chevron Environmental Management Company (10/27/09 to 9/3/10) v. IEPA</u> – The Board denied petitioner’s motion to reconsider its July 21, 2011 dismissal order.	5-0 UST Appeal
<b>PCB 11-66</b>	<u>Chevron Environmental Management Company (8/1/2008 to 9/27/2009) v. IEPA</u> – The Board denied petitioner’s motion to reconsider its July 21, 2011 dismissal order.	5-0 UST Appeal
<b>PCB 11-79</b>	<u>People of the State of Illinois v. Inverse Investment L.L.C.</u> , – No action taken.	W-E
<b>PCB 12-14</b>	<u>Center Point Energy, Mississippi River Transmission, LLC v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.	5-0 P-A, Air

<b>PCB 12-16</b>	<u>Mark Lilly v. City of Rock Falls, IL</u> – The Board granted respondent's motion and found alleged violations of Sections 237.120 and 237.110 of the Board's regulations, 35 ILCS 237.120, 237.110 and Sections 9(a) and (c) of the Environmental Protection Act (Act), 415 ILCS 5/9(a), (c) (2010) were frivolous. The Board directed complainant to file amended complaint with the Board remedying the deficiencies noted on or before November 21, 2011	5-0 A-E, Citizens
<b>PCB 12-39</b>	<u>WRB Refining, LLC, Gasoline SZorb Unit v. IEPA</u> – The Board denied the Roxanna Community Unit School District motion for leave to intervene as moot, having granted the tax certification on September 8, 2011.	5-0 T-C, A
<b>PCB 12-40</b>	<u>WRB Refining, LLC, Ultralow Sulfur Diesel v. IEPA</u> – The Board denied the Roxanna Community Unit School District motion for leave to intervene as moot, having granted the tax certification on September 8, 2011.	5-0 T-C, A
<b>PCB 12-44</b>	<u>Anielle Lipe and Nykole Gillette v. Village of Richton Park</u> – No action taken.	A-E, Citizens
<b>PCB 12-50</b>	<u>Commonwealth Edison Co. v. Frederick K. Slayton, Ann Vole Slayton, and Cioni Excavating, Inc.</u> – No action taken.	L-E, Citizens
<b>PCB 12-53</b>	<u>A &amp; H Implement Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Effingham County facility.	5-0 UST Appeal
<b>PCB 12-54</b>	<u>United States Steel Corporation v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility.	5-0 P-A, Air
<b>PCB 12-55</b>	<u>Congress Development Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	5-0 P-A, Air

## CASES PENDING DECISION

## OTHER ITEMS

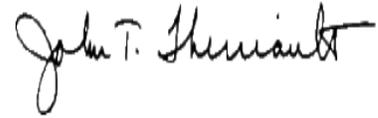
	The Chairman on behalf of the Board, thanked retiring Member Andrea S. Moore for eight years of service with the Board (2003 – 2011), presented her with a commemorative plaque, and wished her well in her future endeavors.	
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## **ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:20 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board,  
certify that the Board approved the above minutes on November 3, 2011, by a vote of 3-0



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board