

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



March 17, 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
11:00 a.m.

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 March 3, 2011 open meeting and the March 10, 2011 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R 11-17	<u>In the Matter of: Proposed Site-Specific NOx Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 35 Ill. Adm. Code Section 217.152(b)</u> – The Board adopted a second notice opinion and order in this site-specific rulemaking proposal to amend the Board’s air pollution control regulations.	5-0 Air
R 11-19	<u>In the Matter of: Revision of Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240</u> – The Board adopted a final opinion and order in this rulemaking, which amends the Board’s air rules.	5-0 Air
R 11-22	<u>In the Matter of: Underground Storage Tanks (35 Ill. Adm. Code 731) and Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732 and 734)</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s February 18, 2011 proposal to amend the Board’s land pollution control regulations.	5-0 Land
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 accepted for hearing the Illinois Environmental Protection Agency’s March 7, 2011 proposal to amend the Board’s air pollution control regulations. The Board adopted a first notice opinion and order and granted petitioner’s motion for waiver of copy requirement.	5-0 Air

ADJUSTED STANDARDS

AS 11-1	<u>In the Matter of: Petition of Greif Packaging, LLC for an Adjusted Standard from 35 Ill. Adm. Code Part 218. Subpart TT</u> – The Board accepted for hearing petitioner’s petition for an adjusted standard petition for its fiber drum manufacturing facility located in Naperville, Du Page County and directed the Illinois Environmental Protection Agency to file its recommendation.	5-0 Air
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ADMINISTRATIVE CITATIONS

AC 11-18	<u>IEPA v. John and Debra Watson</u> – The Board directed respondents to file an amended petition for review on or before April 18, 2011 to cure deficiencies.	5-0
AC 11-20	<u>IEPA v. Richard Pagel</u> – The Board accepted an administrative citation against this Platt County respondent.	
AC 11-21	<u>IEPA v. Christopher and Cora Kessinger</u> – The Board accepted an administrative citation against these Greene County respondents.	

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 04-192	<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 04-215 PCB 04-216	<u>Commonwealth Edison Company v. IEPA</u> <u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 08-7	<u>People of the State of Illinois, v. Union Pacific Railroad Company, a Delaware Corporation</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 Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 08-30	<u>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> – No action taken.	N-E, Citizens
PCB 10-9	<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 & H Manufacturing, Inc</u> – Upon receipt of individual proposed settlement agreements and an agreed motions to request relief from the hearing requirement in this land and cost recovery enforcement action involving a Macon County facility as to the following only; Aramark Uniform & Career Apparel, LLC, Bell Sports, Inc., Caterpillar, Inc., General Electronic Railcar Services Corporation and P & H Manufacturing, Inc.; the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
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 10-72	<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 10-75	<u>Chicago Coke Co., Inc. v. IEPA</u> – No action taken.	P-A, Air
PCB 10-76	<u>Coalville Road Enterprises 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> – The Board affirmed the May 10, 2010 decision of the County Board of DeKalb County granting approval, subject to conditions, of Waste Management’s application for site location suitability for the expansion of the DeKalb County Landfill.	5-0 P-C-F-S-R
PCB 10-108	<u>People of the State of Illinois v. William Charles Real Estate Investment, L.L.C.</u> , – The Board denied the complainant’s motion to strike the affirmative defense.	5-0 W-E
PCB 10-110	<u>KCBX Terminals Company v. IEPA</u> – No action taken.	P-A, Air
PCB 11-22	<u>Scott Mayer v. Lincoln Prairie Water Company, Korte & Luitjohan Contractors, Inc., and Milano & Grunloh Engineers, LLC</u> – No action taken.	L-E, Citizens
PCB 11-28	<u>1st AYD Corporation v. S&S Automotive Inc.</u> – The Board granted complainant’s motions for voluntary dismissal of this citizen enforcement action, closing the docket.	5-0 A-E, Citizens
PCB 11-43	<u>KCBX Terminals Company v. IEPA</u> – No action taken.	P-A, Air
PCB 11-56	<u>Green Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Bond County facility.	5-0 UST Appeal
PCB 11-57	<u>SCF Development, LLC</u> – The Board accepted for hearing this permit appeal involving a St. Clair County facility.	5-0 P-A, Air
PCB 11-58	<u>People of the State of Illinois v. Zachary Isaac d/b/a Nu Shine Car Wash and Samuel Johnson</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	5-0 W-E
PCB 11-59	<u>Freedom Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a DeWitt County facility.	5-0 UST Appeal

CASES PENDING DECISION

OTHER ITEMS

	The Board granted the Chairman’s motion for approval of calendar year 2012 Board Meeting Locations and Dates as listed below:	5-0
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**BOARD MEETINGS
SCHEDULED FOR CALENDAR YEAR 2012**

January 5	July 12
January 19	July 26
February 2	August 9
February 16	August 23
March 1	September 6
March 15	September 20
April 5	October 4
April 19	October 18
May 3	November 1
May 17	November 15
June 7	December 6
June 21	December 20

Unless otherwise noted below, Board meetings will be at the James R. Thompson Center, 100 W. Randolph Street, Chicago, IL

***These Board meetings will be via videoconference between Chicago, 100 W. Randolph Street, Videoconference Room 11-512, and Springfield, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor**

**** These Board meetings will be in the Board’s Springfield Office, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor**

	The Board granted the Chairman’s motion for approval of calendar year 2012 Closed Deliberative Session Schedule as listed below:	5-0
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**CLOSED DELIBERATIVE SESSIONS
SCHEDULED FOR CALENDAR YEAR 2012
(unless otherwise noted, meetings begin at 10:00 am)**

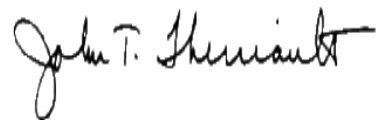
January 12	July 5
January 26	July 19
February 9	August 2
February 23	August 16
March 8	August 30
March 22	September 13
March 29	September 27
April 12	October 11
April 26	October 25
May 10	November 8
May 24	November 22
May 31	November 29
June 14	December 13
June 28	December 27

Unless otherwise noted, Closed Deliberative Sessions will be at the James R. Thompson Center, 100 W. Randolph Street, Room 11-512, Chicago, IL

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:26 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 7, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board