

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**August 20, 2009**

**Videoconference**

**Chicago Office**

100 W. Randolph Street  
Chicago, IL

**Room 11-512**

**AND**

**Springfield Office**

1021 N. Grand Avenue East  
Springfield, IL

**Room 1244 N, First Floor**

**11:00 a.m.**

### **ANNOUNCEMENTS**

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Chairman Girard welcomed members of the public and staff. The Chairman then thanked Legal Externs Nicole Mayer from Chicago-Kent Law School and William Schubert from Loyola Law School for their valuable contributions to the Board, wishing them well in their future endeavors.

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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The minutes of the August 6, 2009 open meeting and the August 12, 2009 closed deliberative session (reconvened on August 18, 2009) were approved by a vote of 5-0.

## RULEMAKINGS

<b>R06-20</b>	<u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808,809</u> – The Board adopted a second first notice opinion and order in this rulemaking to amend the Board's regulations concerning special waste classifications and tracking requirements as they pertain to used oil recycling.	5-0 Land
<b>R06-22</b>	<u>In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – The Board denied the motions of the Illinois Environmental Regulatory Group (IERG) for emergency rulemaking and for expedited review of the alternate rulemaking proposal. The Board directed the Illinois Environmental Protection Agency to file a status report in 60 days in this docket, and stated that any new proposal from IERG would be handled in a new docket.	5-0 Air
<b>R08-19</b>	<u>In the Matter of: Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – The Board adopted a final opinion and order in this rulemaking amending the Board's air pollution control regulations.	5-0 Air
<b>R09-22</b>	<u>In the Matter of: Petition of Maximum Investments, LLC for a Rule of General Applicability Under 415 ILCS 5/22.2b(a)3</u> – The Board granted the Illinois Environmental Protection Agency's motion to dismiss the petition.	5-0 Land
<b>R10-2</b>	<u>UIC Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2009 through June 30, 2009.	5-0 Land
<b>R10-3</b>	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of January 1, 2009 through June 30, 2009.	5-0 Land

<b>R10-5</b>	<u>UST Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 2009 through June 30, 2009.	5-0 Land
<b>R10-6</b>	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of wastewater pretreatment regulations during the update period of January 1, 2009 through June 30, 2009.	5-0 Water

### **ADJUSTED STANDARDS**

<b>AS 09-2</b>	<u>In the Matter of: Petition of Maximum Investments, LLC for an Adjusted Standard from 35 Ill Administrative Code 740.210(a)3 for the Stoney Creek Landfill, Palos Hills, Il. v. IEPA</u> – The Board denied petitioner’s motion for reconsideration of its June 18, 2009 order.	4-1 Johnson dissented Land
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### **ADMINISTRATIVE CITATIONS**

<b>AC 06-39</b>	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u>	
<b>AC 06-40</b>	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u>	
<b>AC 06-41</b>	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u>	
<b>AC 07-25</b> (cons.)	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> – No action taken.	

## ADJUDICATORY CASES

<p><b>PCB 97-193</b> <b>PCB 04-207</b></p>	<p><u>People of the State of Illinois v. Community Landfill Company, Inc.</u> <u>People of the State of Illinois v. Edward Pruim and Robert Pruim</u> – The Board previously found in its Oct. 3, 2002 and Apr. 5, 2001 orders that Community Landfill Corporation (CLC) had violated numerous sections of the Environmental Protection Act (ACT) and the Board’s regulations. <i>See</i> <u>People v. Community Landfill Company, Inc.</u>, PCB 97-193 (Apr. 5, 2001)) and <u>People v. Community Landfill Company, Inc.</u>, PCB 97-193 (Oct. 3, 2002)). In its final opinion and order in this consolidated matter, the Board found respondents CLC and Edward Pruim and Robert Pruim (collectively the Pruims) committed additional violations of the Act and the Board’s regulations. The Board ordered CLC and the Pruims to pay a civil penalty of \$250,000 and to cease and desist from further violations. The Board also affirmed the hearing officer’s December 2, 2008 ruling.</p>	<p>5-0 L-E</p>
<p><b>PCB 03-191</b></p>	<p><u>People of The State of Illinois v. Community Landfill Company, Inc. and City of Morris</u> – No action taken.</p>	<p>L-E</p>
<p><b>PCB 07-44</b></p>	<p><u>Indian Creek Development Company and the Chicago Title and Trust Company v. The Burlington Northern Santa Fe Railway Company</u> – No action taken.</p>	<p>L, W-E, Citizens</p>
<p><b>PCB 07-63</b></p>	<p><u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.</p>	<p>UST Appeal</p>
<p><b>PCB 08-7</b></p>	<p><u>People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois v. Union Pacific Railroad Company, a Delaware Corporation</u> – The Board denied respondent’s motion to sever the alleged violations.</p>	<p>5-0 W-E</p>
<p><b>PCB 08-86</b></p>	<p><u>City of Quincy v. IEPA</u> – No action taken.</p>	<p>P-A, Water</p>
<p><b>PCB 08-96</b></p>	<p><u>United City of Yorkville v. Hamman Farms</u> – No action taken.</p>	<p>A,L,W-E</p>
<p><b>PCB 09-43</b></p>	<p><u>Waste Management of Illinois, Inc. and Kendall Land and Cattle, LLC v. County Board of Kendall County</u> – The Board granted petitioner’s motion for voluntary dismissal of this pollution control facility siting appeal, making all other pending motions moot.</p>	<p>5-0 P-C-F-S-R</p>

<b>PCB 09-67</b>	<u>Prime Location Properties, LLC v. IEPA</u> – in an interim opinion and order, the Board denied petitioner’s motion requesting sanctions against the Illinois Environmental Protection Agency (Agency) and the Agency’s motion to dismiss. The Board reversed the Agency’s January 27, 2009 determination and remanded the matter to the Agency to undertake actions consistent with its opinion. Petitioner may file its statement of legal fees by September 21, 2009, and the Agency may respond within 14 days.	5-0 UST Appeal
<b>PCB 09-102</b>	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	Citizens, N-E
<b>PCB 09-106</b>	<u>BP Products North America, Inc. - Main Plant 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 facility located in Madison County.	5-0 UST Appeal
<b>PCB 10-3</b>	<u>Prairie Rivers Network and Sierra Club v. IEPA and Hillsboro Energy, LLC</u> – The Board granted Hillsboro Energy LLC’s motions to allow Brian Glasser and Jonathan Boggs to appear <i>pro hac vice</i> .	5-0 NPDES -PA, 3 <sup>rd</sup> Party
<b>PCB 10-13</b>	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
<b>PCB 10-14</b>	<u>People of the State of Illinois v. Eco-Clean Environmental, Inc. now d/b/a Eco Environmental, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Montgomery County.	5-0 L-E
<b>PCB 10-15</b>	<u>People of the State of Illinois v. Village of Kinsman</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 Grundy County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E

## **CASES PENDING DECISION**

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## **OTHER ITEMS**

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## **ADJOURNMENT**

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

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 3, 2009, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board