

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**September 17, 2009**

**Chicago Office**

100 W. Randolph Street  
Chicago, IL

**Room 9-040**

**11:00 a.m.**

### **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. All five Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the September 3, 2009 open meeting were approved by a vote of 4-0, Member Moore abstained. The minutes of the September 10, 2009 closed deliberative session were approved by a vote of 5-0.

## RULEMAKINGS

<b>R 06-22</b>	<u>In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – No action taken.	Air
<b>R09-20</b>	<u>In the Matter of: Nitrogen Oxide (NOx) Trading Program Sunset Provisions for Electric Generating Units (EGU's): New 35 Ill. Adm. Code 217.751</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's air pollution control regulations.	5-0 Air
<b>R10-8</b>	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> – No action taken.	Air

## ADJUSTED STANDARDS

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NONE

## 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.	
<b>AC 10-4</b>	<u>County of Ogle v. Kathy Knutson, Steve Knutson, and Dan Bocker</u> – The Board accepted an administrative citation against these Ogle County respondents.	

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## 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 Pruum and Robert Pruum</u> – The Board granted respondents’ motion to modify the Board’s August 20, 2009 order, extending the payment date to October 1, 2009.</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> – The Board denied respondents’ motions for reconsideration. Respondents have 60 days, or until November 16, 2009, to file \$17,427,366.00 in financial assurance, and to update cost estimates. The Board also had previously ordered Community Landfill Company to pay a civil penalty of \$1,059,534.70 and the City of Morris to pay a civil penalty in the amount of \$399,308.98 within 60 days.</p>	<p>5-0 L-E</p>
<p><b>PCB 07-14</b></p>	<p><u>Conocophillips Company v. IEPA</u> – The Board granted this DuPage County facility’s motion for voluntary dismissal of this underground storage tank appeal.</p>	<p>5-0 UST Appeal</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 08-83</b></p>	<p><u>People of the State of Illinois v. Rupe Contracting, Inc. and John A. Rupe, individually and as owner and operator of Rupe Contracting, Inc.</u> – In this water enforcement action concerning a Bureau 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$2,835, and to cease and desist from further 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>

<b>PCB 09-23</b>	<u>People of the State of Illinois v. James R. Cantrell</u> – In this water enforcement action concerning a White 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$12,000, and to cease and desist from further violations.	5-0 W-E
<b>PCB 09-27</b>	<u>People of the State of Illinois v. Richard King, Kay King, and Isaac King</u> – In this air enforcement action concerning a Sangamon 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$70,000, and to cease and desist from further violations.	5-0 A-E
<b>PCB 09-47</b>	<u>People of the State of Illinois v. Birds Pinkstaff Water District</u> – In this public water supply enforcement action concerning a Lawrence 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$1,620, and to cease and desist from further violations.	5-0 PWS-E
<b>PCB 09-66</b>	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	Citizens, L-E
<b>PCB 09-69</b>	<u>People of the State of Illinois v. Par Development, Inc.</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 McHenry County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 09-102</b>	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	Citizens, N-E
<b>PCB 09-113</b>	<u>First National Bank of Barry 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 Cass County.	5-0 UST Appeal

<b>PCB 10-9</b>	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, A. E. Staley Manufacturing Co., Archer Daniels Midland, Inc., 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., Trinity Rail Group, Inc., Tripple S Refining Corporation and Zexel Illinois, Inc</u> – No action taken.	L-E
<b>PCB 10-13</b>	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
<b>PCB 10-15</b>	<u>People of the State of Illinois v. Village of Kinsman</u> – In this water enforcement action concerning a Grundy 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$376.34, and to cease and desist from further violations.	5-0 W-E
<b>PCB 10-19</b>	<u>People of the State of Illinois v. Marathon Tire Service of Olney, Inc.</u> , – The Board accepted for hearing this land enforcement action involving a site located in Richland County.	5-0 L-E
<b>PCB 10-20</b>	<u>People of the State of Illinois v. Montalbano Builders, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in DeKalb County.	5-0 W-E

### **CASES PENDING DECISION**

<b>PCB 04-102</b>	<u>Emerald Performance Materials, L.L.C. (as purchaser of Noveon, Inc.) v. IEPA</u> – Opinion & Order	P-A, Air
<b>PCB 07-146</b>	<u>Fox Moraine, LLC v. United City of Yorkville, City Council: Kendall County, Intervenor</u> – Opinion & Order (decision due 10/1/09)	P-C-F-S-R

### **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 11:23 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 1, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board