

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 1, 2009

Chicago Office

100 W. Randolph Street
Chicago, IL

Room 9-040

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. All five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the September 17, 2009 open meeting and September 29, 2009 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R 06-22	<u>In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – No action taken.	Air
R09-21	<u>In the Matter of: Ameren Ashpond Closure Rules (Hutsonville Power Station)Proposed: 35 Ill. Adm. Code 840.101 through 840.144</u> – The Board granted the Illinois Environmental Protection Agency’s motion for waiver of filing requirements of materials for incorporation by reference.	5-0 land
R10-7	<u>Definition of VOM Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – – The Board adopted a proposal for public comment in this “identical-in-substance” consolidated rulemaking to amend the Board’s volatile organic emission regulations.	5-0 Air
R10-8	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> – No action taken.	Air

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 06-39	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u>	5-0
AC 06-40	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u>	
AC 06-41	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u>	
AC 07-25 (cons.)	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> – The Board denied the joint motions for reconsideration and for stay filed by Jose R. Gonzalez and 1601-1759 East 130th Street, LLC. Respondents have 45 days, or until November 16, 2009, to pay civil penalty previously ordered. In AC 06-40, the Board assessed Mr. Gonzalez the statutory civil penalty of \$6,000 for the four violations, as well as hearing costs totaling \$1,340.40, for a total amount due of \$7,340.40. In AC 06-41, the Board assessed 130th LLC the statutory civil penalty of \$6,000 for the four violations, as well as hearing costs totaling \$1,189.40, for a total amount due of \$7,189.40.	
AC 08-16	<u>IEPA v. Gene Breeden</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Iroquois County facility, the Board found that respondent violated Section 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(7) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violation of Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1),(p)(3) (2008)).	5-0
AC 09-44	<u>IEPA v. Gordon Investment Group</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a McDonough County facility, the Board found that respondent violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violation of Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)).	5-0
AC 10-3	<u>IEPA v. Les Curtis</u> – The Board accepted respondent’s petition for review, but directed respondent to file another amended petition to cure deficiencies on or before November 2, 2009.	5-0

ADJUDICATORY CASES

<p>PCB 97-193 PCB 04-207</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> – No action taken.</p>	<p>L-E</p>
<p>PCB 06-82</p>	<p><u>People of the State of Illinois v. Barger Engineering, Inc.</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 \$50,000, and to cease and desist from further violations. In addition, Barger Engineering agreed to perform a Supplemental Environmental Project consisting of a \$20,000 donation to the Illinois Petroleum Resources Board to fund cleanups of abandoned oil production sites.</p>	<p>5-0 W-E</p>
<p>PCB 07-44</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>PCB 07-63</p>	<p><u>PMA & Associates, Inc. v. IEPA</u> – No action taken.</p>	<p>UST Appeal</p>
<p>PCB 07-146</p>	<p><u>Fox Moraine, LLC v. United City of Yorkville, City Council: Kendall County, Intervenor</u> – Finding the proceedings were fundamentally fair, the Board affirmed the May 24, 2007 decision of United City of Yorkville, City Council denying Fox Moraine LLC’s request for siting of a pollution control facility.</p>	<p>5-0 P-C-F-S-R</p>
<p>PCB 08-86</p>	<p><u>City of Quincy v. IEPA</u> – No action taken.</p>	<p>P-A, Water</p>
<p>PCB 08-96</p>	<p><u>United City of Yorkville v. Hamman Farms</u> – No action taken.</p>	<p>A,L,W-E</p>
<p>PCB 09-66</p>	<p><u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.</p>	<p>Citizens, L-E</p>
<p>PCB 09-102</p>	<p><u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.</p>	<p>Citizens, N-E</p>

PCB 09-104	<u>People of the State of Illinois v. Village of Rockton</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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 09-110	<u>People of the State of Illinois v. E. F. Heil, LLC</u> – In this land enforcement action concerning a Kankakee 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 \$20,000, and to cease and desist from further violations.	5-0 L-E
PCB 09-122	<u>Osco/Henry Service Company 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 Henry County.	5-0 UST Appeal
PCB 09-130	<u>Spirit Energy, L.L.C. 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 Jackson County.	5-0 UST Appeal
PCB 10-9	<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 & H Manufacturing, Inc., Trinity Rail Group, Inc., Tripple S Refining Corporation and Zexel Illinois, Inc</u> – No action taken.	L-E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-21	<u>People of the State of Illinois v. Seating Concepts, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Will County.	5-0 A-E

CASES PENDING DECISION

R09-16	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> – Rule Completion Deadline Extension Order	Land
PCB 04-102	<u>Emerald Performance Materials, L.L.C. (as purchaser of Noveon, Inc.) v. IEPA</u> – Opinion & Order	P-A, Air

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:21 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 15, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board