

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**October 15, 2009**

**Chicago Office**  
100 W. Randolph Street  
Chicago, IL

**Room 0-025**

**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 October 1, 2009 open meeting and October 8, 2009 closed deliberative session were approved by a vote of 5-0.

## RULEMAKINGS

<p><b>R 09-16</b></p> <p><b>R10-4</b></p>	<p><u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u>  <u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – The Board on its own motion consolidated these “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment and extended the deadline for completion of amendments to April 15, 2010.</p>	<p>5-0 Land</p>
<p><b>R09-20</b></p>	<p><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 final opinion and order in this rulemaking to amending the Board’s air pollution control regulations.</p>	<p>5-0 Air</p>
<p><b>R10-8</b></p>	<p><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> – The Board granted the Illinois Environmental Protection Agency’s motion to amend the proposal.</p>	<p>5-0 Air</p>

## ADJUSTED STANDARDS

NONE

## ADMINISTRATIVE CITATIONS

<p><b>AC 10-2</b></p>	<p><u>IEPA v. City of Salem, John Pruden, Jason Bruce, and Lee Owens</u> – No action taken.</p>	
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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> – No action taken.</p>	<p>L-E</p>
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<b>PCB 04-102</b>	<u>Emerald Performance Materials, L.L.C. (as purchaser of Noveon, Inc.) v. IEPA</u> – The Board found that the Illinois Environmental Protection Agency improperly included in the November 23, 2003 Clean Air Act Permit Program (CAAPP) permit issued to Emerald for the Henry plant various conditions stating, or premised on, applicability of 35 Ill. Adm. Code 214.301 to Emerald’s MBT-C process and condensers. The Board remanded the CAAPP permit for expeditious re-issuance.	5-0 P-A, Water
<b>PCB 06-77</b>	<u>People of the State of Illinois v. Dennis K. Stiegemeier, d/b/a I.L.C. Development</u> – In this water enforcement action concerning a Macoupin 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 \$2,500, and to cease and desist from further violations.	5-0 W-E
<b>PCB 07-44</b>	<u>Indian Creek Development Company and the Chicago Title and Trust Company v. The Burlington Northern Santa Fe Railway Company</u> – No action taken.	L, W-E, Citizens
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 08-7</b>	<u>People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois v. Union Pacific Railroad Company</u> – No action taken.	W-E
<b>PCB 08-86</b>	<u>City of Quincy v. IEPA</u> – No action taken.	P-A, Water
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-E
<b>PCB 09-30</b>	<u>People of the State of Illinois v. Montalbano Builder’s 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 09-66</b>	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	Citizens, L-E
<b>PCB 09-67</b>	<u>Prime Location Properties, LLC v. IEPA</u> – No action taken.	UST Appeal

<b>PCB 09-69</b>	<u>People of the State of Illinois v. Par Development, Inc.</u> – In this land enforcement action concerning a McHenry 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 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 10-2</b>	<u>City of Chicago Department of General Services 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 Cook 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 10-22</b>	<u>People of the State of Illinois v. Western Sand &amp; Gravel Company, LLC</u> – The Board accepted for hearing this land enforcement action involving a site located in LaSalle County.	5-0 L-E
<b>PCB 10-23</b>	<u>United States Steel Corporation, a Delaware corporation 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 partial stay of specified conditions in the construction permit.	5-0 P-A, Air
<b>PCB 10-24</b>	<u>Nathan Holesinger - Fulton v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Nathan Holesinger located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).	5-0 T-C, W

## **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 11:20 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 5, 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 flourish at the end.

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board