

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 19, 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. Chairman Girard welcomed Member Carrie Zalewski to the Board. The Chairman also stated that Board Member Zalewski is a graduate of Chicago-Kent College of Law and she has a B.S. in Engineering from the University of Illinois. Board Member Zalewski joins the Board from her previous position as an environmental compliance attorney with the Illinois Department of Transportation.

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of the November 5, 2009 open meeting and November 12, 2009 closed deliberative session were approved by a vote of 4-0. Member Zalewski abstained.

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
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ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 10-3	<u>IEPA v. Les Curtis</u> – The Board accepted respondent’s amended petition for hearing.	4-0 Member Zalewski abstained
AC 10-4	<u>County of Ogle v. Kathy Knutson, Steve Knutson, and Dan Bocker</u> – The Board found that Bocker defaulted by failing to timely to file a petition for review and denied Kathy Knutson and Steve Knutson (the Knutsons) motion to dismiss. The Board accepted for hearing the Knutsons’ petition for review. The Board will reserve issuing a final order regarding Bocker until the Board makes its final decision regarding the Knutsons.	4-0 Member Zalewski abstained
AC 10-5	<u>County of Jackson v. Gary Clover</u> – The Board directed respondent to file an amended petition for review on or before December 21, 2009, or this action will be subject to dismissal.	4-0 Member Zalewski abstained
AC 10-6	<u>IEPA v. Larry M. Ison (IEPA No. 282-09-AC)</u> – The Board accepted an administrative citation against this Jefferson County respondent.	
AC 10-7	<u>IEPA v. Larry M. Ison (IEPA No. 281-09-AC)</u> – The Board accepted an administrative citation against this Jefferson County respondent.	
AC 10-8	<u>IEPA v. Info Corner Materials, Inc.</u> – The Board accepted an administrative citation against this Sangamon County respondent.	

ADJUDICATORY CASES

PCB 07-44	<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
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 07-113	<u>Rochelle Waste Disposal, L.L.C. v. The City of Rochelle, an Illinois Municipal Corporation and The Rochelle City Council</u> – The Board consistent with Appellate Court order modified its order of January 24, 2008.	4-0 Member Zalewski abstained P-C-F-S-R
PCB 07-146	<u>Fox Moraine, LLC v. United City of Yorkville, City Council: Kendall County, Intervenor</u> – No action taken.	P-C-F-S-R
PCB 08-7	<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
PCB 08-86	<u>City of Quincy v. IEPA</u> – No action taken.	P-A, Water
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-E
PCB 09-31	<u>People of the State of IL v. James Buysee, d/b/a J & B Landscaping</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 Rock Island County facility, the Board ordered publication of the required newspaper notice.	4-0 Member Zalewski abstained W-E
PCB 09-66	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	Citizens, L-E
PCB 09-102	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	Citizens, N-E
PCB 09-104	<u>People of the State of Illinois v. Village of Rockton</u> – Upon receipt of an amended 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.	4-0 Member Zalewski abstained W-E

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 10-12	<u>People of the State of Illinois v. Hicks Oils & Hicksgas, Inc.,</u> – No action taken.	W-E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-23	<u>United States Steel Corporation, a Delaware corporation v. IEPA</u> – The Board granted petitioners’ motion for a stay of the permit. No action was taken on petitioners’ motions to intervene and to appear <i>pro hac vice</i> .	4-0 Member Zalewski abstained P-A, Air
PCB 10-30	<u>ExxonMobil Oil Corporation v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Will County facility. No action was taken on petitioner’s motion to stay the effectiveness of the contested permit condition.	4-0 Member Zalewski abstained P-A, Water
PCB 10-31	<u>Veolia ES Valley View Landfill, Inc. v. County Board of Macon County, Illinois</u> – The Board accepted for hearing this pollution control facility siting appeal involving a Macon County facility.	4-0 Member Zalewski abstained P-C-F-S-R
PCB 10-32	<u>Highland Baking Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on motion for a partial stay of the construction permit.	4-0 Member Zalewski abstained P-A, Air
PCB 10-33	<u>Cancer Treatment Centers of America, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Lake County facility.	4-0 Member Zalewski abstained UST Appeal
PCB 10-34	<u>Jones Service Station v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Alexander County facility.	4-0 Member Zalewski abstained UST Appeal

CASES PENDING DECISION

R09-16/	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u>	Land
R10-4 (cons.)	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> <ul style="list-style-type: none">• Proposed Rule, Proposal for Public Comment, Opinion & Order	

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:18 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 3, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board