

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



December 3, 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 November 19, 2009 open meeting 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
R 09-16 R10-4	<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> – No action taken.	Land

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

NONE

ADJUDICATORY CASES

PCB 97-193 PCB 04-207	<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 November 5, 2009 order, modifying the order to direct the payment of the civil penalty by January 5, 2010, unless the payment is stayed by either the Board or the Appellate Court.	5-0 L-E
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 07-47	<u>People of the State of Illinois v. City of Pekin</u> – In this water enforcement action concerning a Tazewell 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) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$14,483.00, and to cease and desist from further violations.	5-0 W -E
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal

PCB 07-70	<u>People of the State of Illinois v. J. B. Timmermann Farms, Ltd.</u> – In this water enforcement action concerning a Clinton 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) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$15,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 07-124	<u>People of the State of Illinois v. Kraft Foods Global, 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 DuPage County facility, the Board accepted the case and ordered publication of the required newspaper notice.	5-0 W-E
PCB 07-146	<u>Fox Moraine, LLC v. United City of Yorkville, City Council: Kendall County, Intervenor</u> – The Board denied petitioner’s motion to reconsider the Board’s October 1, 2009 opinion and order, affirming the City of Yorkville’s denial of siting approval for a new landfill.	4-0 Member Zalewski abstained 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> – The Board denied petitioner’s motion to reconsider the Board’s August 20, 2009 order denying the motion to sever claims.	5-0 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 08-101	<u>Waste Management of Illinois, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Water
PCB 09-30	<u>People of the State of Illinois v. Montalbano Builder’s Inc.</u> – In this water 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) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000.00, and to cease and desist from further violations.	5-0 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 09-107	<u>People of the State of Illinois v. Tate and Lyle Ingredients Americas, Inc.</u> , – Referred to the hearing officer for disposition.	A-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> – The Board granted the motion for leave to appear <i>pro hac vice</i> of Matthew L. Larsen and William J. Denton filed by Hexion Specialty Chemicals, Inc. The Board also granted the complainant’s motion to amend the complaint and Caterpillar, Inc. motion to be dismissed as a respondent.	5-0 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 10-16	<u>Detrex Corporation v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this facility located in Cook County.	5-0 P-A, Land
PCB 10-17	<u>Hydromet Environmental, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this facility located in Douglas County.	5-0 P-A, Land
PCB 10-23	<u>United States Steel Corporation, a Delaware corporation v. IEPA</u> – The Board granted the motion of American Bottom Conservancy (ABC) to intervene. The Board also granted the motion of Robert R. Kuehn to appear <i>pro hac vice</i> on behalf of ABC.	5-0 P-A, Air
PCB 10-30	<u>ExxonMobil Oil Corporation v. IEPA</u> – No action taken.	P-A, Water

PCB 10-32	<u>Highland Baking Company v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of contested permit conditions.	5-0 P-A, Air
PCB 10-35	<u>North American Gas Station (F/N/A Intermart, Inc.) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Kane County facility.	5-0 UST Appeal
PCB 10-36	<u>Susan Malinowski v. Chicago Transit Authority</u> – No action taken.	Citizens, N-E
PCB 10-37	<u>Niebrugge Oil Company v. IEPA</u> – The Board accepted this underground storage tank involving a Shelby County facility as timely filed but deficient due to the attempted consolidation of two appeals in one petition. The Board directed the filing of amended petitions in PCB 10-37 and the reserved docket PCB 10-40 along with a filing fee. The amended petitions must be filed by January 4, 2010.	5-0 UST Appeal
PCB 10-38	<u>Paradigm Properties, Inc. (Incident-Claim No.: 20090-183-56957) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Coles County facility.	5-0 UST Appeal 90-Day Extension
PCB 10-39	<u>Paradigm Properties, Inc. (Incident-Claim No.: 20090-183-57514) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank on behalf of this Coles County facility.	5-0 UST Appeal 90-Day Extension

CASES PENDING DECISION

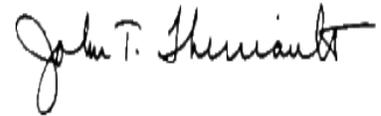
R06-20	<u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 739,808,809</u> - Proposed Rule, Second Notice, Opinion & Order	Land
AS 09-3	<u>In the Matter of: Petition of Westwood Lands, Inc. for an Adjusted Standard from Portions of 35 Ill. Adm. Code 807.104 and 35 Ill. Adm. Code 810-103 or in the Alternative, a Finding of Inapplicability</u> - 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 17, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board