

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



December 17, 2009

Chicago Office

100 W. Randolph Street
Chicago, IL

Room 2-025

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 December 3, 2009 open meeting and December 10, 2009 closed deliberative were approved by a vote of 5-0.

RULEMAKINGS

<p>R 06-20</p> <p>Docket A</p> <p>Docket B</p>	<p><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> – In Docket A, the Board adopted a second notice opinion and order in this rulemaking to amend the Board’s regulations concerning special waste manifests and tracking requirements as they pertain to used oil recycling. The Board opened a Docket B in this rulemaking in order to address definitions in Sections 739.100, 808.110, and 809.103, which were not included in the Board’s second first-notice opinion and order. The Board adopted a first notice opinion and order Docket B.</p>	<p>5-0 Land</p>
<p>R 06-22</p>	<p><u>In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – No action taken.</p>	<p>Air</p>

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

<p>AC 10-9</p>	<p><u>IEPA v. Tony A. Luttrell</u> – The Board accepted an administrative citation against this Clay County respondent.</p>	
<p>AC 10-10</p>	<p><u>IEPA v. Jess Spradlin, d/b/a Spradlin Motor Homes and Drewnard Woods and Kris Warren, d/b/a W&W Auto Service</u> – The Board accepted an administrative citation against these Sangamon County respondents.</p>	

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> – The Board denied respondents’ motion for stay pending appeal.</p>	<p>4-0 L-E Zalewski abstained</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 07-68</p>	<p><u>People of the State of Illinois v. Chippewa Loft, LLC</u> – In this land enforcement action concerning a Madison 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 \$33,000.00, and to cease and desist from further violations. In addition, respondent agreed to perform a supplemental environmental project (SEP), consisting of paying \$12,000 to fund an upgrade of the City of Collinsville’s water disinfection system.</p>	<p>5-0 A -E</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 09-22</p>	<p><u>People of the State of Illinois v. William Warren</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Clinton County facility, the Board ordered publication of the required newspaper notice.</p>	<p>5-0 PWS-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>

PCB 09-102	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – The Board accepted the complaint and amended complaint for hearing. The Board granted respondent’s motions to dismiss in part by striking allegations of violations of the federal rules.	5-0 Citizens, N-E
PCB 10-12	<u>People of the State of Illinois v. Hicks Oils & Hicksgas, Inc.</u> , – The Board granted complainant’s contested motion to strike affirmative defenses and respondent’s motion for leave to file amended affirmative defenses.	5-0 W-E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-27	<u>Lockport/ConocoPhillips v. IEPA</u> – The Board dismissed this underground storage tank appeal on behalf of this facility located in Will County for failure to file an amended petition.	5-0 UST Appeal
PCB 10-29	<u>People of the State of Illinois v. Waste Management of Illinois, Inc.</u> , a subsidiary of Waste Management, Inc. – In this water enforcement action concerning a Knox 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 \$9,500.00, and to cease and desist from further violations.	5-0 W-E
PCB 10-30	<u>ExxonMobil Oil Corporation v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of contested permit conditions of the permit.	P-A, Water
PCB 10-36	<u>Susan Malinowski v. Chicago Transit Authority</u> – No action taken.	Citizens, N-E
PCB 10-41	<u>Prather Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jersey County facility.	5-0 UST Appeal
PCB 10-42	<u>New Horizon Pork, LLC – Roanoke</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of New Horizon Pork, LLC located in Woodford 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

<p>R09-16/ R10-4 (cons.)</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> - Proposed Rule, Proposal for Public Comment, Opinion & Order</p>	<p>R-Land</p>
<p>R10-7</p>	<p><u>Definition of VOM Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> - Adopted Rule, Opinion & Order</p>	<p>R- Air</p>
<p>R10-8</p>	<p><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> - Proposed Rule, First Notice, Opinion & Order</p>	<p>R- Land</p>
<p>AS 09-3</p>	<p><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</p>	<p>AS-Land</p>
<p>PCB 09-25</p>	<p><u>Sanitary District of Decatur v. IEPA</u> (due 1/7/10) - Opinion & Order</p>	<p>W-V</p>

OTHER ITEMS

	<p>The Board granted Chairman's motion to reschedule the 10:00 am Closed Deliberative Session of December 31, 2009 to Tuesday, January 5, 2010, at 2:00 pm</p>	<p>5-0</p>
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ADJOURNMENT

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 January 7, 2010, 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 large initial "J" and a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board