

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 21, 2010

Chicago

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. Four Board Members answered present, Member Moore was not in attendance.

APPROVAL OF MINUTES

The minutes of the January 7, 2010 open meeting and January 14, 2010 closed deliberative session were approved by a vote of 4-0.

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 08-9	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – No action taken.	Water
R 10-10	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group III Consumer & Commercial Products: Proposed Amendments to 35 Il. Adm. Code 218 and 219</u> – No action taken.	Air
R 10-18	<u>In the Matter of: Procedural Rules on Hearings in Identical in Substance Rulemakings</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s procedural regulations.	4-0 Proc.

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 08-5	<u>County of Macon, Illinois v. Richard Jones</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 10-8	<u>IEPA v. Info Corner Materials, Inc.</u> – The Board found that this Sangamon County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2008)). Because this is a second or subsequent adjudicated violation of Section 21(p)(1) (<i>see IEPA v. Info Corner Materials, Inc.</i> , AC 09-37 (April 16, 2009)), the Board ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 10-9	<u>IEPA v. Tony A. Luttrell</u> – The Board found that this Clay County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	4-0

AC 10-10	<u>IEPA v. Jess Spradlin, d/b/a Spradlin Motor Homes and Drenard Woods and Kris Warren, d/b/a W&W Auto Service</u> – The Board directed respondent Spradlin to file an amended petition for review on or before February 22, 2010, or this action will be subject to dismissal.	4-0
AC 10-11	<u>Macon County Solid Waste Management Dept. v. Veolia ES Valley View Landfill</u> – The Board accepted an administrative citation against this Macon County respondent.	
AC 10-12	<u>IEPA v. Landers' Children Family, LLC</u> – The Board accepted an administrative citation against this Sangamon County respondent.	
AC 10-13	<u>County of Vermilion, Illinois v. Charles Long</u> – The Board accepted an administrative citation against this Vermilion County respondent.	

ADJUDICATORY CASES

PCB 04-113	<u>Afton Chemical Corporation v. IEPA</u> – The Board granted this St. Clair County facility's motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water
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 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 09-22	<u>People of the State of Illinois v. William Warren</u> – In this public water supply 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 \$5,000.00, and to cease and desist from further violations.	4-0 PWS-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 09-80	<u>Riverview Genetics - Centralia (Property ID No. 14-13-16-400-004) v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to amend the Board’s April 16, 2009 order to correctly identify the petitioner as “ <u>Riverview Genetics</u> ”.	4-0 T-C, W
PCB 09-129	<u>People of the State of Illinois v. Reliable Sand & Gravel Co., Inc.</u> , – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a McHenry County facility, the Board ordered publication of the required newspaper notice.	4-0 L -E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-36	<u>Susan Malinowski v. Chicago Transit Authority</u> – The Board found that the complaint is not duplicative or frivolous, and accepted for hearing this citizen noise enforcement action involving a site located in Cook County.	4-0 Citizens, N-E
PCB 10-50	<u>Veolia ES Technical Solutions, L.L.C. v. IEPA</u> – The Board accepted for hearing this Resource Conservation and Recovery Act permit appeal issued to a Madison County facility.	4-0 P-A, Land
PCB 10-51	<u>Logan Hollow Phillips 66 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jackson County facility.	4-0 UST Appeal
PCB 10-52	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Vermilion County facility.	4-0 P-A, Land, 90-Day Extension
PCB 10-53	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) 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 stay of specified conditions in the permit.	4-0 P-A, Water

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>R10-10</p>	<p><u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group III Consumer & Commercial Products: Proposed Amendments to 35 Il. Adm. Code 218 and 219</u> - Proposed Rule, Second Notice, Opinion & Order</p>	<p>R- Air</p>
<p>PCB 09-87 / PCB 10-5 (cons.)</p>	<p><u>Dickerson Petroleum, Inc. v. IEPA</u> <u>Dickerson Petroleum, Inc. v. IEPA</u> - Opinion & Order (due 2/4/10)</p>	<p>UST Appeal</p>

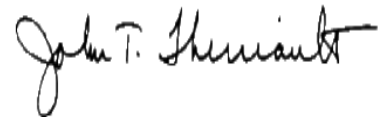
OTHER ITEMS

	<p>The Board granted the Chairman's Motion under Section 2-06(c) of the Open Meeting Act (5 ILCS 120/2.06(c)) to continue to preserve only written minutes of closed Board deliberative sessions occurring on or before June 30, 2008, and to approve destruction of verbatim tape recordings of meetings held: January 3 and 17, February 14, March 13 and 27, April 10 and 23, May 8, and June 12, 2008.</p>	<p>4-0</p>
	<p>The Board granted the Chairman's Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential minutes of closed Board meetings occurring between July 1, 2009 through December 31, 2009.</p>	<p>4-0</p>

ADJOURNMENT

Moved and seconded, by a vote of 4-0, 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 21, 2010, by a vote of 4-0.

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