

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



February 18, 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 Johnson was not in attendance, due to a family medical emergency.

APPROVAL OF MINUTES

The minutes of the February 4, 2010 open meeting and February 11, 2010 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

R 06-20(A)	<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> – The Board adopted a final 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.	4-0 Land
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

ADJUSTED STANDARDS

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> – No action taken.	Land
AS 09-4	<u>In the Matter of: Petition of Royal Fiberglass Pools, Inc. for an Adjusted Standard from 35 IAC 215.301</u> – The Board granted an adjusted standard from volatile organic material limitations to Royal Fiberglass Pools for its swimming pool manufacturing facility located in Jefferson County, subject to conditions.	4-0 Air

ADMINISTRATIVE CITATIONS

AC 10-5	<u>County of Jackson v. Gary Clover</u> – The Board dismissed respondent’s petition for review for failure to file an amended petition. The Board found that this Jackson County respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21 (p)(1), (p)(3), and (p)(7) (2008)). Because there were three violations of Section 21(p), and the record indicates that two of them are second or subsequent adjudicated violations (<i>see</i> County of Jackson v. Gary Clover, AC 04-37 (Mar. 18, 2004)), the Board ordered respondent to pay a civil penalty of \$7,500.	4-0
---------	--	-----

AC 10-12	<u>IEPA v. Landers' Children Family, LLC</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Sangamon County facility.	4-0
AC 10-13	<u>Macon County Solid Waste Management Dept. v. Veolia ES Valley View Landfill (File No. 2010-002-AC)</u> – No action taken.	
AC 10-14	<u>Macon County Solid Waste Management Dept. v. Veolia ES Valley View Landfill (File No. 2010-002-AC)</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 10-15	<u>IEPA v. David Antrim</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving an Effingham County facility.	4-0

ADJUDICATORY CASES

PCB 06-141	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage County (Division of Transportation)</u> – No action taken.	W-E, Citizens
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 07-133	<u>People of the State of Illinois v. Thomas P. Mathews</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 \$5,000.00 and to cease and desist from further violations.	4-0 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 09-66	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	Citizens, L-E
PCB 10-11	<u>Wisconsin Electric Power Company d/b/a We Energies v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Land
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-19	<u>People of the State of Illinois v. Marathon Tire Service of Olney, Inc.</u> – In this land enforcement action concerning a Richland 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 \$7,000.00 and to cease and desist from further violations.	4-0 L-E
PCB 10-35	<u>North Aurora Gas Station (F/N/A Intermart, Inc.) v. IEPA</u> – No action taken.	UST Appeal
PCB 10-61	<u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC, and Springfield Coal Company, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located near Industry in McDonough and Schuyler Counties.	4-0 W-E

CASES PENDING DECISION

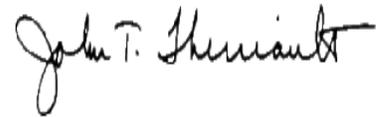
R09-16/	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u>	R-Land
R10-4 (cons.)	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – Proposed Rule, Proposal for Public Comment, Opinion & Order	

OTHER ITEMS

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 March 4, 2010, by a vote of 4-0, Member Johnson abstained.

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