

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



MARCH 4, 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. Five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the February 18, 2010 open meeting were approved by a vote of 4-0, Member Johnson abstained. The minutes of the February 25, 2010 closed deliberative session 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 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> – The Board granted petitioner’s motion for extension of time and extended the deadline to file a motion for reconsideration to April 2, 2010.	5-0 Land
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ADMINISTRATIVE CITATIONS

AC 10-9	<u>IEPA v. Tony A. Luttrell</u> – No action taken.	
AC 10-10	<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 for hearing Jess Spradlin’s amended petition for review of this administrative citation involving a Sangamon County facility. The Board found that Drewnard Woods and Kris Warren, d/b/a W&W Auto Service defaulted by failing to timely to file a petition for review. The Board withheld issuing a final order regarding Drewnard Woods and Kris Warren, d/b/a W&W Auto Service until the Board makes its final decision regarding Jess Spradlin.	5-0
AC 10-11	<u>Macon County Solid Waste Management Dept. v. Veolia ES Valley View Landfill</u> – The Board found that respondent violated Sections 21(o)(2),(3),(5), and (12) of the Environmental Protection Act (415 ILCS 5/21(o)(2), (3), (5), and (12) (2008)), assessing a penalty of \$2,000 in this administrative citation involving a Macon County facility.	5-0

AC 10-13	<u>County of Vermilion, Illinois v. Charles Long</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Vermilion County facility.	5-0
AC 10-17	<u>Perry County Solid Waste Management Dept. v. Perry Ridge Landfill</u> – The Board accepted an administrative citation against this Perry County respondent.	

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> – The Board granted complainant’s motion to dismiss the Metropolitan Water Reclamation District of Greater Chicago as a respondent in this enforcement action concerning a DuPage County site.	4-0 Zalewski abstained 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 07-53	<u>People of the State of Illinois v. Moline Place Development, L.L.C.</u> – No action taken.	W -E
PCB 07-59 PCB 07-61	<u>Gateway FS, Inc. v. IEPA (Incident No. 980020 and 980391) (11/30/06 IEPA rejection of 9/11/06 Amended Site Classification Work Plan Budget) (Consolidated: PCB 07-59 and 07-61)</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated underground storage tank appeals.	5-0 UST Appeal
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 08-13	<u>Chad Gifford v. American Metal Fibers, Inc.</u> – In this citizens noise enforcement action concerning a Lake 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)), and accepted a stipulation and settlement agreement, and granted the joint motion for voluntary dismissal.	5-0 Citizens, N-E

PCB 08-86	<u>City of Quincy v. IEPA</u> – The Board granted petitioner’s motion for summary judgment and remanded this matter to Illinois Environmental Protection Agency to reissue the National Pollutant Discharge Elimination System permit in accordance with this opinion.	5-0 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 09-75	<u>People of the State of Illinois v. Andalusia Ventures, L.L.C.</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 Rock Island County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E, NPDES
PCB 09-105	<u>People of the State of Illinois v. R. A. Cullinan & Sons, 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 Tazewell County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 09-129	<u>People of the State of Illinois v. Reliable Sand & Gravel Co., Inc.,</u> – In this land 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 \$15,000.00, and to cease and desist from further violations.	5-0 L -E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-31	<u>Veolia ES Valley View Landfill, Inc. v. County Board of Macon County, Illinois</u> – The Board granted petitioner’s motion to file a reduced number of copies of the county record.	5-0 P-C-F-S-R
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> – No action taken.	W-E
PCB 10-62	<u>Ron Hintzche - Malta v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ron Hintzche located in DeKalb 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
PCB 10-63	<u>Community Landfill (Parcel B) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Grundy County facility.	5-0 P-A, Land, 90-Day Extension
PCB 10-64	<u>Community Landfill (Parcel A) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Grundy County facility.	5-0 P-A, Land, 90-Day Extension
PCB 10-65	<u>Donald Koch, d/b/a Llad Enterprises 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 Lake County facility.	5-0 UST Appeal, 90-Day Extension
PCB 10-66	<u>GHB 630, LLC v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 10-67	<u>Brian Robinson Swine Farm - Galesburg v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Brian Robinson located in Knox 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

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	

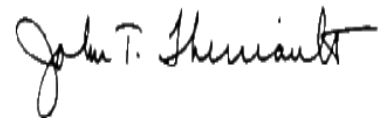
R10-19	<u>Procedural Rules for Determination Under P. A. 95-115 (Phosphorous in Detergents Act), 35 IAC 106, Subpart H</u> - Proposed Rule, Proposal for Public Comment, Opinion & Order	R-Proc
PCB 09-38	<u>Ameren Energy Generating Company v. IEPA</u> - Opinion & Order	W-TD

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:23 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 18, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board