

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



APRIL 1, 2010

Chicago
100 W. Randolph Street
Chicago, IL

Room 9-040

11:00 a.m.

ANNOUNCEMENTS

Member Johnson welcomed members of the public and staff.

ROLL CALL

The Assistant Clerk of the Board called the roll. Four Board Members answered present, Chairman Girard was not in attendance.

APPROVAL OF MINUTES

The minutes of the March 18, 2010 open meeting and the March 25, 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 10-11	<u>UIC Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Land
R 10-12	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Land
R 10-13	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its hazardous waste regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Land
R 10-14	<u>UST Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Land
R 10-15	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Water

R 10-16	<u>Definition of VOM Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic emission regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Air
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ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 08-1	<u>IEPA v. Carol G. Prieb</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Union County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violation of Section 21 (p) (7) of the Act.	4-0
AC 08--18	<u>IEPA v. Carol G. Prieb and Margaret Dillavou</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Union County facility, the Board found that respondents had violated Section 21(p) (7) of the Environmental Protection Act (415 ILCS 5/21(p) (7) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violation of Sections 21(p) (1) and (p) (3) of the Act (415 ILCS 5/21(p) (1), (3) (2008)).	4-0

<p>AC 08-27</p>	<p><u>IEPA v. Hiram Vanderheiden, Jr.</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p) (1) and (p) (7) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(p) (1), (p) (7) (2008)) and assessing a penalty of \$3,000. The Board dismissed the alleged violation of Section (p) (3) of the Act. (415 ILCS 5/21(p) (3) (2008)). The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.</p>	<p>4-0</p>
<p>AC 10-16</p>	<p><u>County of Ogle v. Richard Haan, Jr.</u> – The Board granted parties’ agreed motion to vacate the Board’s March 18, 2010 order. In response to a joint stipulation and settlement agreement in this administrative citation action involving an Ogle County facility, the Board found that respondent had violated Section 21(p) (3) of the Environmental Protection Act (415 ILCS 5/21(p) (3) (2008)). Because this is a second or subsequent adjudicated violations (<i>see County of Ogle v. Richard Haan, Jr. AC 92-29 (May 21, 1992) and County of Ogle v. Richard Haan, Jr. AC 92-38 (June 23, 1992)</i>), the Board ordered respondent to pay a civil penalty of \$3,000. To effectuate the parties’ intent that respondents pay a total civil penalty of \$3,000, the Board on its own motion, dismissed the alleged violation of Sections 21(p) (1) and (p) (7) of the Act (415 ILCS 5/21(p) (1), (7) (2008)).</p>	<p>4-0</p>
<p>AC 10-17</p>	<p><u>Perry County Solid Waste Management Dept. v. Perry Ridge Landfill, Inc.</u> – The Board accepted Perry Ridge Landfill, Inc.’s petition for review, but directed respondent to file an amended petition to cure deficiencies.</p>	<p>4-0</p>
<p>AC 10-18</p>	<p><u>County of Jackson v. Ed Cripps</u> – The Board accepted an administrative citation against this Jackson County respondent.</p>	
<p>AC 10-19</p>	<p><u>County of Jackson v. Glenn Moore</u> – The Board accepted an administrative citation against this Jackson County respondent.</p>	
<p>AC 10-20</p>	<p><u>County of Jackson v. Susan Crow</u> – The Board accepted an administrative citation against this Jackson County respondent.</p>	

ADJUDICATORY CASES

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 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-E
PCB 09-87 PCB 10-5 (cons.)	<u>Dickerson Petroleum, Inc. v. IEPA</u> <u>Dickerson Petroleum, Inc. v. IEPA</u> – No action taken.	UST Appeal
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> – No action taken.	L-E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-30	<u>ExxonMobil Oil Corporation v. IEPA</u> – The Board granted this Will County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water
PCB 10-35	<u>North Aurora Gas Station (F/N/A Intermart, Inc.) v. IEPA</u> – No action taken.	UST Appeal
PCB 10-54	<u>Zervos Three, Inc. v. IEPA</u> – No action taken.	UST Appeal
PCB 10-55	<u>The Premcor Refining Group, Inc. v. IEPA</u> – The Board granted petitioner’s motion, confirming that the effectiveness of the CAAPP permit issued to petitioner is automatically stayed under the Administrative Procedure Act (5 ILCS 100/10-65(b) (2008)).	4-0 P-A, Air

PCB 10-56	<u>Gervase Buehne - St. Rose v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board denied certification of the walls and roof of the freestall barns and the solid concrete floors in the freestall barns as pollution control facilities of Gervase Buehne, located in Clinton County for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)). (The Board previously certified that the portions of the identified facilities are pollution control facilities on February 4, 2010, as recommended by the Agency. <u>Gervase Buehne - St. Rose (Property ID No. 01-01-28-200-001) v. IEPA</u> , PCB 10-56 (February 4, 2010).)	4-0 T-C, W
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 10-71	<u>People of the State of Illinois v. 87th & Greenwood, LLC, Innovative Recycling Technologies, Inc., and Land Reclamation Services, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Cook County.	4-0 L-E
PCB 10-72	<u>People of the State of Illinois v. Byron Ward, d/b/a Ward Electric, and Timothy James</u> – The Board accepted for hearing this land enforcement action involving a site located in White County.	4-0 L-E
PCB 10-73	<u>Metropolitan Pier & Exposition Authority 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 Cook County facility.	4-0 UST Appeal, 90-Day Extension
PCB 10-74	<u>Mill Creek Water Reclamation District v. IEPA and Grand Prairie Sanitary District</u> – No action taken.	P-A, Water
PCB 10-75	<u>Chicago Coke Co., Inc v. IEPA</u> – No action taken.	P-A, Water

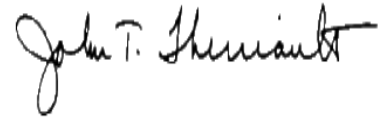
CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Member Johnson adjourned the meeting at 11:15 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 15, 2010, by a vote of 4-0, Chairman Girard abstained.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a prominent loop at the end of the last name.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board