

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**September 16, 2010**

**Chicago**

100 W. Randolph Street  
Chicago, IL

**Room 9-040**

**11:00 a.m.**

### **ANNOUNCEMENTS**

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Chairman Girard welcomed members of the public and staff.

### **ROLL CALL**

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

### **APPROVAL OF MINUTES**

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The minutes of the September 2, 2010 open meeting and the September 9, 2010 closed deliberative session were approved by a vote of 4-0; Member Moore abstained.

## RULEMAKINGS

<b>R 06-22</b>	<u>In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – The Board granted the Illinois Environmental Protection Agency’s motion to with draw its rulemaking proposal and close this rulemaking docket. The Board denied both the Illinois Environmental Regulatory Group’s (IERG) September 14, 2009 motion for reconsideration and clarification and October 15, 2009 motion to withdraw a portion of that motion as moot.	5-0 Air
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## ADJUSTED STANDARDS

<b>AS 04-1</b>	<u>In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 IAC Section 215.301</u> – No action taken.	Air
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## ADMINISTRATIVE CITATIONS

<b>AC 11-2</b>	<u>IEPA v. Link Truck Service, Inc.</u> – The Board dismissed respondent’s petition for review for failure to timely file an amended petition as directed in its August 5, 2010 order. The Board found that this Randolph County respondent violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
<b>AC 11-5</b>	<u>IEPA v. Brian Branson</u> – The Board found that this Macoupin County respondent violated Section 55(k)(1) of the Act (415 ILCS 5/55(k)(1) (2008)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
<b>AC 11-7</b>	<u>IEPA v. Marion Metal &amp; Roofing and C &amp; T. Recycling</u> – The Board accepted for hearing respondent Marion Metal & Roofing’s petition for review of this administrative citation involving a Williamson County facility. The Board directed C & T Recycling to file an amended petition for review on or before October 18, 2010 to cure deficiencies.	5-0

## ADJUDICATORY CASES

<b>PCB 00-211</b>	<u>People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyo America, Inc.</u> – The Board denied respondent’s motion for stay pending appeal of the Board’s order directing payment of a civil penalty for air violations.	4-1 Johnson dissented A,L-E, RCRA
<b>PCB 02-165</b>	<u>Lyons Township High School District No. 204 v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 Zalewski abstained UST Appeal
<b>PCB 07-13</b>	<u>People of the State of Illinois v. Ray F. Landers, individually, and Equipping the Saints Ministry International, Inc., an Illinois not-for-profit corporation</u> – No action taken.	A-E,
<b>PCB 07-44</b>	<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
<b>PCB 07-53</b>	<u>People of the State of Illinois v. Moline Place Development, L.L.C.</u> – No action taken.	W -E
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-95</b>	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – The Board grants complainant’s motions to deem facts admitted.	5-0 L-E
<b>PCB 08-7</b>	<u>People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois v. Union Pacific Railroad Company, a Delaware Corporation</u> – No action taken.	W-E
<b>PCB 08-30</b>	<u>Caseyville Sport Choice, LLC v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity, and Fairmount Park, Inc.</u> – No action taken.	L-E
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-E, Citizens

<b>PCB 09-28</b>	<u>Huffman's Service v. IEPA</u> – The Board granted this Alexander County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 09-37</b>	<u>Simons Auto Service Center v. IEPA</u> – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 09-49</b>	<u>Bugaieski Oil Company v. IEPA</u> – The Board granted this Franklin County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 09-57</b>	<u>Bailey Enterprises, Inc. v. IEPA</u> – The Board granted this Edwards County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 09-66</b>	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – No action taken.	L-E, Citizens
<b>PCB 09-111</b>	<u>L. Keller Oil Properties, Inc., Tilton Super K v. IEPA</u> – The Board granted this Vermilion County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 10-9</b>	<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 &amp; H Manufacturing, Inc., Trinity Rail Group, Inc., Triple S Refining Corporation and Zexel Illinois, Inc.</u> – The Board granted complainant’s motions to voluntarily dismiss Archer Daniels Midland, Inc. as a respondent to the amended complaint and to correct the misjoinder of Zexel Illinois, Inc. as a respondent to the amended complaint and substitute BorgWarner Inc.	5-0 L-E

<b>PCB 10-13</b>	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
<b>PCB 10-54</b>	<u>Zervos Three, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-61</b>  <b>PCB 11-2</b>	<u>People of the State of Illinois v. Freeman United Coal Mining Company and Springfield Coal Company, LLC; Environmental Law and Policy Center as Intervenor</u> <u>Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC</u> – No action taken.	W-E
<b>PCB 10-70</b>	<u>Wheeling/GWA Auto Shop v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-71</b>	<u>People of the State of Illinois v. 87th &amp; Greenwood, LLC, Innovative Recycling Technologies, Inc., and Land Reclamation Services, Inc.</u> – The Board granted respondent 87th & Greenwood, LLC’s motion to allow Joseph P. Asselta to appeal <i>pro hac vice</i> on its behalf.	5-0 L-E
<b>PCB 10-84</b>	<u>People of the State of Illinois v. Professional Swine Management, LLC, Hilltop View LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., North Fork Pork, LLC, Little Timber, LLC, and Twin Valley Pumping, Inc.</u> – No action taken	W-E
<b>PCB 10-89</b>	<u>People of the State of Illinois v. Freeport Area Economic Development Foundation, d/b/a Northwest Illinois Development Alliance, and Weitz Industrial, LLC</u> – No action taken.	NPDES -E
<b>PCB 10-100</b>	<u>Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust and Prairie Living West, LLC</u> – No action taken.	L-E
<b>PCB 10-101</b>	<u>Dave McGhee v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Douglas County facility.	5-0 UST Appeal
<b>PCB 10-110</b>	<u>KCBX Terminals Company v. IEPA</u> – No action taken.	P-A, Air

<b>PCB 11-1</b>	<u>William H. Leesman v. Cimco Recycling, Sterling and Cimco Resources, Inc.</u> – No action taken.	L-E
<b>PCB 11-4</b>	<u>People of the State of Illinois v. Roxana Landfill, Inc.</u> – In this water 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 \$10,000, and to cease and desist from further violations. In addition, respondent agreed to complete a supplemental environmental project consisting of landfill disposal services with a settlement value of \$18,000.	5-0 L-E
<b>PCB 11-9</b>	<u>Jerry L. Riggins - Macomb (Proper ID No. 01-000-218-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jerry L. Riggins located in McDonough 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
<b>PCB 11-10</b>	<u>Veolia ES Zion Landfill, Inc. v. City Council of the City of Zion, Illinois</u> – The Board accepted for hearing this pollution control facility siting appeal involving a Lake County facility.	5-0 P-C-F-S-R
<b>PCB 11-11</b>	<u>People of the State of Illinois v. Clinton Landfill, Inc.,</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a DeWitt County facility, the Board accepted the case and ordered publication of the required newspaper notice.	5-0 A-E

### **CASES PENDING DECISION**

<b>R09-21</b>	<u>In the Matter of: Ameren Ashpond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code 840.101 through 840.144</u> <ul style="list-style-type: none"> <li>• Ameren's Motion to Adopt Joint Proposal for First Notice (7/28) <ul style="list-style-type: none"> <li>– Opinion &amp; Order</li> </ul> </li> </ul>	Land
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<b>AS 07-6</b>	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> - Opinion & Order	Land
<b>R09-21</b>	<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> <ul style="list-style-type: none"> <li>• Petitioner Westwood Lands, Inc.'s Motion for Reconsideration of January 7, 2010 (4/2)</li> <li>• Agency's Motion for Leave to File Response to Motion to Reconsider; Response to Petitioner's Motion to Reconsider (4/27)</li> <li>• Hearing Officer Order Requiring Filing of Complete Laboratory Report and Documentation for the TCLP Testing Summarized in Exhibit 1 (5/18)</li> <li>• Lab Reports as Exhibits 2 and 3 (6/8)</li> </ul>	Land
<b>AC 09-40</b>	<u>IEPA v. Thomas and Valerie Hill</u> - Opinion & Order	

## **OTHER ITEMS**

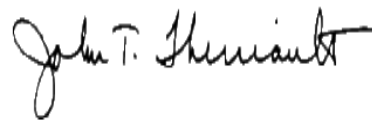
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### **ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:22 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 7, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board