

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



March 3, 2011

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 17, 2011 open meeting and the February 24, 2011 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R 04-8	<u>In the Matter of: Amendments to the Board's Procedural Rules to Accommodate Electronic Filing: 35 Ill. Adm. Code 101-130</u> – The Board dismissed this rulemaking proposal and closed the docket.	5-0 Other
R 11-21	<u>In the Matter of: Amendments to the Board's Administrative Rules to 2 Ill. Adm. Code 2175</u> – The Board adopted a final opinion and order in this rulemaking, which amends the Board’s administrative rules.	5-0 Admin
R 11-22	<u>In the Matter of: Underground Storage Tanks (35 Ill. Adm. Code 731) and Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732 and 734)</u> – No action taken.	Land

ADJUSTED STANDARDS

AS 11-1	<u>In the Matter of: Petition of Greif Packaging, LLC for an Adjusted Standard from 35 Ill. Adm. Code Part 218. Subpart TT</u> – No action taken.	Air
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ADMINISTRATIVE CITATIONS

AC 09-55	<u>IEPA v. Jason D. & Angela R. Marrs d/b/a Marrs Hauling Landscaping & More</u> – The Board entered an interim opinion and order finding respondents violated Sections 21(p) (1) and (p) (7) of the Illinois Environmental Protection Act (415 ILCS 5/21(p) (1), (p) (7) (2008)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by April 4, 2011, a statement of hearing costs, supported by affidavit, with service on respondent. Respondents may respond to the cost statement within 21 days of service.	5-0
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AC 10-23	<u>IEPA v. John J. and Kathy D. Still</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Brown County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2008)) and ordered respondents 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 respondent pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations of Section 21(p)(7) of the Act.	5-0
AC 11-18	<u>IEPA v. John and Debra Watson</u> – No action taken.	
AC 11-19	<u>IEPA v. Timothy Crouch</u> – The Board found that this Livingston County respondent violated Section 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.	5-0

ADJUDICATORY CASES

PCB 99-134	<u>People of the State of Illinois v. Heritage Coal Company, LLC (f/k/a/ Peabody Coal Company, LLC)</u> – No action taken.	W-E
PCB 03-21	<u>Clean The Uniform Company - Highland v. Aramark Uniform & Career Apparel, Inc.</u> – The Board granted complainant’s motions for voluntary dismissal of this citizen, closing the docket.	5-0 W-E
PCB 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
PCB 04-192	<u>People of the State of Illinois v. Smithfield Properties, L.L.C., Wooton Construction, Ltd., and Chicago Sun-Times, Inc.</u> – No action taken.	L,W-E
PCB 04-215 PCB 04-216	<u>Commonwealth Edison Company v. IEPA</u> <u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal

PCB 08-7	<u>People of the State of Illinois, v. Union Pacific Railroad Company, a Delaware Corporation</u> – No action taken.	W-E
PCB 09-35	<u>People of the State of Illinois v. Alan Durkee, d/b/a Alan Durkee Swine Farm</u> – The Board directed that complainant file an appropriate filing to reconcile the inconsistency between the complaint and the stipulation.	5-0 W-E
PCB 09-102	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	N-E, Citizens
PCB 09-107	<u>People of the State of Illinois v. Tate and Lyle Ingredients Americas, Inc.,</u> – No action taken.	A-E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-61 PCB 11-2	<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
PCB 10-70	<u>Wheeling/GWA Auto Shop v. IEPA</u> – No action taken.	UST Appeal
PCB 10-72	<u>People of the State of Illinois v. Byrom Ward, d/b/a Ward Electric, and Timothy James</u> – No action taken.	L-E
PCB 10-73	<u>Metropolitan Pier & Exposition Authority v. IEPA</u> – No action taken.	P-A, Land
PCB 10-75	<u>Chicago Coke Co., Inc. v. IEPA</u> – No action taken.	P-A, Air
PCB 10-76	<u>Coalville Road Enterprises v. IEPA</u> – No action taken.	P-A, Land
PCB 10-84	<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

PCB 10-89	<u>People of the State of Illinois v. Weitz Industrial, LLC</u> – In this water enforcement action concerning a Stephenson 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 \$13,900.00, and to cease and desist from further violations.	5-0 W-E
PCB 10-100	<u>Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust and Prairie Living West, LLC</u> – No action taken.	Citizens, L-E
PCB 10-102	<u>People of the State of Illinois v. City of Charleston</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Coles County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 10-108	<u>People of the State of Illinois v. William Charles Real Estate Investment, L.L.C.</u> , – No action taken.	W-E
PCB 10-110	<u>KCBX Terminals Company v. IEPA</u> – No action taken.	P-A, Air
PCB 11-3	<u>People of the State of Illinois v. Alden Management Services, Inc., and Alden Long Grove Rehabilitation and Health Care Center, Inc.</u> , – In this water 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)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$40,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 11-22	<u>Scott Mayer v. Lincoln Prairie Water Company, Korte & Luitjohan Contractors, Inc., and Milano & Grunloh Engineers, LLC</u> – No action taken.	L-E, Citizens
PCB 11-28	<u>1st AYD Corporation v. S&S Automotive Inc.</u> – No action taken.	A-E, Citizens
PCB 11-43	<u>KCBX Terminals Company v. IEPA</u> – No action taken.	P-A, Air
PCB 11-45	<u>People of the State of Illinois v. Columbus Foods Company, Inc.</u> , – The Board accepted for hearing this land enforcement action involving a site located in Cook County.	5-0 L-E

PCB 11-46	<u>Prime Pork Holdings, LLC - Kingston v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Prime Pork Holdings, LLC - Kingston 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 11-47	<u>Smith Agri Service - Barry v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Smith Agri Service - Barry located in Pike 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 11-48	<u>Jakob Bros. Farms, Inc. - Sterling v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jakob Bros. Farms, Inc. - Sterling located in Whiteside 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 11-49	<u>Triple E Farms - Altona v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Triple E Farms - Altona 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
PCB 11-50	<u>People of the State of Illinois v. The City of Morris and Community Landfill Company Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Grundy County.	5-0 L-E
PCB 11-51	<u>Evergreen FS, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Livingston County facility.	5-0 UST Appeal
PCB 11-52	<u>People of the State of Illinois v. Windsor Lake Partnerships, James Durkee and Sandy Sokolick</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 water enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E

PCB 11-53	<u>People of the State of Illinois v. Village of Spring Grove</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	5-0 W-E
PCB 11-54	<u>People of the State of Illinois v. Stewart Spreading, Inc.</u> , – The Board accepted for hearing this air and water enforcement action involving a site located in Kendall County.	5-0 A,W-E
PCB 11-55	<u>People of the State of Illinois v. American Excavating & Septic Services, Inc. and CBS Leasing, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.	5-0 W-E

CASES PENDING DECISION

R08-9 (A)	<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>	Water
R11-17	<u>In the Matter of: Proposed Site-Specific NOx Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 35 Ill Adm. Code Section 217.152(b)</u> <ul style="list-style-type: none"> • Public Comment Period Ends March 4, 2011 Proposed Rule, Second Notice, Opinion & Order 	Air
R11-19	<u>In the Matter of: Proposed Site-Specific NOx Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 35 Ill Adm. Code Section 217.152(b)</u> <ul style="list-style-type: none"> • Public Comment Period Ends March 4, 2011 Adopted Rule, FinalOpinion & Order 	Air
PCB 10-103	<u>Stop The Mega-Dump v. County Board of DeKalb County, Illinois and Waste Management, of Illinois Inc.</u> Opinion & Order	L-S-App Third Party

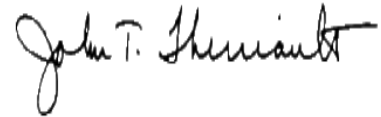
OTHER ITEMS

None

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:17 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 17, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board