

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 16, 2011

11:00 a.m.

Chicago

100 W. Randolph Street
Chicago, IL

Room 9-040

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 June 2, 2011 open meeting were approved by a vote of 5-0. The minutes of the June 9, 2011 closed deliberative session were approved by a vote of 4-0, Chairman Girard abstained.

RULEMAKINGS

<p>R 08-9(A)</p>	<p><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> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s water pollution control regulations. Specifically the Board proposed four categories of recreational use designation for the CAWS and LDPR: Primary Contact Recreation, Incidental Contact Recreation, Non-contact Recreation, and Non Recreation.</p>	<p>5-0 Water</p>
<p>R 10-9</p>	<p><u>In the Matter of: Financial Assurance Instruments--Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104 and 811.Subpart G</u> – The Board adopted a final opinion and order in this rulemaking proposal which amends the financial assurance portion of the Board’s land pollution control regulations.</p>	<p>5-0 Land</p>
<p>R 10-9(A)</p>	<p><u>In the Matter of: Financial Assurance Instruments--Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104 and 811.Subpart G</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s land pollution control regulations.</p>	<p>5-0 Land</p>
<p>R 11-20</p>	<p><u>In the Matter of: Amendments to 35 Ill. Adm. Code Part 229: Hospital/Medical/Infectious Waste Incinerators</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations.</p>	<p>5-0 Air</p>
<p>R 11-23</p>	<p><u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm Code 211, 218, and 219</u> – The Board adopted a second notice opinion and order in this fast-track rulemaking proposal to amend the Board’s air pollution control regulations.</p>	<p>5-0 Air</p>
<p>R 11-23(A)</p>	<p><u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm Code 218.208 and 219.208</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations.</p>	<p>5-0 Air</p>

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 11-18	<u>IEPA v. John and Debra Watson</u> – The Board dismissed the Watsons’ deficient April 14, 2011 petition for review. The Board found that these Union County respondents violated 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2010)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 11-23	<u>IEPA v. Dennis Weiler</u> – No action taken.	
AC 11-24	<u>IEPA v. Dennis Heck and Raymond A. and Deanna Harris</u> – The Board accepted respondents’ petition for review, but directed respondents to file an amended petition to cure deficiencies.	5-0
AC 11-26	<u>IEPA v. Estate of Kenneth D. Berhenke, Sr.</u> – The Board accepted respondent’s petition for review, but directed respondent to file an amended petition to cure deficiencies.	5-0
AC 11-28	<u>IEPA v. Thad and Linda Shafer</u> – The Board accepted an administrative citation against these Cumberland County respondents.	
AC 11-29	<u>IEPA v. Whelan's Inc & Thomas Whelan</u> – The Board accepted an administrative citation against these Cook County respondents.	
AC 11-30	<u>IEPA v. Rodney Pinter</u> – The Board accepted an administrative citation against this Bureau County respondent.	
AC 11-31	<u>IEPA v. Patrick D. and Monique D. Patterson</u> – The Board accepted an administrative citation against these Sangamon County respondents.	

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
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PCB 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – No action taken.	T-S Air
PCB 04-215 PCB 04-216 (Cons.)	<u>Commonwealth Edison Company v. IEPA</u> <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 06-17	<u>Morgan Southern Company v. IEPA</u> – No action taken.	UST Appeal
PCB 07-139	<u>People of the State of Illinois v. JR Investment Group, LLC, an Illinois limited liability company (f/k/a Jalil "Jerry" Rizqallah, d/b/a Timberline Mobile Home Park)</u> – In this public water supply enforcement action concerning a Woodford 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$12,000.00, and to cease and desist from further violations.	5-0 PWS-E
PCB 09-35	<u>People of the State of Illinois v. Alan Durkee, d/b/a Alan Durkee Swine Farm</u> – In this air enforcement action concerning a Henderson 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,500.00, and to cease and desist from further violations.	5-0 A-E
PCB 09-102	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	N-E, Citizens
PCB 09-108	<u>People of the State of Illinois v. Apollo Plastics Corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E

PCB 10-61	<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>	W-E
PCB 11-2	<u>Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC</u> – No action taken.	
PCB 10-70	<u>Wheeling/GWA Auto Shop v. IEPA</u> – No action taken.	UST Appeal
PCB 10-71	<u>People of the State of Illinois v. 87th & Greenwood, LLC and Innovative Recycling Technologies, Inc.</u> – In this land enforcement action concerning a Cook 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) (2010)), accepted a stipulation and settlement agreement, and ordered each respondent to pay a civil penalty of \$7,500.00, and to cease and desist from further violations.	5-0 L-E
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 10-84	<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 10-100	<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 10-107	<u>People of the State of Illinois v. Rockford Sand and Gravel, Inc., a division of Rockford Blacktop</u> <u>People of the State of Illinois v. Rockford Sand and Gravel, Inc., a division of Rockford Blacktop</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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E

PCB 11-7	<u>Van Zelst Landscape Compost Facility v. IEPA</u> – No action taken.	P-A, Land
PCB 11-63	<u>Dick's Super Service v. IEPA</u> – No action taken.	UST Appeal
PCB 11-85	<u>Holland Energy, LLC v. IEPA</u> – The Board granted petitioner's motion for a stay of the permit's contested conditions.	5-0 P-A, Water
PCB 11-88	<u>People of the State of Illinois v. Super Mix, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	5-0 W-E
PCB 11-89	<u>Gary Cooper v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.	5-0 UST Appeal
PCB 11-90	<u>Congress Development Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	5-0 P-A, Land
PCB 11-91	<u>Ziggy Development, LLC v. IEPA</u> – No action taken.	UST Appeal
PCB 11-92	<u>People of the State of Illinois v. P & H Mfg. Co</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 Shelby County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

CASES PENDING DECISION

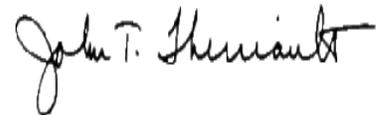
R08-9(B)	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – Proposed Rule, First Notice. Opinion & Order	Water
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:30 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board,
certify that the Board approved the above minutes on July 7, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board