

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**August 6, 2009**

**CHICAGO OFFICE**  
100 W. Randolph Street  
Chicago, IL

**Room 11-512**

**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. All five Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the July 23, 2009 open meeting and the July 30, 2009 closed deliberative session were approved by a vote of 5-0.

## RULEMAKINGS

<b>R06-22</b>	<u>In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – The Board reserved ruling on the motions of the Illinois Environmental Regulatory Group (IERG) for emergency rule and expedited action on the on the IERG’s Alternative Proposal. The Board requested that responses to comments on the motions be filed by August 13, 2009, and any IERG response by August 17, 2009.	5-0 Air
<b>R09-11</b>	<u>In the Matter of: City of Galva Site Specific Water Quality Standard for Boron Discharges to Edwards River and Mud Run Creek: 35 Ill. Adm. Code 303.447 and 303.448</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s water pollution control regulations.	4-0 Member Lin abstained Water
<b>R09-22</b>	<u>In the Matter of: Petition of Maximum Investments, LLC for a Rule of General Applicability Under 415 ILCS 5/22.2b(a)3</u> – No action taken.	Land
<b>R10-8</b>	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> – The Board accepted for hearing Illinois Environmental Protection Agency’s July 9, 2009 proposal to amend the Board’s air pollution regulations. The Board granted petitioner’s motion to waive requirement and allowing filing of reduced copies, but denied the motion for expedited consideration.	5-0 Air
<b>R10-9</b>	<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 accepted for hearing Illinois Environmental Protection Agency’s July 27, 2009 proposal to amend the Board’s non-hazardous waste landfill regulations. The Board granted petitioner’s motion to waive requirement and allowing filing of reduced copies.	5-0 Land

## ADJUSTED STANDARDS

<b>AS 09-2</b>	<u>In the Matter of: Petition of Maximum Investments, LLC for an Adjusted Standard from 35 Ill Administrative Code 740.210(a)3 for the Stoney Creek Landfill, Palos Hills, Il. v. IEPA</u> – No action taken.	Land
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<b>AS 09-4</b>	<u>In the Matter of: Petition of Royal Fiberglass Pools, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 215.301</u> – The Board accepted petitioner’s amended petition for hearing.	5-0 Air
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**ADMINISTRATIVE CITATIONS**

<b>AC 06-39</b>	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u>	
<b>AC 06-40</b>	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u>	
<b>AC 06-41</b>	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u>	
<b>AC 07-25</b> (cons.)	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> – No action taken.	
<b>AC 07-30</b>	<u>IEPA v. Bobby G. Myers and Donald D. Myers</u> – The Board entered a final opinion and order requiring respondents to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$266.78 and a civil penalty of \$3,000. This order follows the Board's interim order of May 21, 2009, which found that this respondents had violated Sections 21(p)(1) and (3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (3) (2008)).	5-0
<b>AC 09-8</b>	<u>County of Jackson v. Dan Kimmel</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the County of Jackson and the Board in the amount of \$120.93 and a civil penalty of \$4,500. This order follows the Board's interim order of June 4, 2009, which found that this respondent had violated Sections 21(p)(1) and (7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (7) (2008)).	5-0
<b>AC 09-40</b>	<u>IEPA v. Thomas and Valerie Hill</u> – The Board accepted respondents’ amended petition for hearing.	5-0
<b>AC 09-49</b>	<u>IEPA v. Ameren Energy Resources Generating Company</u> – The Board granted a motion to dismiss the originally named parties and substitute Ameren Energy Resources Generating Company (AERG) as sole respondent. The Board found that respondent AERG violated Sections 21(o)(7), (9), and (11) of the Environmental Protection Act (415 ILCS 5/21(o)(7), (9), and (11) (2008)), and ordered respondent to pay a civil penalty of \$1,500.	5-0

<b>AC 09-55</b>	<u>IEPA v. Jason D. &amp; Angela R. Marrs d/b/a Marrs Hauling Landscaping &amp; More</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Champaign County facility.	5-0
<b>AC 09-56</b>	<u>IEPA v. Gary J. and James R. Szczeblewski</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Franklin County facility.	5-0
<b>AC 10-2</b>	<u>IEPA v. City of Salem, John Pruden, Jason Bruce, and Lee Owens</u> – The Board accepted an administrative citation against these Marion County respondents.	

### ADJUDICATORY CASES

<b>PCB 03-191</b>	<u>People of The State of Illinois v. Community Landfill Company, Inc. and City of Morris</u> – No action taken.	L-E
<b>PCB 06-77</b>	<u>People of the State of Illinois v. Dennis K. Stiegemeier, d/b/a I.L.C. Development</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 Macoupin County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 07-63</b>	<u>PMA &amp; Associates, Inc. v. IEPA</u> – No action taken.	UST Appeal
<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 08-86</b>	<u>City of Quincy v. IEPA</u> – No action taken.	P-A, Water
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-E
<b>PCB 09-43</b>	<u>Waste Management of Illinois, Inc. and Kendall Land and Cattle, LLC v. County Board of Kendall County</u> – No action taken.	P-C-F-S-R

<b>PCB 09-66</b>	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – The Board granted the complainants’ motion for leave to file a reply and respondent’s motion for leave to file a sur-reply, reserving ruling on all other pending motions.	5-0 Citizens, L-E
<b>PCB 09-102</b>	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – No action taken.	Citizens, N-E
<b>PCB 09-123</b>	<u>2001 Oil Company v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 10-3</b>	<u>Prairie Rivers Network and Sierra Club v. IEPA and Hillsboro Energy, LLC</u> – No action taken.	NPDES -PA, 3 <sup>rd</sup> Party
<b>PCB 10-5 PCB 09-87</b>	<u>Dickerson Petroleum, Inc. v. IEPA</u> – The Board granted petitioner’s motion to consolidate PCB 09-87 and PCB 10-5 for purpose of hearing.	5-0 UST Appeal
<b>PCB 10-6</b>	<u>Schroud Realty Group v. IEPA</u> – The Board declines to accept this petition and closed the docket, finding the Board lacks authority to review Agency decisions with respect to Freedom of Information Act requests.	5-0 P-A, Land
<b>PCB 10-8</b>	<u>People of the State of Illinois v. Don Swinson, and Champion Environmental Services, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Winnebago County.	5-0 L-E
<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., Tripple S Refining Corporation and Zexel Illinois, Inc</u> – The Board accepted for hearing this land enforcement action involving a site located in Macon County.	5-0 L-E
<b>PCB 10-10</b>	<u>People of the State of Illinois v. Thermogas Company, Inc. d/b/a McLeansboro Thermogas</u> – The Board accepted for hearing this water enforcement action involving a site located in Hamilton County.	5-0 W-E

<b>PCB 10-11</b>	<u>Wisconsin Electric Power Company d/b/a We Energies v. IEPA</u> – The Board accepted for hearing this request for appeal of Illinois Environmental Protection Agency’s denial of a beneficial use determination concerning a coal combustion by-product.	5-0 P-A, Land
<b>PCB 10-12</b>	<u>People of the State of Illinois v. Hicks Oils &amp; Hicksgas, Inc.,</u> – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.	5-0 W-E

### **CASES PENDING DECISION**

<b>R06-20</b>	<u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808.809</u> – First Notice, Opinion & Order	Water
<b>R08-19</b>	<u>In the Matter of: Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> • On August 18 JCAR Agenda – Final Opinion & Order	Air
<b>PCB 97-193</b> <b>PCB 04-207</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> <u>People of the State of Illinois v. Edward Pruum and Robert Pruum</u> - – Opinion & Order	L-E
<b>PCB 09-67</b>	<u>Prime Location Properties, LLC v. IEPA</u> (due August 20, 2009) - Opinion & Order	UST Appeal

### **OTHER ITEMS**

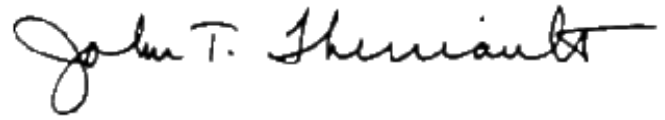
	The Board granted the Chairman’s motion to change the August 13, 2009 closed deliberative session to August 12, 2009 at 10:00 am.	5-0
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### **ADJOURNMENT**

Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:28 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 20, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board