

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**July 1, 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. Five Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the June 17, 2010 open meeting and of the June 24, 2010 closed deliberative session were approved by a vote of 5-0.

## RULEMAKINGS

<b>R 06-22</b>	<u>In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – No action taken.	Air
<b>R 11-1</b>	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 11-2</b>	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 11-3</b>	<u>UST Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 11-4</b>	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Water
<b>R 11-5</b>	<u>Definition of VOM Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air
<b>R 11-6</b>	<u>SDWA Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	PWS

<b>R 11-7</b>	UIC Update, USEPA Amendments (January 1, through June 30, 2010) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
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**ADJUSTED STANDARDS**

<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> – No action taken.	Land
<b>AS 09-3</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> – No action taken.	Land

**ADMINISTRATIVE CITATIONS**

<b>AC 08-9</b>	<u>IEPA v. Gene &amp; Elena Greenwood</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Williamson 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 respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violation of Section 21(p)(3) and (p)(7) of the Act.	5-0
<b>AC 09-48</b>	<u>IEPA v. IEPA v. Montel &amp; Aneita Metzger</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Woodford 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 respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violation of Section 21(p)(3) and (p)(7) of the Act.	5-0

<b>AC 10-27</b>	<u>County of Jackson v. KRD Trucking</u> – The Board found that this Jackson County respondent violated Sections 21(p) (1) of the Act (415 ILCS 5/21(p) (1) (2008)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
<b>AC 10-29</b>	<u>IEPA v. Christa Hjort</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
<b>AC 10-30</b>	<u>County of Jackson v. Frances Klink</u> – The Board directed respondent to file an amended petition for review on or before August 2, 2010 to cure deficiencies.	5-0

### ADJUDICATORY CASES

<b>PCB 03-22</b>	<u>People of the State of Illinois v. Saint-Gobain Containers, Inc.,</u> – The Board granted complainant’s motion to dismiss this enforcement action involving a Logan County facility.	5-0 Air
<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 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L,W-E
<b>PCB 09-65</b>	<u>People of the State of Illinois v. Stark Excavating, Inc.,</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a McLean County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

<b>PCB 09-66</b>	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – The Board issued an order to clarify its June 3, 2010 order directing complainants to file proof of service of a pending motion to add Texaco as a respondent on Texaco. The Board made clear that the June 3, 2010 order did not make a determination on any of the pending matters.	5-0 L-E
<b>PCB 09-87</b> <b>PCB 10-5</b> <b>(cons.)</b>	<u>Dickerson Petroleum, Inc. v. IEPA</u> <u>Dickerson Petroleum, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 10-8</b>	<u>People of the State of Illinois v. Don Swinson, and Champion Environmental Services, Inc.</u> – Upon receipt of an amended proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action, as to Champion Environmental Services, Inc. only, involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
<b>PCB 10-13</b>	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
<b>PCB 10-18</b>	<u>People of the State of Illinois v. Schauble Development, LLC</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 Tazewell County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 10-35</b>	<u>North Aurora Gas Station (F/N/A Intermart, Inc.) v. IEPA</u> – The Board granted this Kane County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 10-36</b>	<u>Susan Malinowski v. Chicago Transit Authority</u> – No action taken.	5-0 N-E, Citizens
<b>PCB 10-45</b>	<u>Smoot Oil Company v. IEPA</u> – The Board granted this Jefferson County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal

<b>PCB 10-61</b>	<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
<b>PCB 10-68</b>	<u>Janmaria Properties, Ltd. 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 Cook County facility.	5-0 UST Appeal
<b>PCB 10-72</b>	<u>People of the State of Illinois v. Byron Ward, d/b/a Ward Electric, and Timothy James</u> – No action taken.	L-E
<b>PCB 10-73</b>	<u>Metropolitan Pier &amp; Exposition Authority v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
<b>PCB 10-74</b>	<u>Mill Creek Water Reclamation District v. IEPA and Grand Prairie Sanitary District</u> – No action taken.	P-A, Water
<b>PCB 10-75</b>	<u>Chicago Coke Co., Inc v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 10-87</b>	<u>People of the State of Illinois v. Mark Pickett, d/b/a Mark's Auto Sales</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
<b>PCB 10-94</b>	<u>People of the State of Illinois v. Gary L. Penrith</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 \$5,000.00, and to cease and desist from further violations.	5-0 W-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 10-106</b>	<u>Dave McGhee v. IEPA</u> – No action taken.	A,N-E, Citizens

<b>PCB 10-107</b>	<u>People of the State of Illinois v. Rockford Sand and Gravel, Inc., a division of Rockford Blacktop</u> – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	5-0 W-E
<b>PCB 10-108</b>	<u>People of the State of Illinois v. William Charles Real Estate Investment, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	5-0 W-E

### CASES PENDING DECISION

<b>R10-20</b>	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer &amp; Commercial Products: Proposed Amendments to 35 Il. Adm. Code 211, 218, and 219</u> – Second Notice, Opinion & Order	Air
<b>R10-19</b>	<u>Procedural Rules for Authorizations Under P. A. 95-115 (Regulation of Phosphorus in Detergents Act), 35 Il. Adm. Code 106.Subpart H</u> • Scheduled for JCAR Review at July 13, 2010 Meeting – Adopted Rule, Final Order, Opinion & Order	Water
<b>PCB 00-211</b>	<u>People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyo America, Inc.</u> – <u>Opinion and Order</u>	A,L-E, RCRA

### OTHER ITEMS

	The Board granted the Chairman’s motion for approval of calendar year 2011 Board Meeting Locations and Dates as listed below:	5-0
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January 6	July 7
January 20	July 21
February 3	August 4
February 17	August 18
March 3	September 1
March 17 *	September 15
April 7	October 6

April 21	October 20
May 5	November 3
May 19	November 17
June 2	December 1
June 16	December 15

**Unless otherwise noted below, Board meetings will be at the James R. Thompson Center, 100 W. Randolph Street, Chicago, IL**

**\*These Board meetings will be via videoconference between Chicago, 100 W. Randolph Street, Videoconference Room 11-512, and Springfield, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor**

**\*\* These Board meetings will be in the Board’s Springfield Office, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor**

	The Board granted the Chairman’s motion for approval of calendar year 2011 Closed Deliberative Session Schedule as listed below:	5-0
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**CLOSED DELIBERATIVE SESSIONS  
SCHEDULED FOR CALENDAR YEAR 2011**  
(unless otherwise noted, meetings begin at 10:00 am)

January 13	July 14
January 27	July 28
February 10	August 11
February 24	August 25
March 10	September 8
March 24	September 22
March 31	September 29
April 14	October 13
April 28	October 27
May 12	November 10
May 26	November 23 (Wed. before Thanksgiving))
June 9	December 8



June 23

December 22

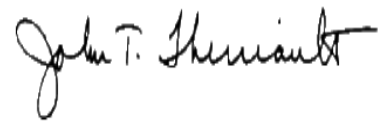
**Unless otherwise noted, Closed Deliberative Sessions will be at the James R. Thompson Center, 100 W. Randolph Street, Room 11-512, Chicago, IL**

**ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Girard adjourned the meeting at 11:26 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 15, 2010, by a vote of 5-0.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board