

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 7, 2012

11:00 a.m.

Chicago

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

Room 9-040

ANNOUNCEMENTS

Chairman Holbrook 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 May 17, 2012 open meeting were approved by a vote of 5-0. The minutes of the May 24, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0, Member Glosser abstained. The minutes of the May 31, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

RULEMAKINGS

R 12-9	<u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s land pollution control regulations.	3-0 Land Burke and Zalewski abstained
R 12-13	<u>In the Matter of: Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s solid waste and special waste hauling regulations.	5-0 Land
R 12-21	<u>In the Matter of: Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act: New 35 Ill. Adm. Code 106, Subpart J</u> – The Board adopted a final opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Procedural
R 12-22	<u>In the Matter of: Updates to the Definition of "Pollution Control Facility" at Section 101.202 of the Board's Procedural Rules to Reflect Recent Public Acts</u> – The Board adopted a final opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Procedural

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 12-37	<u>IEPA v. William Bryant</u> – The Board found that this Champaign County respondent violated Sections 21(p)(1) and (7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (7) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 12-44	<u>IEPA v. William C. Hagerman</u> – The Board found that this Logan County respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2010)), and ordered respondent to pay a civil penalty of \$4,500.	5-0

AC 12-45	<u>IEPA v. Grayboy Cycle Center, Inc.</u> – The Board found that this Peoria County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 12-46	<u>IEPA v. Hughes Tire & Battery Company (IEPA File No. 91-12-AC)</u> – The Board found that this Rock Island County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 12-47	<u>IEPA v. Hughes Tire & Battery Company (IEPA File No. 92-12-AC)</u> – The Board found that this Rock Island County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 12-48	<u>IEPA v. Ruth White</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Stephenson County facility.	5-0
AC 12-49	<u>County of Sangamon v. Michael Hoyle</u> – The Board found that this Sangamon County respondent violated Sections 21(p)(1) and (3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 12-50	<u>County of LaSalle v. Tax Lien Investments</u> – The Board granted complainant’s motion to voluntarily dismiss the administrative citation. The Board also dismissed as moot respondent’s petition filed March 3, 2012, to contest the administrative citation.	5-0
AC 12-50	<u>IEPA v. John K. Croslow (IEPA File No. 80-12-AC)</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Stephenson County facility.	5-0
AC 12-52	<u>IEPA v. J. & R Tire Service, Inc.</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Hancock County facility.	5-0
AC 12-53	<u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd & Tabitha Booten d/b/a C & T Recycling</u> – The Board accepted an administrative citation against these Williamson County respondents.	

AC 12-54	<u>IEPA v. Purcell Tire & Rubber Company</u> – The Board accepted an administrative citation against this Jefferson County respondent.	
AC 12-55	<u>County of Jackson v. S. I. Waste Systems, LLC d/b/a Midwest Waste</u> – The Board accepted an administrative citation against this Jackson County respondent.	

ADJUDICATORY CASES

PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u>	L-E
PCB 04-207 (cons.)	<u>People of the State of Illinois v. Edward Pruum and Robert Pruum</u> – No action taken.	
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 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.,</u> – The Board denied the complainant’s motion for reconsideration of the Board’s March 1, 2012 order and terminated the stay of this proceeding issued by order of May 17, 2012.	3-2 Glosser and Zalewski dissented A-E
PCB 06-141	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage County (Division of Transportation)</u> – The Board granted Flagg Creek Water Reclamation District’s motion to dismiss the Illinois Department of Transportation from this action.	4-0 Zalewski abstained W-E, Citizens
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens
PCB 09-67	<u>Prime Location Properties, LLC v. IEPA</u> – No action taken.	UST Appeal
PCB 10-41	<u>Prather Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage appeal.	5-0 UST Appeal

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 10-61	<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 11-76	<u>Warsaw Itco v. IEPA</u> – No action taken.	UST Appeal
PCB 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C., an Illinois limited liability company</u> – No action taken.	W-E
PCB 12-21	<u>People of the State of Illinois v. Altivity Packaging, LLC., Intra-Plant Maintenance Corporation, Ironhustler Excavating, Inc. and Ron Bright, d/b/a Quarter Construction</u> – No action taken.	L-E
PCB 12-48	<u>People of the State of Illinois v. Phoenix Corporation of the Quad Cities</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 Carroll County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 12-48	<u>People of the State of Illinois v. Phoenix Corporation of the Quad Cities</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 Carroll County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 12-52	<u>People of the State of Illinois v. Reliable Materials, LLC, GSG Consultants, Inc., O.C.A. Construction, Inc., Speedy Gonzalez Landscaping, Inc., and Public Building Commission of Chicago</u> – Upon receipt of two separate proposed stipulation and settlement agreements as to GSG Consultants, Inc. and O.C.A. Construction, Inc. only, and agreed motions to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the	4-0 Burke abstained L-E

	required newspaper notice.	
PCB 12-93	<u>People of the State of Illinois v. Kimble Septic, Inc. and Cleveland Kimble</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 Will County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 12-112	<u>People of the State of Illinois v. Berteau-Lowell Plating Works, Inc</u> – In this air 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 the respondent to pay a total civil penalty of \$1,000.00, and to cease and desist from further violations.	5-0 A-E
PCB 12-118	<u>Paul Schwendener, Inc. 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 DuPage County facility.	5-0 UST Appeal
PCB 12-122	<u>People of the State of Illinois v. Douglas Schroeder</u> – The Board granted complainant’s motion to amend the complaint and proposed stipulation and settlement agreement. In this land and water enforcement action concerning a McLean 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 \$3,000.00, and to cease and desist from further violations.	5-0 L,W-E

PCB 12-123	<u>People of the State of Illinois v. Roxana Landfill, Inc., Midwest Sanitary Service, Inc., WRB Refining LP, and ConocoPhillips Company</u> – In this land 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) (2010)) and accepted two separate proposed stipulation and settlement agreement as to Midwest Sanitary Service, Inc. (Midwest), WRB Refining, LP (WRB) , and ConocoPhillips Company (ConocoPhillips) only. The Board ordered the respondents to pay the following civil penalties: Midwest must pay a total civil penalty of \$8,000.00 and agreed to undertake a supplemental environmental project consisting of providing the State of Illinois with specified hauling and disposal services having a settlement value of \$8,000; WRB and ConocoPhillips are to pay a total civil penalty of 14, 750.00. All three respondents are to cease and desist from further violations.	4-0 Holbrook abstained L-E
PCB 12-126	<u>Ameren Energy Resources v. IEPA</u> – The Board accepted for hearing a request for variance involving seven facilities located in the following counties Montgomery, Fulton, Peoria, Massac, Crawford, Morgan, and Jasper.	5-0 A-V
PCB 12-128	<u>Heritage Transport, LLC v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	5-0 UST Appeal 90- Day Extension
PCB 12-129	<u>People of the State of Illinois v. Village of Orland Hills</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 facility located in Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 12-130	<u>The Premcor Refining Group, Inc. v. IEPA</u> – No action taken.	P-A, Land

CASES PENDING DECISION

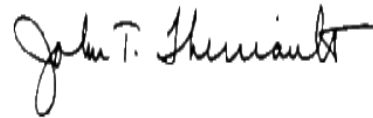
R12-11	<u>In the Matter of: Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I</u> - Proposed Rule, Second Notice, Opinion & Order	Procedural
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PCB 11-51 PCB 12-61	<u>Evergreen FS, Inc. v. IEPA</u> – Opinion & Order .	UST Appeal
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OTHER ITEMS
ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:27 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 21, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board