

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



July 26, 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 July 12, 2012 open meeting and July 19, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

RULEMAKINGS

R12-9	<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 an order noting the Board’s July 10, 2012 agreement with the Joint Committee on Administrative Rules to extend the second notice period for an additional 45 days. The rule will again be considered by JCAR at its August 14, 2012 meeting. The Board will not move forward to adoption of the rules until the expiration of the second notice in August.	3-0 Burke and Zalewski abstained Land
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ADJUSTED STANDARDS

AS 12-3	<u>Petition of Midway RACs, LLC for Adjusted Standard From 35 Ill. Adm. Code 218.586</u> – The Board accepted this request for an adjusted standard concerning a Cook County facility for hearing.	3-0 Holbrook and Zalewski abstained Air
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ADMINISTRATIVE CITATIONS

AC 10-30	<u>County of Jackson v. Frances Klink</u> – The Board entered a final opinion and order finding respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2010)) and assessing a penalty of \$4,500.	5-0
AC 11-28	<u>IEPA v. Thad Shafer</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and 21(p)(7) (2010)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by August 19, 2012, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.	5-0
AC 12-56	<u>IEPA v. Donald E. Gulley</u> – The Board found that this Jefferson County respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2010)) and assessing a penalty of \$4,500.	5-0

AC 12-57	<u>IEPA v. Gere Properties, Inc., Perry Ridge Landfill, Inc., and Mike Whitlock</u> – The Board found that these Jefferson County respondents violated Sections 21(o)(5), 21(o)(6), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(o)(5), 21(o)(6), 55(k)(1) (2010)) and assessing a penalty of \$2,500.	5-0
AC 13-1	<u>IEPA v. Anthony Koch</u> – The Board accepted respondent’s petition for review, but directed respondent to file an amended petition to cure deficiencies.	5-0
AC 13-2	<u>IEPA v. Greg Klehm</u> – The Board accepted an administrative citation against this Livingston County respondent.	
AC 13-3	<u>IEPA v. E.G. Tabor and Ultimate Recycling, Inc.</u> – The Board accepted an administrative citation against these Peoria County respondents.	
AC 13-4	<u>IEPA v. Dennis Zindars</u> – The Board accepted an administrative citation against this Piatt County respondent.	
AC 13-5	<u>IEPA v. Ricky Stratton (IEPA File No. 176-12-AC)</u> – The Board accepted an administrative citation against this Morgan County respondent.	
AC 13-6	<u>IEPA v. Ricky Stratton (IEPA File No. 181-12-AC)</u> – The Board accepted an administrative citation against this Morgan County respondent.	
AC 13-7	<u>IEPA v. Robert Manker</u> – The Board accepted an administrative citation against this Morgan County respondent.	
AC 13-8	<u>IEPA v. State Bank of Chrisman - Trust 527</u> – The Board accepted an administrative citation against this Edgar County respondent.	

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 07-95	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – No action taken.	L-E

PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens
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 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
PCB 11-58	<u>People of the State of Illinois v. Zachary Isaac d/b/a Nu Shine Car Wash</u> – No action taken.	W-E
PCB 11-76	<u>Warsaw Itco v. IEPA</u> – No action taken.	UST Appeal
PCB 12-48	<u>People of the State of Illinois v. Phoenix Corporation of the Quad Cities</u> – In this water enforcement action concerning a Carroll 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 \$20,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 12-130	<u>The Premcor Refining Group, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Land
PCB 12-131	<u>Larry D. Welch v. DeKalb Sanitary District</u> – No action taken.	L-E, Citizens
PCB 12-132	<u>People of the State of Illinois v. Kehrer Brothers Construction, Inc.</u> – No action taken.	L-E
PCB 13-3	<u>People of the State of Illinois v. Edward W. Fisher, Rhonda L. Fisher, and DEM/EX Group, Inc.</u> , – The Board accepted for hearing this land enforcement action concerning a Mason County facility.	5-0 L-E

CASES PENDING DECISION

R08-18	<u>In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Il. Adm. Code 620</u> – Proposed Rule, Second Notice, Opinion & Order .	PWS
PCB 10-46	<u>Freedom Oil Company v. IEPA</u> – Opinion & Order (due 8/9/12) .	UST Appeal

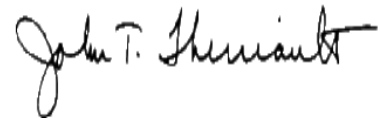
OTHER ITEMS

	The Board granted the Chairman's Motion to hold two videoconference, Closed Board Meetings, one on Wednesday, September 5, 2012, and one on Wednesday, October 3, 2012, both meetings to be held at 2:00 pm in both Room 11-512 of James R. Thompson Center, Chicago, and in IPCB Conference Room 1244, 1021 N. Grand Avenue East, Springfield, both meetings as authorized by the exception in Section 2(c)(1) of the Open Meetings Act (5 ILCS 120/2(c)(1)) concerning personnel matters.	5-0
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:12 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 9, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board