

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**October 6, 2011**

**11:00 a.m.**

### **Videoconference**

#### **Chicago**

100 W. Randolph Street  
Chicago, IL  
**Room 11-512**

**And**

#### **Springfield**

1021 N. Grand Avenue East  
Springfield, IL  
**Conference Room 1244 N, First Floor**

### **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 September 22, 2011 open meeting and the September 29, 2011 closed deliberative session were approved by a vote of 5-0.

## RULEMAKINGS

R 11-14	<u>UIC Update, USEPA Amendments (July 1, 2010 through December 31, 2010)</u> – The Board adopted a proposal for public comment, and extended the deadline for completion of amendments from December 10, 2011 until January 26, 2012 in this “identical-in-substance” rulemakings to amend the Board’s underground injection control regulations.	5-0 Land
R 12-12	<u>In the Matter of: Revision of Enhanced Vehicle Emission Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240</u> – The Board accepted for expedited hearing petitioner’s October 3, 2011 proposal to amend the Board’s air pollution control regulations for enhanced vehicle inspection and maintenance program for the Chicago and Metro-East St. Louis nonattainment areas. The rulemaking must be completed by January 31, 2012.	5-0 Air

## ADJUSTED STANDARDS

AS 12-1	<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
AS 12-2	<u>Terrona Farms' Request for Adjusted Agronomic Rate of Municipally Collected Leaves for Farmland Application</u> – No action taken.	Land

## ADMINISTRATIVE CITATIONS

AC 11-24	<u>IEPA v. Dennis Heck and Raymond A. and Deanna Harris</u> – The Board granted respondent Deanna Harris’ motion for reconsideration of a August 4, 2011 default order, vacated the default, and accepted her June 2, 2011 petition for review. The Board will stay any order regarding a civil penalty until the final disposition of Deanna Harris’ petition for review.	5-0
AC 11-27	<u>IEPA v. James Harris</u> – The Board granted respondent’s motion withdrawal of the petition for review. The Board then found that this Knox County respondent violated Sections 21(p)(1), 21(p)(3), 21(p)(4), 21(p)(5), 21(p)(7), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 5/21(p)(3), 5/21(p)(4), 5/21(p)(5), 5/21(p)(7), and 55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$9,000.	5-0

<b>AC 12-3</b>	<u>IEPA v. Ashwin P. and Mia A. Patel</u> – The Board accepted an administrative citation against these Williamson County respondents.	
<b>AC 12-4</b>	<u>IEPA v. Garrison Properties, Inc. &amp; River City Roofing Company, Inc</u> – The Board accepted an administrative citation against these Peoria County respondents.	
<b>AC 12-5</b>	<u>IEPA v. Petro Nation, Inc., d/b/a Golf Mill Shell</u> – The Board accepted an administrative citation against this Cook County respondent.	

### ADJUDICATORY CASES

<b>PCB 99-134</b>	<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
<b>PCB 04-192</b>	<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
<b>PCB 08-30</b>	<u>E.R. 1, LLC, assignee of Caseyville Sport Choice, LLC, an Illinois Limited Liability Company v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity, and Fairmount Park, Inc.</u> – No action taken.	L-E, Citizens
<b>PCB 10-9</b>	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, A. E. Staley Manufacturing Co., 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.,</u> – Upon receipt of a proposed stipulation and settlement agreement as to Borg Warner, and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Macon County facility, the Board ordered publication of the required newspaper notice	L-E 5-0

<b>PCB 10-23</b>	<u>United States Steel Corporation v. IEPA, American Bottom Conservancy as Intervenor</u> – No action taken.	P-A, Air
<b>PCB 10-61</b>  <b>PCB 11-2</b>	<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
<b>PCB 10-84</b>	<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
<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, Citizens
<b>PCB 11-25</b>	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 11-26</b>	<u>People of the State of Illinois v. Lowell Null, d/b/a MAB Pallets</u> – The Board granted complainant’s motion for summary judgment. The Board found respondent violated Sections 9(a), 9(c), 21(a), 21(e), and 21(p)(3) of the Act (415 ILCS 5/9(a), 9(c), 21(a), 21(e), 21(p)(3) (2010)), and ordered the respondent to pay a total civil penalty of \$8,000.00, and to cease and desist from further violations.	5-0 L-E
<b>PCB 11-60</b>	<u>American Disposal Services of Illinois, Inc. v. County Board of McLean County, Illinois, Henson Disposal, Inc. and TKNTK, LLC</u> – No action taken.	L-SA, 3d P
<b>PCB 11-65</b>	<u>Chevron Environmental Management Company (10/27/09 to 9/3/10) v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 11-66</b>	<u>Chevron Environmental Management Company (8/1/2008 to 9/27/2009) v. IEPA</u> – No action taken.	UST Appeal

<b>PCB 11-68</b>	<u>People of the State of Illinois v. Tradition Investments, LLC</u> – The Board granted complainant’s motion to strike the second, third, fourth and fifth affirmative defenses and denied the complainant’s motion to strike the first affirmative defenses of laches. In addition, the Board denied the complainant’s motion to file a reply.	5-0 W-E
<b>PCB 11-79</b>	<u>People of the State of Illinois v. Inverse Investment L.L.C.</u> , – No action taken.	W-E
<b>PCB 11-104</b>	<u>Mac's Convenience Stores, LLC 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 Christian County facility.	5-0 UST Appeal,
<b>PCB 12-16</b>	<u>Mark Lilly v. City of Rock Falls, IL</u> – No action taken.	A-E, Citizens
<b>PCB 12-35</b>	<u>People of the State of Illinois v. Six M. Corporation, Inc., William Maxwell, Marilyn Maxwell, and James McIlvaine, necessary party</u> – The Board granted complainant’s motion to join James McIlvaine as a necessary party to this enforcement action.	5-0 W-E
<b>PCB 12-39</b>	<u>WRB Refining, LLC, Gasoline SZorb Unit v. IEPA</u> – No action taken.	T-C, A
<b>PCB 12-40</b>	<u>WRB Refining, LLC, Ultralow Sulfur Diesel v. IEPA</u> – No action taken.	T-C, A
<b>PCB 12-44</b>	<u>Anielle Lipe and Nykole Gillette v. Village of Richton Park</u> – No action taken.	A-E, Citizens
<b>PCB 12-50</b>	<u>Commonwealth Edison Co. v. Frederick K. Slayton, Ann Vole Slayton, and Cioni Excavating, Inc.</u> – No action taken.	L-E, Citizens
<b>PCB 12-51</b>	<u>Kramer Tree Specialist, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.	P-A, Land

<b>PCB 12-52</b>	<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 a complaint accompanied by a proposed stipulation and settlement agreement as to the following only: Speedy Gonzalez Landscaping, Public Building Commission of Chicago, and Chicago Board of Education, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 Burke abstained L-E
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### **CASES PENDING DECISION**

<b>R08-18</b>	<u>In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620</u>  – Proposed Rule, First Notice, Opinion & Order	PWS
<b>R10-9(A)</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> <ul style="list-style-type: none"> <li>• Scheduled for Review at October 11, 2011 JCAR Meeting             <ul style="list-style-type: none"> <li>– Adopted Rule, Final Notice, Opinion &amp; Order</li> </ul> </li> </ul>	Land
<b>R12-11</b>	<u>In the Matter of: Procedural Rules for Authorization Under P. A. 97-220 for Certain Farm Applications of Landscape Waste and Compost: New 35 Ill. Adm. Code 106.Subpart I</u>  – Proposed Rule, First Notice, Opinion & Order	Land

### **OTHER ITEMS**

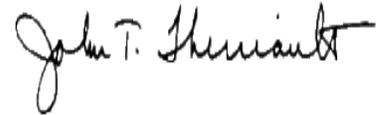
None

## 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 October 20, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board