

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 3, 2011

11:00 a.m.

Chicago
100 W. Randolph Street
Chicago, IL
9-040

ANNOUNCEMENTS

Chairman Holbrook¹ 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 October 20, 2011 open meeting were approved by a vote of 3-0, Member Glosser and Chairman Holbrook abstained. The minutes of the October 27, 2011 closed deliberative session were approved by a vote of 5-0.

¹ Since the last Board Meeting, October 20, 2011, Governor Patrick Quinn appointed Thomas Holbrook as Chairman and Deanna Glosser as Member, reappointed Member Thomas Johnson, and appointed G. Tanner Girard as Executive Director.

RULEMAKINGS

R 12-13	In the Matter of: <u>Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)</u> – No action taken.	Land
---------	---	------

ADJUSTED STANDARDS

AS 12-1	In the Matter of: <u>Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> – No action taken.	Land
---------	---	------

ADMINISTRATIVE CITATIONS

AC 12-2	<u>IEPA v. David and Vivian Wright</u> – The Board found that these Fayette County respondents violated Sections 21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2010)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 12-3	<u>IEPA v. Ashwin P. and Mia A. Patel</u> – The Board accepted respondents’ petition for review for hearing.	5-0
AC 12-4	<u>IEPA v. Garrison Properties, Inc. & River City Roofing Company, Inc</u> – The Board accepted respondents’ petition for review for hearing.	5-0
AC 12-5	<u>IEPA v. Petro Nation, Inc., d/b/a Golf Mill Shell</u> – The Board found that this Cook County respondent violated Section 55(k)(1) of the Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 12-6	<u>IEPA v. David W. Edwards and Linda Edwards</u> – The Board accepted an administrative citation against these Williamson County respondents.	
AC 12-7	<u>County of Perry v. Ronald Hammel</u> – The Board accepted an administrative citation against this Perry County respondent.	
AC 12-8	<u>County of Macon v. Violet Gossett</u> – The Board accepted an administrative citation against this Macon County respondent.	
AC 12-9	<u>County of Macon v. Essie Neal</u> – The Board accepted an administrative citation against this Macon County respondent.	

AC 12-10	<u>County of Perry v. Angie Woodrome</u> – The Board accepted an administrative citation against this Perry County respondent.	
AC 12-11	<u>County of Jackson v. Greg Cain</u> – The Board accepted an administrative citation against this Jackson County respondent.	
AC 12-12	<u>County of DuPage v. Dale A Turek and Ronald J. Turek</u> – The Board accepted an administrative citation against these DuPage County respondents.	

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 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.,</u> – No action taken.	A-E
PCB 10-9	<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 & H Manufacturing, Inc.,</u> – In this land enforcement action concerning a Macon 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)) as to Combe Laboratories, Inc., only, accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$12,300.00, and to cease and desist from further violations. Combe Laboratories, Inc. also agreed to pay the People’s attorney’s fees in the amount of \$275.00.	L-E 5-0
PCB 10-23	<u>United States Steel Corporation v. IEPA, American Bottom Conservancy as Intervenor</u> – No action taken.	P-A, Air
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 10-84	<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
PCB 10-100	<u>Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust, and Prairie Living West, LLC</u> – The Board directed respondents to file with the Board proper proof that they have served the third-party complaint on Horve Contractors, Inc. on or before December 5, 2011.	5-0 L-E, Citizens
PCB 11-21	<u>People of the State of Illinois v. Prairieland Investment Group, LLC, and Kevin S. Cook, d/b/a KC Construction</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 Hancock County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
PCB 11-27	<u>People of the State of Illinois v. Sud Family Limited Partnership</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 Peoria County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 11-60	<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
PCB 11-67	<u>People of the State of Illinois v. Town of Cortland</u> – The Board granted the complainant’s motion to strike the affirmative defenses and denied motion to strike the section of the answer entitled “Additional Affirmative Defenses.” The Board granted respondent leave to amend its third, fourth, sixth and seventh affirmative defenses to correct factual deficiencies. Any amendments must be filed by December 5, 2011.	5-0 W-E
PCB 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C.</u> , – No action taken.	W-E

PCB 12-14	<u>Center Point Energy, Mississippi River Transmission, LLC v. IEPA</u> – No action taken.	P-A, Air
PCB 12-15	<u>Gary Szczeblewski v. State Fire Marshall, Division of Petroleum & Chemical Safety</u> – Since no amended petition or filing fee was filed as ordered in the Board’s September 8, 2011 order, the previously-filed petition was dismissed.	5-0 UST Appeal
PCB 12-17	<u>Shell Oil Products U.S. 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 Madison County facility.	5-0 UST Appeal
PCB 12-18	<u>The Premcor Refining Group, 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 Macon County facility.	5-0 UST Appeal
PCB 12-20	<u>Clean Construction & Recycling, LLC and G & E Eight Series, LLC v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Winnebago County facility.	5-0 P-A, Air,
PCB 12-35	<u>People of the State of Illinois v. Six M. Corporation, Inc., William Maxwell, and Marilyn Maxwell</u> – No action taken.	W-E
PCB 12-44	<u>Anielle Lipe and Nykole Gillette v. Village of Richton Park</u> – No action taken.	A-E, Citizens
PCB 12-50	<u>Commonwealth Edison Co. v. Frederick K. Slayton, Ann Vole Slayton, and Cioni Excavating, Inc.</u> – No action taken.	L-E, Citizens
PCB 11-90 PCB 12-12 (cons.) PCB 12-55 PCB 12-56	<u>Congress Development Company v. IEPA</u> <u>Congress Development Company v. IEPA</u> <u>Congress Development Company v. IEPA</u> <u>Congress Development Company v. IEPA</u> – No action taken.	P-A, Air
PCB 12-57	<u>City of Taylorville/ Taylorville Municipal Airport v. IEPA</u> – The Board ordered petitioner to file an amended petition curing the noted deficiencies on or before December 2, 2011, or this docket will be dismissed.	5-0 UST Appeal
PCB 12-58	<u>Atkinson Landfill Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Henry County facility.	5-0 P-A, Air

PCB 12-59	<u>People of the State of Illinois v. Village of Cave In Rock and Maier's Tidy Bowl, Inc.</u> – In this land enforcement action involving a Hardin County facility, the Board accepted the complaint for hearing. The complaint was accompanied by a proposed stipulation and settlement agreement with People of the State of Illinois and Maier's Tidy Bowl, Inc. The Board ordered publication of the required newspaper notice.	5-0 W-E
------------------	---	------------

CASES PENDING DECISION

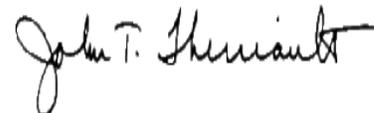
OTHER ITEMS

	The Board granted the Chairman's Motion Pursuant to 415 ILCS 5/5(A) to fix the salary of the Board's Executive Director at \$117,043 per annum.	5-0
--	---	-----

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:20 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 17, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board