

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 17, 2011

11:00 a.m.

Chicago

100 W. Randolph Street
Chicago, IL

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 November 3, 2011 open meeting and the November 10, 2011 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

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 accepted for hearing petitioner’s October 28, 2011 proposal to amend the Board’s solid waste and special waste hauling regulations.	5-0 Land
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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> – The Board accepted petitioner’s petition for an adjusted standard and granted the motion to incorporate documents. The Board granted petitioner’s motion for stay of the proceedings for a 6 month period, subject to extension by the hearing officer. The Illinois Environmental Protection Agency’s deadline for filing a recommendation is extended until 45-days after the end of the stay.	5-0 Land
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ADMINISTRATIVE CITATIONS

AC 12-13	<u>IEPA v. Rodney K. Brown</u> – The Board accepted an administrative citation against this Morgan County respondent.	
AC 12-14	<u>IEPA v. Harold Dean Foster</u> – The Board accepted an administrative citation against this Pike County respondent.	
AC 12-15	<u>County of Vermilion, Illinois v. Patricia Wernigk</u> – The Board accepted an administrative citation against this Vermilion 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 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 Borg Warner, Inc., only, accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$39,000.00, and to cease and desist from further violations. Borg Warner also agreed to pay the People’s attorney’s fees in the amount of \$250.00.	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 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – The Board denied respondent’s motion for summary judgment. The Board also denied petitioner’s motions for interlocutory appeal and for leave to file a surreply.	5-0 UST Appeal
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 11-79	<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> – The Board granted petitioner’s motion to stay the effectiveness of its revised Clean Air Act Permit Program permit.	5-0 P-A, Air
PCB 12-19	<u>Speedway, LLC (November 28, 2010 to December 31, 2010) 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 Lake County facility.	5-0 UST Appeal 90-Day Extension
PCB 12-22	<u>Speedway, LLC (October 20, 2009 through November 28, 2009) 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 90-Day Extension
PCB 12-25	<u>Speedway, 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 Cook County facility.	5-0 UST Appeal 90-Day Extension
PCB 12-28	<u>People of the State of Illinois v. Strout Crossing, LLC, Jerry Webster, and Mark Webster</u> – In this water enforcement action concerning a Pike 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 respondents to pay a total civil penalty of \$6,500.00, and to cease and desist from further violations.	5-0 W-E
PCB 12-35	<u>People of the State of Illinois v. Six M. Corporation, Inc., William Maxwell, and Marilyn Maxwell</u> – The Board granted respondents’ motion to dismiss decedent Marilyn Maxwell, but denied the motion to dismiss respondent William Maxwell.	5-0 W-E
PCB 12-43	<u>People of the State of Illinois v. Forbo Adhesives, LLC</u> – In this land enforcement action concerning a Grundy 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 \$44,403.00, and to cease and desist from further violations.	L-E 5-0

PCB 12-44	<u>Anielle Lipe and Nykole Gillette v. Village of Richton Park</u> – The Board found this complaint to be frivolous, granted respondents’ motion to dismiss the complaint, and closed the docket.	5-0 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 12-51	<u>Kramer Tree Specialist, Inc. v. IEPA</u> – The Board accepted for hearing petitioner’s amended petition for review involving a DuPage County facility.	5-0 P-A, Land
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> – The Board accepted petitioner’s petition for review in docket PCB 12-56. The Board granted petitioner’s motion to consolidate the PCB 11-90, PCB 12-12, PCB 12-55, and PCB 12-56, for purposes of hearing.	5-0 P-A, Air
PCB 12-60	<u>People of the State of Illinois v. Wahl Clipper Corporation</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 land enforcement action involving a Whiteside County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

CASES PENDING DECISION

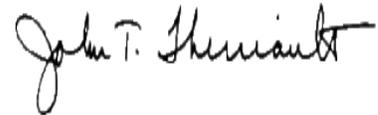
R12-10	<u>In the Matter of: Registration of Smaller Sources (ROSS): New 35 Ill. Adm. Code 201.175 (Due 12/1/11)</u> - Adopted Rule, Final Order, Opinion & Order	Air
PCB 11-86 PCB 12-46 (cons.)	<u>Exxonmobil Oil Corporation v. IEPA (Due 12/1/11)</u> <u>Exxonmobil Oil Corporation v. IEPA</u> - Opinion & Order	A-V

OTHER ITEMS

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 December 1, 2011, by a vote of 5-0

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board