

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



December 1, 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 17, 2011 open meeting and the November 23, 2011 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R 12-10	<u>In the Matter of: Registration of Smaller Sources (ROSS): New 35 Ill. Adm. Code 201.175</u> – – The Board adopted a final opinion and order in this rulemaking proposal which amends the Board’s air pollution control regulations.	5-0 Air
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ADJUSTED STANDARDS

AS 12-2	<u>In the Matter of: Terrona Farms' Request for Adjusted Standard for Composting Under 415 ILCS 21(q)(3)(A)</u> – The Board granted petitioner additional time to file a new adjusted standard petition addressing the jurisdictional, procedural and informational deficiencies noted in the October 20, 2011 Board order.	5-0 Land
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ADMINISTRATIVE CITATIONS

AC 12-6	<u>IEPA v. David W. Edwards and Linda Edwards</u> – The Board found that these Williamson County respondents violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2010)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 12-7	<u>County of Perry v. Ronald Hammel</u> – The Board found that this Perry County respondent violated Sections 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 12-9	<u>Macon County v. Essie Neal</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
AC 12-11	<u>County of Jackson v. Greg Cain</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 12-16	<u>IEPA v. Julie Webber</u> – The Board accepted an administrative citation against this Stark County respondent.	
AC 12-17	<u>IEPA v. Loves Park Auto Parts Company</u> – The Board accepted an administrative citation against this Winnebago County respondent.	

AC 12-18	<u>IEPA v. F.I.M., Inc.</u> – The Board accepted an administrative citation against this Adams County respondent.	
AC 12-19	<u>IEPA v. Tim Crouch</u> – The Board accepted an administrative citation against this Livingston 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 04-192	<u>People of the State of Illinois v. Smithfield Properties, L.L.C., Wooton Construction, Ltd., and Chicago Sun-Times, Inc.</u> – In this land and water 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)) as to Smithfield Properties, L.L.C. and Wooton Construction, Ltd., accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$25,000.00, and to cease and desist from further violations. The Board dismissed as moot respondents February 9, 2011 motion to dismiss for summary judgment and complainant’s February 28, 2011 motion to strike.	4-0 Member Burke abstained L,W-E
PCB 09-131	<u>People of the State of Illinois v. Mohammad Akrabawi, d/b/a Deerfield Crossings, LLC</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 DeKalb County facility, the Board ordered publication of the required newspaper notice.	5-0 W-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 Climate Control, Inc., only, accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$13,050.00, and to cease and desist from further violations. Climate Control 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 10-72	<u>People of the State of Illinois v. Byrom Ward, d/b/a Ward Electric, and Timothy James</u> – The Board had previously found in its July 7, 2011 interim opinion and order that Byrom Ward and Timothy James violated Sections 21(a), 21(e), and 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(a), 21(e), 21(p)(1) (2010)). In its final opinion and order, the Board ordered Byrom Ward to pay a civil penalty of \$3,500.00 and Timothy James to pay a civil penalty in the amount of \$7,000.00, and to cease and desist from further violations.	5-0 Member Zalewski concurring L-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> – No action taken.	L-E, Citizens

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 11-86 PCB 12-46 (cons.)	<u>Exxonmobil Oil Corporation v. IEPA</u> <u>Exxonmobil Oil Corporation v. IEPA</u> – The Board granted ExxonMobil a variance for its Joliet Refinery until May 1, 2019 from the January 1, 2015 compliance deadline of the NO _x RACT Rule at 35 Ill. Adm. Code 217.Subparts A, D, E, and F.	4-0 Chairman Holbrook abstained A-V
PCB 12-16	<u>Mark Lilly v. City of Rock Falls, IL.</u> – The Board dismissed this citizen’s enforcement action involving a facility located in Whiteside County for failure to file an amended complaint.	5-0 A-E, Citizens
PCB 12-39	<u>WRB Refining, LLC, Gasoline SZorb Unit v. IEPA</u> – No action taken.	T-C, A
PCB 12-40	<u>WRB Refining, LLC, Ultralow Sulfur Diesel v. IEPA</u> – No action taken.	T-C, A
PCB 12-50	<u>Commonwealth Edison Co. v. Frederick K. Slayton, Ann Vole Slayton, and Cioni Excavating, Inc.</u> – The Board found that the complaint was neither duplicative nor frivolous and accepted for hearing this citizen’s land enforcement action involving a site located in Lake County.	4-0 Member Zalewski abstained L-E, Citizens
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> – In this land 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)) and accepted two separate stipulation and settlement agreements as to Speedy Gonzalez Landscaping, Inc., the Public Building Commission of Chicago and the Board of Education of the City of Chicago only. The Board ordered the respondents to pay the following civil penalties: Speedy Gonzalez Landscaping must pay a total civil penalty of \$10,000.00; the Public Building Commission and the Board of Education are to pay a total civil penalty of 17, 500.00. All three respondents are to cease and desist from further violations.	4-0 Member Burke abstained L-E

PCB 12-57	<u>City of Taylorville/ Taylorville Municipal Airport v. IEPA</u> – No action taken.	UST Appeal
PCB 12-58	<u>Atkinson Landfill Company v. IEPA</u> – No action taken.	P-A, Air
PCB 12-61	<u>Evergreen FS, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Livingston County facility.	5-0 UST Appeal,
PCB 12-62	<u>Brush College Finishers v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Brush College Finishers located in Pike County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
PCB 12-63	<u>Thompson's Pearl Valley Eggs, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s (Agency) recommendation, the Board found and certified that specified facilities of Thompson's Pearl Valley Eggs, Inc. located in Stephenson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)). No action was taken on the Agency’s recommendation to deny certification of the dry fertilizer storage building , end loader transfer area, manufacturing and bagging process area, a bulk material loading area, and a warehouse used to store bagged dry fertilizer as pollution control facilities as defined in Section 11-10 of the Property Tax Code (35 ILCS 200/11-10 (2010)) until the appeal time has expired.	5-0 T-C, W
PCB 12-64	<u>People of the State of Illinois v. Cordray Brothers, Inc.,</u> – The Board accepted for hearing this water enforcement action involving a site located in Ogle County.	5-0 W-E
PCB 12-65	<u>WRB Refining, LLC (Coker Switch Valve Interlock Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-66	<u>WRB Refining, LLC (VOC Flare Line Heat Trace Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-67	<u>WRB Refining, LLC (Refinery-Wide Leak Detection and Repair Program) v. IEPA</u> – No action taken.	T-C, A

PCB 12-68	<u>WRB Refining, LLC (Distilling West Flare Gas Recovery Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-69	<u>WRB Refining, LLC (Aromatics West Heater Stock NOx Reduction Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-70	<u>WRB Refining, LLC (Gasoline Hydrotreater) v. IEPA</u> – No action taken.	T-C, A
PCB 12-71	<u>WRB Refining, LLC (Blow-Off Pit Elimination Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-72	<u>WRB Refining, LLC (Aromatics South Flare Stack Upgrade) v. IEPA</u> – No action taken.	T-C, A
PCB 12-73	<u>WRB Refining, LLC (New Units' Continuous Emissions Monitoring Systems for Furnaces) v. IEPA</u> – No action taken.	T-C, A
PCB 12-74	<u>WRB Refining, LLC (New Units' Maintenance Drop-Out System) v. IEPA</u> – No action taken.	T-C, A
PCB 12-75	<u>WRB Refining, LLC (Ultralow Sulfur Diesel Expansion Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-76	<u>WRB Refining, LLC (Coker Blowdown System Off-Gas Recovery) v. IEPA</u> – No action taken.	T-C, A
PCB 12-77	<u>WRB Refining, LLC (Coker Truck Washing for Particulates) v. IEPA</u> – No action taken.	T-C, A
PCB 12-78	<u>WRB Refining, LLC (New Units' Flare System) v. IEPA</u> – No action taken.	T-C, A
PCB 12-79	<u>WRB Refining, LLC (Delayed Coker Naphtha Hydrotreater) v. IEPA</u> – No action taken.	T-C, A
PCB 12-80	<u>WRB Refining, LLC (Ultralow NOx Burners) v. IEPA</u> – No action taken.	T-C, A
PCB 12-81	<u>WRB Refining, LLC (Subpart Ja Revisions to Flares) v. IEPA</u> – No action taken.	T-C, A
PCB 12-82	<u>WRB Refining, LLC (Aromatics North Flare Gas Recovery Project) v. IEPA</u> – No action taken.	T-C, A

PCB 12-83	<u>WRB Refining, LLC (MACT II Compliance Project for Fluid Catalytic Cracking Unit No. 2) v. IEPA</u> – No action taken.	T-C, A
PCB 12-84	<u>WRB Refining, LLC (New Units' Emissions-Free Sample Stations) v. IEPA</u> – No action taken.	T-C, A

CASES PENDING DECISION

R08-9(B)	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> - Proposed Rule, Second Notice, Opinion & Order	Water
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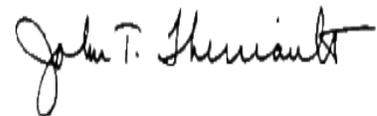
OTHER ITEMS

	The Board granted the Chairman's Motion to Reschedule the 11:00 am Board Meetings on February 2, 2012; May 3, 2012; August 9, 2012; and November 15, 2012 as a Videoconference Meeting Between the Board's Chicago Office (Room 11-512) and the Board's Springfield Office (Room 1244N, First Floor).	5-0
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:32 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 15, 2011, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board