

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 5, 2012

11:00 a.m.

Videoconference

Chicago Office

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

AND

Springfield Office

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

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 December 15, 2011 open meeting and the December 22 and 29, 2011 closed deliberative sessions were approved by a vote of 5-0.

RULEMAKINGS

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| R11-14 | <u>UIC Update, USEPA Amendments (July 1, 2010 through December 31, 2010)</u> – The Board adopted a final opinion and order in this rulemaking proposal which amends the Board’s underground injection control regulations. | 5-0 Land |
| R12-7 | <u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2011 through June 30, 2011)</u> – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s hazardous waste regulations. | 5-0 Land |
| R12-8 | <u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources; Amendments to 35 Ill. Adm. Code Part 223</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations. | 5-0 Air |
| R12-12 | <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 adopted a final opinion and order in this rulemaking proposal which amends the Board’s air pollution control regulations. | 5-0 Air |
| R12-14 | <u>UST Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. | Land |
| R12-15 | <u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. | Water |
| R12-16 | <u>Definition of VOM Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. | Air |

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| R12-17 | <u>SDWA Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. | PWS |
| R12-18 | <u>UIC Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. | Land |
| R12-19 | <u>RCRA Subtitle D Municipal Solid Waste Landfill Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. | Land |
| R12-20 | <u>RCRA Subtitle C Hazardous Waste Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. | Land |

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

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| AC 12-8 | <u>County of Macon v. Violet Gossett</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket. | 5-0 |
| AC 12-12 | <u>County of DuPage v. Dale A Turek and Ronald J. Turek</u> – No action taken. | |
| AC 12-14 | <u>IEPA v. Harold Dean Foster</u> – The Board accepted respondent’s petition for review, but directed respondent to file an amended petition to cure deficiencies. | 5-0 |

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| AC 12-15 | <u>County of Vermilion, Illinois v. Patricia Wernigk</u> – The Board found that this Vermilion County respondent violated Sections 21(p)(1), (p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2010)), and ordered respondent to pay a civil penalty of \$4,500. | 5-0 |
| AC 12-17 | <u>IEPA v. Loves Park Auto Parts Company</u> – The Board accepted respondent’s petition for review, but directed respondent to file an amended petition to cure deficiencies. | 5-0 |
| AC 12-18 | <u>IEPA v. F.I.M., Inc.</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Adams County facility. | 5-0 |
| AC 12-19 | <u>IEPA v. Tim Crouch</u> – The Board found that this Livingston County respondent violated Sections 21(p)(1) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$3,000. | 5-0 |
| AC 12-20 | <u>IEPA v. Shelby and Sons, Inc.</u> – The Board accepted an administrative citation against this Franklin County respondent. | |
| AC 12-21 | <u>IEPA v. Katherine Blunk</u> – The Board accepted an administrative citation against this Iroquois County respondent. | |
| AC 12-22 | <u>IEPA v. Terry L. Young</u> – The Board accepted an administrative citation against this Clay County respondent. | |
| AC 12-23 | <u>IEPA v. Dale Gordon Spradlin and Barbara J. Spradlin</u> – The Board accepted an administrative citation against these Pike County respondents. | |

ADJUDICATORY CASES

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| 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 |

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| PCB 09-131 | <u>People of the State of Illinois v. Mohammad Akrabawi, d/b/a Deerfield Crossings, LLC</u> – In this water enforcement action concerning a DeKalb 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 \$5,000.00, and to cease and desist from further violations. | 5-0 W-E |
| 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> – No action taken. | 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> – In this air enforcement action concerning a Hancock 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 as to Kevin S. Cook, d/b/a KC Construction, ordering the respondent to pay a total civil penalty of \$8,000.00, and to cease and desist from further violations. | 5-0 W-E |
| PCB 11-25 | <u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken. | UST Appeal |
| PCB 11-34 | <u>Gas & Mini Mart v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal. | 5-0 UST Appeal |

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| PCB 11-51 PCB 12-61 | <u>Evergreen FS, Inc. v. IEPA</u> – The Board granted petitioner’s motion to consolidate these two underground storage tank appeals for the purposes of hearing. | 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 11-86 PCB 12-46 (cons.) | <u>Exxonmobil Oil Corporation v. IEPA</u> <u>Exxonmobil Oil Corporation v. IEPA</u> – No action taken. | A-V |
| PCB 12-1 | <u>People of the State of Illinois v. Hoopston Foods, Inc.</u> , – In this water enforcement action concerning a Vermilion 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 \$28,500.00, and to cease and desist from further violations. | 5-0 W-E |
| PCB 12-13 | <u>People of the State of Illinois v. Knight Hawk Coal, LLC</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 Jackson County facility, the Board ordered publication of the required newspaper notice. | 5-0 W-E, NPDES |
| PCB 12-21 | <u>People of the State of Illinois v. Altivity Packaging, LLC., Intra-Plant Maintenance Corporation, Ironhustler Excavating, Inc. and Ron Bright, d/b/a Quarter Construction</u> – No action taken. | L-E |
| PCB 12-35 | <u>People of the State of Illinois v. Six M. Corporation, Inc., William Maxwell and Joinder of James McIlvain as Necessary Party</u> – No action taken. | W-E |
| 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 |

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| PCB 12-57 | <u>City of Taylorville/ Taylorville Municipal Airport v. IEPA</u> – The Board accepted for hearing this amended petition for review and denied respondent’s November 13, 2011 motion to dismiss. | 5-0 UST Appeal |
| PCB 12-58 | <u>Atkinson Landfill Company v. IEPA</u> – No action taken. | 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> – Upon receipt of a proposed stipulation and settlement agreement as to the Village of Cave In Rock only, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Hardin County facility, the Board ordered publication of the required newspaper notice. | 5-0 W-E |
| PCB 12-60 | <u>People of the State of Illinois v. Wahl Clipper Corporation</u> – In this land enforcement action concerning a Whiteside 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 \$15,000.00, and to cease and desist from further violations. | 5-0 L-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 NO_x 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 |

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| 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 |

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| PCB 12-86 | <u>WRB Refining, LLC (Sampling Station Upgrade Project for Fluid Catalytic Cracking Limits and Cat Feed Hydrotreater) v. IEPA</u> – No action taken. | T-C, A |
| PCB 12-87 | <u>WRB Refining, LLC (LDAR Sampling Station Upgrade) v. IEPA</u> – No action taken. | T-C, A |
| PCB 12-88 | <u>WRB Refining, LLC (Aromatics South Flare Subpart Ja Tie=Ins Project) v. IEPA</u> – No action taken. | T-C, A |
| PCB 12-89 | <u>WRB Refining, LLC (B anc C Sulfur Pits Environmental Risk Reduction Project) v. IEPA</u> – No action taken. | T-C, A |
| PCB 12-90 | <u>WRB Refining, LLC (Continuous Emissions Monitoring System and Consent Decree Improvements for Flares) v. IEPA</u> – No action taken. | T-C, A |
| PCB 12-91 | <u>WRB Refining, LLC (Pump LDAR Phase II Peoject) v. IEPA</u> – No action taken. | T-C, A |
| PCB 12-94 | <u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken. | W-V |
| PCB 12-95 | <u>Anielle Lipe and Nykole Gillette v. IEPA (Bureau of Air, Permit Section)</u> – No action taken. | A-E |
| PCB 12-96 | <u>Conserv FS, Inc. - Woodstock v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s (Agency) recommendation, the Board found and certified that specified facilities of Conserv FS, Inc. located in McHenry 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 eight bulk liquid storage tanks 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 |

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| PCB 12-97 | <u>Logan Agri Service, Inc. - Griggsville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s (Agency) recommendation, the Board found and certified that specified facilities of Logan Agri Service, Inc. 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)). No action was taken on the Agency’s recommendation to deny certification of the 13 bulk liquid storage tanks 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 12-98 | <u>LaSalle County Farm Supply - Ottawa v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s (Agency) recommendation, the Board found and certified that specified facilities of LaSalle County Farm Supply located in LaSalle 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 eight bulk liquid storage tanks 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 |

CASES PENDING DECISION

None

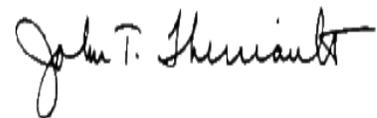
OTHER ITEMS

None

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:30 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 19, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board