

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 19, 2012

11:00 a.m.

Chicago

James R. Thompson Center
100 W. Randolph Street
Chicago, IL
Room 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 January 5, 2012 open meeting and the January 12, 2012 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

R11-22	<u>In the Matter of: Amendments Under P.A. 96-908 to Regulations of Underground Storage Tanks (UST) and Petroleum Leaking UST: 35 Ill. Adm. Code 731, 732, and 734</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s underground storage tank regulations.	5-0 Land
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ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 12-12	<u>County of DuPage v. Dale A Turek and Ronald J. Turek</u> – No action taken.	
AC 12-16	<u>IEPA v. Julie Webber</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Stark County facility.	5-0
AC 12-23	<u>IEPA v. Dale Gordon Spradlin and Barbara J. Spradlin</u> – No action taken.	
AC 12-24	<u>IEPA v. Robert A. Gerdes</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 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens
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	<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>	W-E
PCB 11-2	<u>Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC</u> – No action taken.	
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 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – The Board denied the Illinois Environmental Protection Agency’s motion for reconsideration of the November 17, 2011 order denying summary judgment.	5-0 UST Appeal
PCB 11-45	<u>People of the State of Illinois v. Columbus Foods Company, Inc.</u> , – In this air 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)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$50,000.00, and to cease and desist from further violations.	4-0 Member Burke abstained A-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 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C.</u> , – No action taken.	W-E
PCB 11-86	<u>Exxonmobil Oil Corporation v. IEPA</u>	A-V
PCB 12-46 (cons.)	<u>Exxonmobil Oil Corporation v. IEPA</u> – No action taken.	
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> – The Board denied the Roxana Community Unit School District’s motion for reconsideration of the September 8, 2011 order in this matter.	4-0 T-C, A Chairman Holbrook abstained
PCB 12-40	<u>WRB Refining, LLC, (Ultralow Sulfur Diesel) v. IEPA</u> – The Board denied the Roxana Community Unit School District’s motion for reconsideration of the September 8, 2011 order in this matter.	4-0 T-C, A Chairman Holbrook abstained
PCB 12-58	<u>Atkinson Landfill Company v. IEPA</u> – No action taken.	P-A, Air
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 denied 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 of Thompson's Pearl Valley Eggs, Inc. located in Stephenson County for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)). (The Board previously certified that the portions of the identified facilities are pollution control facilities on December 1, 2012, as recommended by the Agency. <u>Thompson's Pearl Valley Eggs, Inc. (Property ID No. 01-16-03-200-002) v. IEPA, PCB 12-63 (December 1, 2011).</u>)	5-0 T-C, W
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
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 and 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> – The Board accepted this petition for a variance from water quality standards involving a site located in Lemont, Will County. The Board also granted the Illinois Environmental Protection Agency’s motion for a 30-day extension of the 14-day period for publishing notice of the petition.	5-0 W-V
PCB 12-95	<u>Anielle Lipe and Nykole Gillette v. IEPA (Bureau of Air, Permit Section)</u> – No action taken.	A-E, Citizens
PCB 12-99	<u>People of the State of Illinois v. Alton Irrigation, Inc.,</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 Peoria County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E

PCB 12-100	<u>People of the State of Illinois v. Home Depot U.S.A., Inc., –</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 two facilities located in Madison and St. Clair Counties facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
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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> - Adopted Rule, Final Opinion & Order	Water
R12-7	<u>SDWA Update, USEPA Amendments (January 1, 2011 through June 30, 2011)</u> - Proposed Rule, Proposal for Public Comment; Opinion & Order	Water
R12-9	<u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> - Proposed Rule, First Notice, Opinion & Order	Land
R12-11	<u>In the Matter of: Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I</u> - Proposed Rule, Second Notice, Opinion & Order	Proc
R12-21	<u>In the Matter of: Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act: New 35 Ill. Adm. Code 106, Subpart J</u> - Proposed Rule, First Notice, Opinion & Order	Proc

R12-22	<u>In the Matter of: Updates to the Definition of "Pollution Control Facility" at Section 101.202 of the Board's Procedural Rules to Reflect Recent Public Acts</u> - Proposed Rule, First Notice, Opinion & Order	Proc
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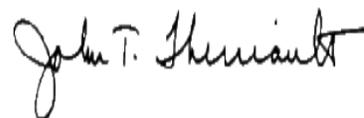
OTHER ITEMS

	The Board granted the Chairman's Motion under Section 2-06(c) of the Open Meeting Act (5 ILCS 120/2.06(c)) to continue to preserve only written minutes of closed Board deliberative sessions occurring January 1, 2010, through June 30, 2010, and to approve destruction of verbatim tape recordings of meetings held: January 7 and 21, February 4 and 18, March 4 and 18, April 1 and 15, May 6 and 20, and June 3 and 17, 2010.	5-0
	The Board granted the Chairman's Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential minutes of Board closed deliberative sessions occurring between June 30, 2011 through December 31, 2011.	5-0

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:25 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 2, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board