

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



February 16, 2012

11:00 a.m.

Chicago

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 February 2, 2012 open meeting and the February 9, 2012 closed deliberative session were approved by a vote of 5-0.

RULEMAKINGS

NONE

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 10-21	<u>IEPA v. David Charles Bettis</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p) (1) and (p) (3) of the Illinois Environmental Protection Act (415 ILCS 5/21(p) (1), (p) (3) (2010)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by March 5, 2012, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.	5-0
AC 11-13	<u>IEPA v. Ray Newingham</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p) (1) and (p) (7) of the Illinois Environmental Protection Act (415 ILCS 5/21(p) (1), (p) (7) (2010)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by March 5, 2012, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.	5-0
AC 12-14	<u>IEPA v. Harold Dean Foster</u> – The Board found that this Livingston County respondent violated Sections 21(p)(1), (p)(3), and (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 granted complainant’s motion to voluntarily dismiss the administrative citation.	5-0
AC 12-27	<u>IEPA v. Republic Services of Indiana, L.P.</u> – The Board accepted an administrative citation against this Lawrence County respondent.	
AC 12-28	<u>IEPA v. Southern Indiana Tire, Inc.</u> – The Board accepted an administrative citation against this Crawford County respondent.	

AC 12-29	<u>IEPA v. H&M Salvage & Discount Co. and Carl Hagler</u> – The Board accepted an administrative citation against these Perry County respondents.	
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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 10-61 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 10-100	<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 11-57	<u>Bunge-SCF Grain, L.L.C. [f/k/a SCF Development], LLC v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Air
PCB 11-58	<u>People of the State of Illinois v. Zachary Isaac d/b/a Nu Shine Car Wash and Samuel Johnson</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 McHenry 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> – The Board denied respondents’ motion to strike and dismiss the petition for review.	5-0 L-SA, 3d P

PCB 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C.</u> , – The Board denied respondent’s motion to dismiss.	5-0 W-E
PCB 11-81	<u>Geneseo Municipal Utilities v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Air
PCB 11-86 PCB 12-46 (cons.)	<u>Exxonmobil Oil Corporation v. IEPA</u> <u>Exxonmobil Oil Corporation v. IEPA</u> – The Board granted petitioner’s motion for clarification and modified pages 20 and 29 of the opinion <i>nunc pro tunc</i> , as indicated in the corrected opinion and order dated December 1, 2011 accompanying the February 16, 2012.	4-0 Holbrook abstained A-V
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> – The Board granted petitioner’s complainant’s motion to strike certain affirmative defenses asserted by Altivity Packaging, LLC in its Answer and Affirmative defenses. The Board reserved ruling on all other pending motions.	5-0 L-E
PCB 12-27	<u>People of the State of Illinois v. Industrial Enclosure Corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Kane County facility, the Board ordered publication of the required newspaper notice.	5-0 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> – The Board struck respondents’ affirmative defense, in response to objections of complainant and joined necessary party.	5-0 W-E
PCB 12-58	<u>Atkinson Landfill Company v. IEPA</u> – The Board granted the joint motion to dismiss this permit appeal with prejudice. The Board therefore found that the motion “to withdraw the contested paragraph at issue in this permit appeal” is moot.	5-0 P-A, Air

PCB 12-59	<u>People of the State of Illinois v. Village of Cave In Rock</u> – In this water enforcement action concerning a Hardin 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 \$1,950.00, and to cease and desist from further violations.	5-0 W-E
PCB 12-95	<u>Anielle Lipe and Nykole Gillette v. IEPA (Bureau of Air, Permit Section)</u> – No action taken.	A-E, Citizens
PCB 12-101	<u>ConocoPhillips Company v. IEPA</u> – No action taken.	P-A, NPDES

CASES PENDING DECISION

R12-22	<u>In the Matter of: Setback Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618</u> - Proposed Rule, First Notice, Opinion & Order	PWS
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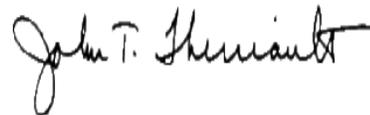
OTHER ITEMS

NONE

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:17 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 1, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board