

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



March 15, 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 March 1, 2012 open meeting were approved by a vote of 5-0. The March 8, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0; Member Johnson abstained.

RULEMAKINGS

<p>R 11-18</p>	<p><u>In the Matter of: Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 301.106, 302.Subparts B, C, E, F and 303.312</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s water regulations.</p>	<p>5-0 Water</p>
<p>R 11-22</p>	<p><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 final opinion and order in this rulemaking proposal to amend the Board’s underground storage tank regulations.</p>	<p>5-0 Land</p>
<p>R 12-8</p>	<p><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 second notice opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations.</p>	<p>5-0 Air</p>
<p>R 12-13</p>	<p><u>In the Matter of: Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s solid waste and special waste hauling regulations.</p>	<p>5-0 Land</p>
<p>R 12-23</p>	<p><u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s (Agency) March 1, 2012 proposal filed to amend the Board’s agriculture related water pollution regulations. The Board granted the Agency’s motion for waiver of copy requirements and waived the requirement to file nine copies of the materials.</p>	<p>5-0 Water</p>

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

<p>AC 11-24</p>	<p><u>IEPA v. Dennis Heck and Deanna Harris</u> – The Board granted complainant’s motion to voluntarily dismiss the administrative citation against Deanna Harris. The Board found that Dennis Heck violated Sections 21(p)(1), (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2010)), and ordered respondent to pay a civil penalty of \$3,000. (The Board previously found that Dennis Heck defaulted because he failed to submit an amended petition for review with the Board as directed in the June 16, 2011 order. <u>IEPA v. Dennis Heck and Raymond A. & Deanna Harris</u>, PCB 11-24, slip op. at 2 (August 4, 2011).)</p>	<p>5-0</p>
<p>AC 12-23</p>	<p><u>IEPA v. Barbara J. Spradlin</u> – The Board found that Barbara Spradlin defaulted for failure to submit an amended petition for review with the Board as directed in the February 2, 2012 order. The Board found that Barbara Spradlin violated Sections 21(p)(1), (p)(3), (p)(4), (p)(7), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4), (p)(7), and 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$7,500.</p>	<p>5-0</p>
<p>AC 12-25</p>	<p><u>IEPA v. Johnson Truck Sales, Inc.</u>– The Board found that this White County respondent violated 21(p)(1), 21(p)(4), 21(p)(7), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(4), 21(p)(7), 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$6,000.</p>	<p>5-0</p>
<p>AC 12-26</p>	<p><u>IEPA v. Gary Bloodworth</u> – The Board found that this Williamson County respondent violated Sections 55(k)(1), 55(k)(2), and 55(k)(3) of the Environmental Protection Act (415 ILCS 5/55(k)(1), 55(k)(2), 55(k)(3) (2010)), and ordered respondent to pay a civil penalty of \$4,500.</p>	<p>5-0</p>
<p>AC 12-27</p>	<p><u>IEPA v. Republic Services of Indiana, L.P.</u> – The Board found that this Lawrence County respondent violated Sections 21(o)(5), 21(o)(10), 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5), 21(o)(10), 21(o)(12) (2010)), and ordered respondent to pay a civil penalty of \$1,500.</p>	<p>5-0</p>
<p>AC 12-28</p>	<p><u>IEPA v. Southern Indiana Tire, Inc.</u> – The Board found that this Crawford County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.</p>	<p>5-0</p>

AC 12-30	<u>IEPA v. JR's., Mobile Homes, Inc., CMH Homes, Inc., and David R. Moser</u> – The Board granted complainant's motion to voluntarily dismiss the administrative citation.	5-0
AC 12-31	<u>IEPA v. Carlos Enterprises Auto Repair and Elias Carlos</u> – The Board accepted an administrative citation against these Winnebago County respondents.	

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 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> – The Board denied Horve Contractors, Inc. (Horve's) motion to dismiss the alleged violations of Sections 12(a), 12(b) and 12(d) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(b), 12(d) (2010)). The Board granted Horve's motion to dismiss the alleged violation of Section 12(f) of the Act without prejudice (415 ILCS 5/12(f) (2010)). Gary D. Hill and Prairie Living West (collectively, Prairie) may file an amended third-party complaint addressing the Section 12(f) allegation by April 16, 2012. The Board accepted the Prairie third-party complaint for hearing.	5-0 L-E, Citizens
PCB 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
PCB 11-58	<u>People of the State of Illinois v. Zachary Isaac d/b/a Nu Shine Car Wash and Samuel Johnson</u> – No action taken.	W-E

PCB 11-85	<u>Holland Energy, LLC v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this National Pollutant Discharge Elimination System permit appeal.	5-0 P-A, Water
PCB 12-13	<u>People of the State of Illinois v. Knight Hawk Coal, LLC</u> – In this water enforcement action concerning a Jackson 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 \$14,750.00, and to cease and desist from further violations.	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 12-53	<u>A & H Implement Company v. IEPA</u> – No action taken.	UST Appeal
PCB 12-64	<u>People of the State of Illinois v. Cordray Brothers, Inc.,</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 Ogle County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 12-85	<u>People of the State of Illinois v. Charles Cowell</u> – In this air enforcement action concerning a Randolph 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 \$30,000.00, and to cease and desist from further violations.	5-0 A-E
PCB 12-96	<u>Conserv FS, Inc. - Woodstock v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board denied certification of the eight bulk liquid storage tanks as pollution control facilities of Conserv FS, Inc. located in McHenry County for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)). (The Board previously certified that portions of the identified facilities are pollution control facilities on January 5, 2012, as recommended by the Agency. <u>Conserv FS, Inc. - Woodstock (Property ID No. 13-09-306-003) v. IEPA, PCB 12-96 (Jan. 5, 2012.)</u>)	5-0 T-C, W

PCB 12-97	<u>Logan Agri Service, Inc. - Griggsville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board denied certification of the 13 bulk liquid storage tanks as pollution control facilities of Logan Agri Service, Inc. located in Pike County for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)). (The Board previously certified that portions of the identified facilities are pollution control facilities on January 5, 2012, as recommended by the Agency. <u>Logan Agri Service, Inc. - Griggsville (Property ID No. 43-033-07) v. IEPA</u> , PCB 12-97 (Jan. 5, 2012).)	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 recommendation, the Board denied certification of the eight bulk liquid storage tanks as pollution control facilities of LaSalle County Farm Supply located in LaSalle County for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)). (The Board previously certified that portions of the identified facilities are pollution control facilities on January 5, 2012, as recommended by the Agency. <u>LaSalle County Farm Supply - Ottawa (Property ID No. 22-25-333-000) v. IEPA</u> , PCB 12-98 (Jan. 5, 2012).)	5-0 T-C, W
PCB 12-100	<u>People of the State of Illinois v. Home Depot U.S.A., Inc.</u> , – In this water enforcement action concerning two separate facilities located in St. Clair and Madison Counties, 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 \$12,000.00, and to cease and desist from further violations.	4-0 W-E Holbrook abstained
PCB 12-101	<u>ConocoPhillips Company v. IEPA</u> – No action taken.	P-A, NPDES
PCB 12-104	<u>People of the State of Illinois v. Walk Stock Farm, Inc.</u> , – In this water enforcement action concerning a Cumberland 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 12-106	<u>WRB Refining LLC (Wastewater Treatment Upgrade Project) v. IEPA</u> – No action taken.	T-C, A

PCB 12-107	<u>WRB Refining LLC (New Units Condensate Recovery Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-108	<u>WRB Refining LLC (New Units Water Recycle Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-109	<u>WRB Refining LLC (WWTP CPI Header Upgrade Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-110	<u>WRB Refining LLC (New Sour Water Stripper Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-111	<u>WRB Refining LLC (Wood Stove Sewer Repair Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-113	<u>WRB Refining, LLC (WWTP CPI Header Bypass Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-114	<u>WRB Refining, LLC (SPCC Oil Spill Containment Upgrades and SPCC Dike Restoration) v. IEPA</u> – No action taken.	T-C, A
PCB 12-115	<u>WRB Refining, LLC (Waste Water Flow Meter for NPDES Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-116	<u>WRB Refining, LLC (Hartford Load Docks Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-117	<u>WRB Refining, LLC (Hartford Integration Water Pollution Prevention Projects) v. IEPA</u> – No action taken.	T-C, A
PCB 12-119	<u>People of the State of Illinois v. Evergreen FS, 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 a facility located in Tazewell County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

CASES PENDING DECISION

<p>R11-9</p>	<p><u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742</u> - Proposed Rule, First Notice, Opinion & Order</p>	<p>Land</p>
<p>PCB 97-193/ PCB 04-207 (cons.)</p>	<p><u>People of the State of Illinois v. Community Landfill Company, Inc.</u> <u>People of the State of Illinois v. Edward Prum and Robert Prum</u> - Opinion & Order Apportioning Penalties (following appellate remand)</p>	<p>Land</p>
<p>PCB 12-95</p>	<p><u>Anielle Lipe and Nykole Gillette v. IEPA (Bureau of Air, Permit Section)</u></p> <ul style="list-style-type: none"> • Formal Complaint (12/22) • Formal Cover Sheet for Formal Complaint (12/23) • Agency's Motion to Dismiss (1/26) • Complainants' Response to Motion to Dismiss Complaint (2/15) • Agency's Motion for Leave to File a Reply Instanter to Complainants' Response (2/22) • Complainants' Motion to File a Reply to the IEPA's Replied Motion to Dismiss (3/12) <ul style="list-style-type: none"> - Duplicative/Frivolous Determination 	<p>A-E, Citizens</p>

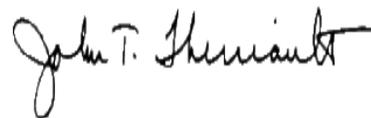
OTHER ITEMS

None

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 April 5, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board