

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



April 5, 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 15, 2012 open meeting were approved by a vote of 5-0. The minutes of the March 15, 2012 closed meeting under 5 ILCS 2(c)(1) & (2) were approved by a vote of 5-0. The minutes of the March 22, and 29, 2012 closed deliberative sessions under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

RULEMAKINGS

R 12-24	<u>In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219</u> – No action taken.	5-0 Air
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ADJUSTED STANDARDS

AS 11-1	<u>In the Matter of: Petition of Greif Packaging, LLC for an Adjusted Standard from 35 Ill. Adm. Code Part 218. Subpart TT</u> – The Board granted an adjusted standard, subject to conditions, for petitioners fiber drum manufacturing facility located at 5 S 220 Frontenac Road in Naperville, DuPage County.	5-0 Air
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ADMINISTRATIVE CITATIONS

AC 10-21	<u>IEPA v. David Charles Bettis</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$386.50 and a civil penalty of \$3,000. This order follows the Board's interim order of February 16, 2012, which found that this respondent had violated Sections 21(p) (1) and (3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (3) (2010)).	5-0
AC 11-13	<u>IEPA v. Ray Newingham</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$315.00 and a civil penalty of \$3,000. This order follows the Board's interim order of February 16, 2012, which found that this respondent had violated Sections 21(p) (1) and (7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (7) (2010)).	5-0
AC 12-32	<u>IEPA v. Best One Tire & Service of Fairfield, Inc. and Rogers & Associates</u> – The Board accepted an administrative citation against these Wayne County respondents.	
AC 12-33	<u>IEPA v. Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling</u> – The Board accepted an administrative citation against these Jefferson County respondents.	
AC 12-34	<u>IEPA v. David N. Lutz</u> – The Board accepted an administrative citation against this Shelby County respondent.	

AC 12-35	<u>IEPA v. Brian S. Mullins</u> – The Board granted complainant’s motion to voluntarily dismiss the administrative citation.	5-0
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ADJUDICATORY CASES

PCB 97-193 PCB 04-207 (cons.)	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> <u>People of the State of Illinois v. Edward Pruum and Robert Pruum</u> – On remand from the Third District Appellate Court, the Board ordered Community Landfill Corporation (CLC), individually, to pay a civil penalty of twenty five thousand dollars (\$25,000). The Board ordered CLC and Edward Pruum and Robert Pruum to pay a civil penalty of \$225,000. The Board previously found in its October 3, 2002, April 5, 2001 and August 20, 2009 orders that respondents had violated numerous sections of the Environmental Protection Act and the Board’s regulations. <i>See</i> <u>People v. Community Landfill Company, Inc.</u> , PCB 97-193 (Apr. 5, 2001)), <u>People v. Community Landfill Company, Inc.</u> , PCB 97-193 (Oct. 3, 2002)), and <u>People v. Community Landfill Co., Inc. and the Pruims</u> , PCB 97-193, 04-207 (consol.) (Aug. 20, 2009).	5-0 L-E
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 06-81	<u>People of the State of Illinois v. Briggs Industries, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a Crawford County facility, the Board ordered publication of the required newspaper notice.	5-0 L, W-E
PCB 06-141	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage County (Division of Transportation)</u> – No action taken.	W-E, Citizens
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens

PCB 09-66	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc. and Texaco, Inc.</u> – The Board granted complainant’s motion to voluntarily dismiss this land enforcement action involving a DuPage County facility.	5-0 L-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 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> – In this water enforcement action concerning a McHenry 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 Samuel Johnson only, ordering the respondent to pay a total civil penalty of \$4,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 11-74	<u>People of the State of Illinois v. Adolf M. Lo and Renee C. Lo d/b/a Lo Farms</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air and water enforcement action involving a Champaign County facility, the Board ordered publication of the required newspaper notice.	5-0 A,W-E
PCB 11-105	<u>Peopl of the State of Illinois v. Kolb-Lena Bresse Bleu, Inc., Kolb-Lena, Inc. and Zausner Foods Corp.,</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Stephenson County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
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 12-27	<u>People of the State of Illinois v. Industrial Enclosure Corporation</u> – In this land enforcement action concerning a Kane 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 \$7,500.00, and to cease and desist from further violations.	5-0 L-E
PCB 12-35	<u>People of the State of Illinois v. Six M. Corporation, Inc., William Maxwell, and Marilyn Maxwell, and Joinder of James McIlvain as Necessary Party</u> – No action taken.	W-E
PCB 12-53	<u>A & H Implement Company v. IEPA</u> – No action taken.	UST Appeal
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> – The Board granted petitioner’s motion for stay of contested conditions	3-0 P-A, NPDES Burke abstained Holbrook abstained
PCB 12-120	<u>People of the State of Illinois v. S. H. Bell Co., 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 air enforcement action involving a facility located in Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E

CASES PENDING DECISION

R11-9	<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	Land
R12-4	<u>SDWA Update, USEPA Amendments (January 1, 2011 through June 30, 2011)</u> - Adopted Rule, Final Opinion & Order	Water

R12-7	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2011 through June 30, 2011)</u> - Adopted Rule, Final Opinion & Order	Land
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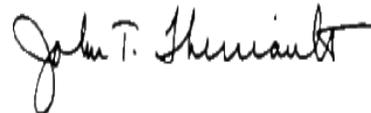
OTHER ITEMS

	The Board granted the Chairman’s Motion to Hold a Closed Meeting on Tuesday, May 8, 2012, at 1:00 pm as Authorized by the Exceptions to the Open Meetings Act in Section 120/2 (c)(1) and (c)(2) (5 ILCS 120/2 (c)(1) and (c)(2) Concerning Personnel Matters and Collective Negotiating Matters. The meeting will be held in the Board Meeting Room at the Board's Springfield Office, 1021 N. Grand Avenue East, Springfield, IL.	5-0
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:20 a.m.

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



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board