

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



April 19, 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 April 5, 2012 open meeting and the April 12, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

RULEMAKINGS

R 11-9	<u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s land pollution control regulations.	4-0 Air Burke abstained
R 12-4	<u>SDWA Update, USEPA Amendments (January 1, 2011 through June 30, 2011)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking which amends the Board’s drinking water regulations.	5-0 Water
R 12-7	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2011 through June 30, 2011)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking which amends the Board’s hazardous waste regulations.	5-0 Land
R 12-21	<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> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Procedural
R 12-22	<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> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Procedural
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> – The Board accepted for hearing the Illinois Environmental Protection Agency’s (Agency) April 2, 2012 proposal to amend the Board’s air pollution control regulations. The Board granted the Agency’s motion for relief from certain copying requirements. The Board adopted a first notice opinion and order in this rulemaking proposal, without comment on the merits.	5-0 Air

ADJUSTED STANDARDS

AS 12-3	<u>Petition of Midway RACs, LLC for Adjusted Standard from 35 Ill. Adm. Code 218.586</u> – No action taken.	Air
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ADMINISTRATIVE CITATIONS

AC 10-30	<u>County of Jackson v. Frances Klink</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2010)) and assessing a penalty of \$4,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by May 21, 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 12-31	<u>IEPA v. Carlos Enterprises Auto Repair and Elias Carlos</u> – No action taken.	
AC 12-36	<u>IEPA v. Mark H. & Linda A. Hagen</u> – The Board accepted an administrative citation against these Jersey County respondents.	
AC 12-37	<u>IEPA v. William Bryant</u> – The Board accepted an administrative citation against this Champaign County respondent.	
AC 12-38	<u>IEPA v. Funk Builders, Inc.</u> – The Board accepted an administrative citation against this Woodford County respondent.	
AC 12-39	<u>IEPA v. CMH Homes, Inc. and David R. Moser</u> – The Board accepted an administrative citation against these Jefferson County respondents.	
AC 12-40	<u>IEPA v. Michael Brooks</u> – The Board accepted an administrative citation against this Ford County respondent.	
AC 12-41	<u>IEPA v. Louis K. Niemeyer</u> – The Board accepted an administrative citation against this Coles County respondent.	
AC 12-42	<u>IEPA v. John K. Croslow (IEPA File No. 80-12-AC)</u> – The Board accepted an administrative citation against this Lawrence County respondent.	
AC 12-43	<u>IEPA v. John K. Croslow (IEPA File No. 81-12-AC)</u> – The Board accepted an administrative citation against this Lawrence County respondent.	

AC 12-44	<u>IEPA v. William C. Hagerman</u> – The Board accepted an administrative citation against this Logan County respondent.	
AC 12-45	<u>IEPA v. Grayboy Cycle Center, Inc.</u> – The Board accepted an administrative citation against this Peoria County respondent.	
AC 12-46	<u>IEPA v. Hughes Tire & Battery Company (IEPA File No. 91-12-AC)</u> – The Board accepted an administrative citation against this Rock Island County respondent.	
AC 12-47	<u>IEPA v. Hughes Tire & Battery Company (IEPA File No. 92-12-AC)</u> – The Board accepted an administrative citation against this Rock Island 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 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 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> – The Board denied the Agency’s motions requesting a “finding or ripeness of a ruling for interlocutory appeal” and requesting a ruling on the Agency’s motion for summary judgment.	5-0 UST Appeal

PCB 11-76	<u>Warsaw Itco v. IEPA</u> – No action taken.	UST Appeal
PCB 12-20	<u>Clean Construction & Recycling, LLC and G & E Eight Series, LLC v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Land
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 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 12-112	<u>People of the State of Illinois v. Berteau-Lowell Plating Works, Inc</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 Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 12-119	<u>People of the State of Illinois v. Evergreen FS, Inc.,</u> – – In this land enforcement action concerning a Tazewell 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 \$11,000.00, and to cease and desist from further violations. Respondent also agreed to pay an additional \$1,206.33 for the value of the fish killed and expenses incurred by the Illinois Department of Natural Resources in investigating the fish kill.	5-0 L-E
PCB 12-121	<u>Midwest Generation, LLC - Waukegan Generating Station v. IEPA</u> – No action taken.	A-V

CASES PENDING DECISION

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> - Adopted Rule, Final Opinion & Order	Air
AS 12-1	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> - Final Opinion & Order	Land

OTHER ITEMS

	The Board granted the Chairman's Motion to add location to the August 23, 2012 Open Meeting of the Board currently scheduled for 11:00 am in Room 9-040 at the James R. Thompson Center, 100 W. Randolph, Chicago. The Meeting will be held instead at the Board's Videoconference Facilities in Chicago (Room 11-512, James R. Thompson Center) and Illinois Pollution Control Board Conference Room 1244, 1021 N. Grand Avenue East, Springfield.	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 .

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board