

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**May 3, 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**

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Chairman Holbrook welcomed members of the public and staff.

### **ROLL CALL**

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The Assistant Clerk of the Board called the roll. Five Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the April 19, 2012 open meeting and the April 26, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

## RULEMAKINGS

<b>R 12-8</b>	<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 final opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations.	5-0 Air
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## ADJUSTED STANDARDS

<b>AS 12-1</b>	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> – The Board granted Cabot Corporation an adjusted standard from the requirements of 35 Ill. Adm. Code 738.110(a) and 738.116(c)(1) and (c)(2) for the underground injection control Wells # 2 and #3 at its Tuscola facility.	5-0 Land
<b>AS 12-3</b>	<u>Petition of Midway RACs, LLC for Adjusted Standard from 35 Ill. Adm. Code 218.586</u> – No action taken.	Air

## ADMINISTRATIVE CITATIONS

<b>AC 12-31</b>	<u>IEPA v. Carlos Enterprises Auto Repair and Elias Carlos</u> – The Board found that these Winnebago County respondents violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$1,500.	5-0
<b>AC 12-32</b>	<u>IEPA v. Best One Tire &amp; Service of Fairfield, Inc. and Rogers &amp; Associates</u> – The Board found that these Wayne County respondents violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$1,500.	5-0
<b>AC 12-48</b>	<u>IEPA v. Ruth White</u> – The Board accepted an administrative citation against this Stephenson County respondent.	
<b>AC 12-49</b>	<u>County of Sangamon v. Michael Hoyle</u> – The Board accepted an administrative citation against this Sangamon County respondent.	

## ADJUDICATORY CASES

<b>PCB 97-193</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u>	5-0 L-E
<b>PCB 04-207 (cons.)</b>	<u>People of the State of Illinois v. Edward Pruim and Robert Pruim</u> – The Board granted respondents’ motion to modify the Board’s April 5, 2012 order. The Board directed Community Landfill, Inc. (CLC), individually, to pay a civil penalty of twenty five thousand dollars (\$25,000) and CLC and the Edward and Robert Pruim, jointly and severally, to pay a civil penalty of two hundred and twenty five thousand dollars (\$225,000) no later than June 7, 2012, unless the payment is stayed by either the Board or the Appellate Court.	
<b>PCB 99-134</b>	<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
<b>PCB 04-16</b>	<u>People of the State of Illinois v. Packaging Personified, Inc.,</u> – No action taken.	A-E
<b>PCB 06-141</b>	<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
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens
<b>PCB 10-61  PCB 11-2</b>	<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
<b>PCB 10-110 PCB 11-43</b>	<u>KCBX Terminals Company v. IEPA</u> <u>KCBX Terminals Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated permit appeals.	5-0 P-A, Air
<b>PCB 11-76</b>	<u>Warsaw Itco v. IEPA</u> – No action taken.	UST Appeal

<b>PCB 11-79</b>	<u>People of the State of Illinois v. Inverse Investment L.L.C., an Illinois limited liability company</u> – No action taken.	W-E
<b>PCB 12-21</b>	<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
<b>PCB 12-35</b>	<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
<b>PCB 12-53</b>	<u>A &amp; H Implement Company v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 12-95</b>	<u>Anielle Lipe and Nykole Gillette v. IEPA (Bureau of Air, Permit Section)</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss this citizens enforcement action concerning an air permit issued to a Cook County concrete and asphalt crushing facility.	5-0 A-E, Citizens
<b>PCB 12-101</b>	<u>ConocoPhillips Company v. IEPA</u> – No action taken.	P-A, Water, NPDES
<b>PCB 12-121</b>	<u>Midwest Generation, LLC - Waukegan Generating Station v. IEPA</u> – The Board accepted for hearing a request for variance involving a Lake County facility.	4-0 Holbrook abstained A-V
<b>PCB 12-122</b>	<u>People of the State of Illinois v. Douglas Schroeder</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 and water enforcement action involving a facility located in McLean County facility, the Board ordered publication of the required newspaper notice.	5-0 L,W-E

<b>PCB 12-123</b>	<u>People of the State of Illinois v. Roxana Landfill, Inc., Midwest Sanitary Service, Inc., WRB Refining LP, and ConocoPhillips Company</u> – Upon receipt of a complaint accompanied by a two separate proposed stipulation and settlement agreement as to Midwest Sanitary Service, Inc., WRB Refining, LP , and ConocoPhillips Company, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a facility located in Madison County facility, the Board ordered publication of the required newspaper notice. The Board also accepted this enforcement action as to Roxana Landfill, Inc. only.	4-0 Holbrook abstained L-E
<b>PCB 12-124</b>	<u>Broadus Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this LaSalle County facility.	5-0 UST Appeal, 90- Day Ext.

**CASES PENDING DECISION**

<b>R11-25</b>	<u>In the Matter of: Setback Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618</u> - Proposed Rule, Second Notice, Opinion & Order	PWS
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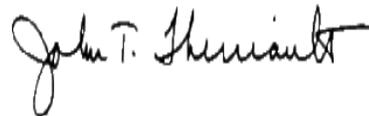
**OTHER ITEMS**

NONE

**ADJOURNMENT**

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:15 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 17, 2012, by a vote of 5-0



John T.  
Therriault, Assistant Clerk  
Illinois Pollution Control Board