

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 21, 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 June 7, 2012 open meeting were approved by a vote of 5-0. The minutes of the June 6, 2012 closed meeting regarding personnel under 5 ILCS 120/2(c)(1) and the June 14, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

RULEMAKINGS

R11-25	<u>In the Matter of: Setback Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618</u> – The Board adopted a final opinion and order in this rulemaking proposal which amends the Board’s public water supplies regulations.	5-0 PWS
R 12-11	<u>In the Matter of: Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I</u> – The Board adopted a third first notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Procedural

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 10-30	<u>County of Jackson v. Frances Klink</u> – The Board issued an order extending the filing deadlines for statements of costs, responses to them, and any reply. The Board ordered the County of Jackson to file by July 23, 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. The Board directed the Clerk to attach a copy of the April 19, 2012 interim opinion and order when serving this order on the parties.	5-0
AC 12-51	<u>IEPA v. Northern Illinois Service Company</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Winnebago County facility.	5-0
AC 12-53	<u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd & Tabitha Booten d/b/a C & T Recycling</u> – No action taken.	
AC 12-56	<u>IEPA v. Donald E. Gulley</u> – The Board accepted an administrative citation against this Jefferson County respondent.	
AC 12-57	<u>IEPA v. Gere Properties, Inc., Perry Ridge Landfill, Inc. and Mike Whitlock</u> – The Board accepted an administrative citation against these Perry County respondents.	
AC 12-58	<u>IEPA v. Leota Humm and Bishop's Truck Service, Inc.</u> – The Board accepted an administrative citation against these Saline County respondents.	

ADJUDICATORY CASES

PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u>	5-0 L-E
PCB 04-207 (cons.)	<u>People of the State of Illinois v. Edward Pruim and Robert Pruim</u> – The Board denied respondents’ motion to reconsider its April 5, 2012 opinion and order.	
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 09-67	<u>Prime Location Properties, LLC v. IEPA</u> – No action taken.	UST Appeal
PCB 11-51 PCB 12-61	<u>Evergreen FS, Inc. v. IEPA</u> <u>Evergreen FS, Inc. v. IEPA</u> – The Board reversed the Illinois Environmental Protection Agency’s denial of petitioner’s two requests for payment for corrective action at an underground storage tank site located in Livingston County.	5-0 UST Appeal
PCB 11-76	<u>Warsaw Itco v. IEPA</u> – No action taken.	UST Appeal
PCB 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C., an Illinois limited liability company</u> – The Board denied complainant’s motion to strike the affirmative defense.	5-0 W-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 12-130	<u>The Premcor Refining Group, Inc. v. IEPA</u> – The Board directed the parties to provide evidence and argument, supported by legal citation, on the issue of the source of any Board jurisdiction of this matter. Petitioner is directed to make its filing on or before July 6, 2012, and the Agency shall file a response no later than July 23, 2012.	5-0 P-A, Land
PCB 12-131	<u>Larry D. Welch v. DeKalb Sanitary District</u> – No action taken.	L-E, Citizens
PCB 12-132	<u>People of the State of Illinois v. Kehrer Brothers Construction, Inc.</u> – The Board accepted for hearing this land enforcement action concerning a Clinton County facility.	5-0 L-E

PCB 12-133	<u>People of the State of Illinois v. Northwest Illini Feedlots Corporation</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 water enforcement action involving a facility located in Carroll County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 12-134	<u>Brimfield Auto & Truck 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 Peoria County facility.	5-0 UST Appeal 90-Day Extension
PCB 12-135	<u>Dynegy Midwest Generation, LLC v. IEPA</u> – The Board accepted, without determining the petition’s sufficiency or merits, a request for variance involving five facilities located in the following counties Randolph, Mason, Putnam, Madison, and Vermilion.	4-0 Holbrook abstained A-V

CASES PENDING DECISION

PCB 09-102	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – Final Opinion & Order	N-E, Citizens
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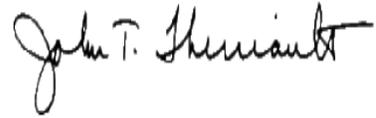
OTHER ITEMS

	The Board granted the Chairman’s Motion to Hold a Closed Meeting on Wednesday, July 11, 2012, at 2:00 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. The meeting will be held in the Board’s Videoconference Facilities in Chicago (Room 11-512, James R. Thompson Center) and the 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 11:27 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 12, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board