

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**July 12, 2012**

**11:00 a.m.**

**Chicago**

**100 W. Randolph Street  
Chicago, IL**

**Room 9-040**

### **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 June 21, 2012 open meeting were approved by a vote of 5-0. The minutes of the June 28 and July 5, 2012 closed deliberative sessions under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0. The minutes of the July 11, 2012 closed meeting regarding personnel under 5 ILCS 120/2(c)(1) were approved by a vote of 5-0.

## RULEMAKINGS

<b>R12-13</b>	<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 final opinion and order in this rulemaking proposal which amends the Board’s solid waste and special waste hauling regulations.	5-0 Land
<b>R 13-1</b>	<u>Definition of VOM Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air
<b>R 13-2</b>	<u>SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	PWS
<b>R 13-3</b>	<u>UIC Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 13-4</b>	<u>RCRA Subtitle D Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 13-5</b>	<u>RCRA Subtitle C Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 13-6</b>	<u>UST Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land

<b>R 13-7</b>	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Water
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### ADJUSTED STANDARDS

<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
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### ADMINISTRATIVE CITATIONS

<b>AC 12-53</b>	<u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd &amp; Tabitha Booten d/b/a C &amp; T Recycling</u> – The Board accepted for hearing respondents’ petitions for review of this administrative citation involving a Williamson County facility.	5-0
<b>AC 12-54</b>	<u>IEPA v. Purcell Tire &amp; Rubber Company</u> – The Board found that this Jefferson 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.	5-0
<b>AC 12-55</b>	<u>County of Jackson v. S. I. Waste Systems, LLC d/b/a Midwest Waste</u> – The Board found that this Jackson County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
<b>AC 12-59</b>	<u>County of Macon v. Dale Pugley and Tracy Kater</u> – The Board accepted an administrative citation against these Macon County respondents.	
<b>AC 12-60</b>	<u>IEPA v. Howard G. Clifton, Trustee, and Clifton Salvage, Inc.</u> – The Board accepted an administrative citation against these Jefferson County respondents.	
<b>AC 12-61</b>	<u>IEPA v. Joes W. McDermott, Joe W. McDermott d/b/a McDermott Sales &amp; Service and Joseph R. McDermott d/b/a McDermott Towing &amp; Recovery</u> – The Board accepted an administrative citation against these Jefferson County respondents.	
<b>AC 13-1</b>	<u>IEPA v. Anthony Koch</u> – The Board accepted an administrative citation against this Clinton County respondent.	

## ADJUDICATORY CASES

<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 07-95</b>	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – No action taken.	L-E
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens
<b>PCB 09-67</b>	<u>Prime Location Properties, LLC v. IEPA</u> – The Board directed the parties to brief the issue of whether specified Illinois Supreme Court Rules revested the Board with jurisdiction to entertain petitioner’s motion for supplemental legal fees and costs.	5-0 UST Appeal
<b>PCB 09-102</b>	<u>Peter Arendovich v. The Illinois State Toll Highway Authority</u> – The Board found that there is a noise interference from the Interstate Route 355 extension on petitioner’s property, but that the interference is not unreasonable under 35 Ill. Adm. Code 900.102. The Board dismissed this case and closed the docket.	5-0 N-E, Citizens
<b>PCB 10-9</b>	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, A. E. Staley Manufacturing Co., Aramark Uniform Services, Inc., Bell Sports, Inc., Borden Chemical Co., Bridgestone/Firestone, Inc., Climate Control, Inc., Caterpillar, Inc., Combe Laboratories, Inc., General Electric Railcar Services Corporation, P &amp; H Manufacturing, Inc.</u> – Upon receipt of an agreed motion to request relief from the hearing requirement and a proposed stipulation and settlement agreement as to Bridgestone Americas Tire Operations, LLC, formerly known as Bridgestone/Firestone, Inc., Momentive Specialty Chemicals Inc., formerly known as Borden, Inc.; and A.E. Staley Manufacturing Co., now known as Tate & Lyle Ingredients Americas LLC, the Board ordered publication of the required newspaper notice.	L-E 5-0
<b>PCB 10-61</b>  <b>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 11-25</b>	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 11-76</b>	<u>Warsaw Itco v. IEPA</u> – No action taken.	UST Appeal
<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> – The Board granted Altivity’s motion for leave to file cross claim and Intra-Plant’s Maintenance Corporation's motion for leave to file cross-complaint. The Board dismissed both the cross claim and cross-complaint as frivolous, finding that each seeks relief the Board cannot grant.	5-0 L-E
<b>PCB 12-52</b>	<u>People of the State of Illinois v. Reliable Materials, LLC, GSG Consultants, Inc., O.C.A. Construction, Inc., Speedy Gonzalez Landscaping, Inc., and Public Building Commission of Chicago</u> – In this land enforcement action concerning a Cook 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)) and accepted a separate stipulation and settlement agreements as to GSG Consultants, Inc. only, ordering the respondent to pay a total civil penalty of \$25,000.00, and to cease and desist from further violations.	4-0 Burke abstained L-E
<b>PCB 12-93</b>	<u>People of the State of Illinois v. Kimble Septic, Inc. and Cleveland Kimble</u> – In this water enforcement action concerning a Will 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 respondents to pay a total civil penalty of \$1,000.00, and to cease and desist from further violations.	5-0 W-E
<b>PCB 12-125</b>	<u>People of the State of Illinois v. LaSalle Street Capital, Inc., an affiliate of Bank of America, National Association</u> – In this air enforcement action concerning a Cook 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 \$15,600.00, and to cease and desist from further violations.	5-0 A-E

<b>PCB 12-129</b>	<u>People of the State of Illinois v. Village of Orland Hills</u> – In this water enforcement action concerning a Cook 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 \$15,600.00, and to cease and desist from further violations.	5-0 A-E
<b>PCB 12-131</b>	<u>Larry D. Welch v. DeKalb Sanitary District</u> – No action taken.	L-E, Citizens
<b>PCB 13-1</b>	<u>People of the State of Illinois v. Troy Carter</u> – The Board accepted for hearing this land enforcement action concerning a Marion County facility.	5-0 L-E
<b>PCB 13-2</b>	<u>Terminal Railroad Association of St. Louis 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 St. Clair County facility.	4-0 Holbrook abstained UST Appeal 90- Day Extension

### **CASES PENDING DECISION**

<b>R12-9</b>	<u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100 (Due 7/26/12)</u> – Final Opinion & Order .	Land
<b>AC 11-28</b>	<u>IEPA v. Thad and Linda Shafer</u> – Interim Opinion & Order .	

### **OTHER ITEMS**

	The Board granted the Chairman’s Motion under Section 2-06 ( c) of the Open Meeting Act (5 ILCS 120/2.06( c)) to continue to preserve only written minutes of Board closed deliberative sessions occurring July 1, 2010, through December 30, 2010, and to approve destruction of verbatim tape recordings of meetings held: July 8, 22, and 29, August 12 and 26, September 9, 23, and 29, October 14 and 28, November 9 and 23, and December 9, 23, and 30, 2010.	5-0
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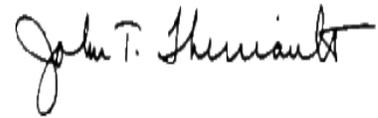
	The Board granted the Chairman's Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential minutes of Board closed deliberative sessions occurring between January 1, 2012 through June 30, 2012.	5-0
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**ADJOURNMENT**

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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 July 26, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board