

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



August 9, 2012

11:00 a.m.

Videoconference

Chicago

100 W. Randolph Street
Chicago, IL
Room 11-512

And

Springfield

1021 N. Grand Avenue East
Springfield, IL
**Conference 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 July 26, 2012 open meeting and August 2, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

RULEMAKINGS

R08-18	<u>In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Il. Adm. Code 620</u> – The Board adopted a second notice opinion and order in this rulemaking to update the Board’s groundwater quality regulations.	5-0 PWS
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ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 12-58	<u>IEPA v. Leota Humm and Bishop's Truck Service, Inc.</u> – The Board accepted respondents’ petitions for review. The Board directed Leota Humm to file proof of service on the Illinois Environmental Protection Agency by September 10, 2012.	5-0
AC 12-59	<u>County of Macon v. Dale Pugley anf Tracy Kater</u> – The Board accepted respondents’ petition for review, but directed respondents to file an amended petition to cure deficiencies.	5-0
AC 12-60	<u>IEPA v. Howard G. Clifton, Trustee, and Clifton Salvage, Inc.</u> – The Board found that these Jefferson 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
AC 12-61	<u>IEPA v. Joes W. McDermott, Joe W. McDermott d/b/a McDermott Sales & Service and Joseph R. McDermott d/b/a McDermott Towing & Recovery</u> – No action taken.	
AC 13-3	<u>IEPA v. E.G. Tabor and Ultimate Recycling, Inc.</u> – The Board accepted Tabor’s petition for review, but directed this respondent to file an amended petition to cure deficiencies.	5-0
AC 13-9	<u>County of Vermilion v. Mark Johnson</u> – The Board accepted an administrative citation against this Vermilion 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
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PCB 06-55	<u>Prairie Power, Inc. (f/k/a Soyland Power Cooperative, Inc.) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Land
PCB 07-95	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – No action taken.	L-E
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens
PCB 10-46	<u>Freedom Oil Company v. IEPA</u> – The Board affirmed the Illinois Environmental Protection Agency’s (Agency) determination to reduce reimbursement for excavation. The Board reversed the Agency’s determination to reduce Freedom Oil’s reimbursement of asphalt replacement and directed that the amount of this deduction be paid from the Fund. The Board, having found for Freedom Oil in part, reserved ruling on whether to exercise its discretion to award attorney fees under Section 57.8(1) of the Act. Freedom Oil was instructed to file a statement of fees to which the Agency may respond.	5-0 UST Appeal
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 11-51 PCB 12-61	<u>Evergreen FS, Inc. v. IEPA</u> <u>Evergreen FS, Inc. 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</u> – No action taken.	W-E
PCB 11-67	<u>People of the State of Illinois v. Town of Cortland</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a DeKalb County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 11-76	<u>Warsaw Itco v. IEPA</u> – No action taken.	UST Appeal

PCB 12-52	<u>People of the State of Illinois v. Reliable Materials, LLC, and O.C.A. Construction, Inc.</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 O.C.A. Construction, Inc.. only, ordering the respondent to pay a total civil penalty of \$15,000.00, and to cease and desist from further violations.	4-0 Burke abstained L-E
PCB 12-124	<u>Broadus Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a LaSalle County facility.	5-0 UST Appeal
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 granted respondent Kehrer Brothers Construction, Inc. motion to allow to allow Richard E. Greenberg to appeal <i>pro hac vice</i> on its behalf.	4-0 Holbrook abstained L-E
PCB 13-4	<u>Scenic Ridge Plaza, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Johnson County facility.	5-0 UST Appeal
PCB 13-5	<u>People of the State of Illinois v. Daniel Lee Szafranski, individually and as Trustee of the Daniel Lee Szafranski Trust</u> – The Board accepted for hearing this land enforcement action concerning a LaSalle County facility.	5-0 L-E
PCB 13-6	<u>People of the State of Illinois v. Thumser Entertainment, Inc.</u> – The Board accepted for hearing this water enforcement action concerning a Jo Daviess County facility.	5-0 W-E
PCB 13-7	<u>NACME Steel Processing, L.L.C. v. IEPA</u> – The Board accepted petitioner’s petition for review, but directed petitioner to file an amended petition to cure deficiencies.	5-0 P-A, Air
PCB 12-8	<u>Atkinson Landfill Company v. IEPA</u> – The Board accepted petitioner’s petition for review, but directed petitioner to file an amended petition to cure deficiencies.	5-0 P-A, Land

PCB 13-9	<u>People of the State of Illinois v. American Grain, LLC and Environmental Operations, Inc.</u> – Upon receipt of a complaint accompanied by two separate proposed stipulation and settlement agreements, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a facility located in St. Clair County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
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CASES PENDING DECISION

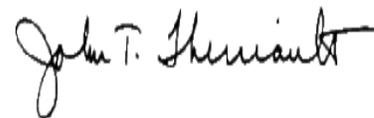
R12-9	<u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> – Scheduled for JCAR Review on August 14, 2012 .	Land
PCB 12-121	<u>Midwest Generation, LLC - Waukegan Generating Station v. IEPA</u> – Opinion & Order (due 8/23/12) .	A-V

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:16 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 23, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board