

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



September 6, 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. Four Board Members answered present.¹

APPROVAL OF MINUTES

The minutes of the August 23, 2012 open meeting were approved by a vote of 4-0. The minutes of the August 30, 2012 closed deliberative session under 5 ILCS 120/2(c)(4), and were approved by a vote of 4-0. The minutes of the September 5, 2012 closed meeting regarding personnel under 5 ILCS 120/2(c)(1) were approved by a vote of 4-0.

¹ Board Member Tom Johnson's term expired by operation of law August 29, 2012 and no appointment had been announced by the date of the meeting.

RULEMAKINGS

NONE

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 11-4	<u>IEPA v. Karen L. Allen</u> – The Board granted complainant’s motion to voluntarily dismiss the administrative citation.	4-0
AC 12-59	<u>County of Macon v. Dale Pugsley and Tracy Kater</u> – The Board accepted respondents’ amended petitions for review.	4-0
AC 13-2	<u>IEPA v. Greg Klehm</u> – The Board found that this Livingston County respondent violated Sections 21(p)(1), 21(p)(3), 21(p)(7), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7), and 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$6,000.	4-0
AC 13-5	<u>IEPA v. Ricky Stratton (IEPA No. 176-12-AC)</u> – The Board accepted respondent’s petition for review involving a Morgan County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0
AC 13-6	<u>IEPA v. Ricky Stratton (IEPA No. 181-12-AC)</u> – The Board accepted respondent’s petition for review involving a Morgan County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0
AC 13-8	<u>IEPA v. State Bank of Chrisman - Trust 527</u> – The Board found that this Edgar 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.	4-0

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> – The Board denied respondent’s motion for summary judgment.	4-0 W-E
PCB 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.,</u> – The Board granted complainant’s motions to extend the December 4, 2012 deadline for closing the record and to cancel the supplemental hearing scheduled for September 24 and 25, 2012.	4-0 Glosser and Zalewski concurred A-E

PCB 07-95	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – The Board granted the motion for summary judgment and found that respondent E.O.R. Energy, LLC had violated the Environmental Protection Act (415 ILCS 5/1 <i>et seq.</i> (2010)) and Board regulations as alleged in the complaint. The Board ordered respondent to pay a civil penalty of \$200,000 and to cease and desist from further violations. No Action taken on June 27, 2012 motion for summary judgment against respondent AET Environmental, Inc.	4-0 L-E
PCB 08-48	<u>Vesuvius USA Corporation v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
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 10-75	<u>Chicago Coke Co., Inc, an Illinois corporation v. IEPA; Natural Resource Defense Council and Sierra Club as Intervenors</u> – No action taken.	P-A, Air
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> – The Board granted petitioner’s motion for authorization of payment of attorney’s fees and costs. The Board directed the Illinois Environmental Protection Agency to provide petitioner with reimbursement from the UST fund for legal fees and costs in the amount of \$13,473.80.	4-0 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 11-76	<u>Warsaw Itco v. IEPA</u> – The Board denied respondent’s motion for summary judgment.	4-0 UST Appeal
PCB 12-131	<u>Larry D. Welch v. DeKalb Sanitary District</u> – No action taken.	L-E, Citizens

PCB 13-8	<u>Atkinson Landfill Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Henry County facility.	4-0 P-A, Land
PCB 13-11	<u>Rock River Water Reclamation District v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Winnebago County facility.	4-0 P-A, Water

CASES PENDING DECISION

R12-11	<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> – Proposed Rule, Second Notice, Opinion & Order .	Proc
PCB 12-126	<u>Ameren Energy Resources v. IEPA</u> – Opinion & Order (due 9/20/12) .	A-V

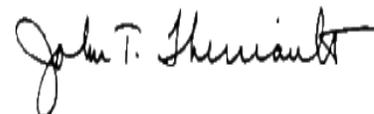
OTHER ITEMS

	The Board granted the Chairman’s Motion to add a location to the October 18, 2012, November 1, 2012, and November 15, 2012 Open Meetings of the Board. Each of these three meetings will be held through the Board’s Videoconference Facilities in both Chicago in Room 11-512 of the James R. Thompson Center and in Springfield at the Illinois Pollution Control Board Conference Room 1244 at 1021 N. Grand Avenue East.	4-0
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ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Holbrook adjourned the meeting at 11:18 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 20, 2012, by a vote of 4-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board