

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**September 20, 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. All Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the September 6, 2012 open meeting and the September 13, 2012 closed deliberative session under 5 ILCS 120/2(c)(4), and were approved by a vote of 4-0.

## RULEMAKINGS

<b>R12-11</b>	<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 second notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	4-0 Proc
<b>R13-8</b>	<u>In the Matter of: Proposed Amendments to Special Waste Hauling Permit Regulations to Implement Public Act 97-1081: 35 Il Adm Code 809.204 and 809.212</u> – The Board on its own motion adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s solid waste and special waste hauling regulations.	4-0 Land
<b>R13-9</b>	<u>In the Matter of: Proposed Amendment to 35 Ill. Adm. Code 101.108 9(d) Conforming to P. A. 93-509 Re: Board Majority</u> – The Board on its own motion adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	4-0 Proc

## ADJUSTED STANDARDS

NONE

## ADMINISTRATIVE CITATIONS

<b>AC 11-28</b>	<u>IEPA v. Thad Shafer</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$442.75 and a civil penalty of \$3,000. This order follows the Board's interim order of July 26, 2012, which found that this respondent had violated Sections 21(p) (1) and (7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (7) (2010)).	4-0
<b>AC 12-58</b>	<u>IEPA v. Leota Humm and Bishop's Truck Service, Inc.</u> – The Board accepted respondent Leota Humm’s petitions for review and proof of service on the Illinois Environmental Protection Agency.	4-0

<b>AC 12-61</b>	<u>IEPA v. Joe 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 denied respondents’ motion to dismiss the administrative citation. The Board found that these Jefferson County respondents violated Sections 21(p)(1), 21(p)(5), 21(p)(6), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), (p)(5), (p)(6), and 55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$6,000.	4-0
<b>AC 13-1</b>	<u>IEPA v. Anthony Koch</u> – The Board found that this Clinton County respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), and 21(p)(7) (2010)), and ordered respondent to pay a civil penalty of \$4,500.	4-0
<b>AC 13-3</b>	<u>IEPA v. E.G. Tabor and Ultimate Recycling, Inc.</u> – The Board dismissed Tabor’s petition for review for failure to timely file an amended petition as directed. The Board also dismissed Ultimate Recycling’s petition for review due to untimely filing. The Board found that these Peoria County respondents 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 respondents to pay a civil penalty of \$6,000.	4-0
<b>AC 13-9</b>	<u>County of Vermilion v. Mark Johnson</u> – The Board accepted respondent’s petition for review involving a Vermilion County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0
<b>AC 13-10</b>	<u>IEPA v. Hughes Tire &amp; Battery Company (IEPA File No. 207-12-AC)</u> – The Board accepted an administrative citation against this Rock Island County respondent.	
<b>AC 13-11</b>	<u>IEPA v. Hughes Tire &amp; Battery Company (IEPA File No. 206-12-AC)</u> – The Board accepted an administrative citation against this Rock Island County respondent.	

### **ADJUDICATORY CASES**

<b>PCB 06-64</b>	<u>Ameren Energy Generating Company, Coffeen Power Station v. IEPA</u> – The Board granted the parties’ joint motion to lift the stay of the uncontested conditions and remand the permit to the Agency.	4-0 P-A, Air
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<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> – No action taken.	UST Appeal
<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> – In this land enforcement action concerning a Macon 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 three separate stipulation and settlement agreements, and ordered respondents 1) Bridgestone Americas Tire Operations, LLC (BATO), formerly known as Bridgestone/Firestone, Inc.; 2) Momentive Specialty Chemicals Inc. (MSC), formerly known as Borden, Inc.; and 3) A.E. Staley Manufacturing Co., now known as Tate & Lyle Ingredients Americas LLC (TLIA), to pay a total civil penalty of \$366,270.00, and to cease and desist from further violations. BATO agreed to pay \$1,000.00 to reimburse the Attorney General for litigation costs. MSC agreed to pay \$450.00 to reimburse the Attorney General for litigation costs. TLIA agreed to pay \$250.00 to reimburse the Attorney General for litigation costs.	L-E 4-0
<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 10-75</b>	<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
<b>PCB 11-25</b>	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal

<b>PCB 11-58</b>	<u>People of the State of Illinois v. Zachary Isaac d/b/a Nu Shine Car Wash</u> – In this water enforcement action concerning a McHenry County facility, the Board found that respondent violated Sections 12(a), (b), and (h) of the Act (415 ILCS 5/12(a), (b), and (h) (2010)), and Section 309.202(a) of the Board’s Water Pollution Regulations (35 Ill. Adm. Code 309.202(a)). The Board ordered the respondent to pay a total civil penalty of \$10,000.00, and to cease and desist from further violations.	4-0 W-E
<b>PCB 11-67</b>	<u>People of the State of Illinois v. Town of Cortland</u> – In this water enforcement action concerning a DeKalb 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 \$3,000.00, and to cease and desist from further violations.	4-0 W-E
<b>PCB 12-123</b>	<u>People of the State of Illinois v. Roxana Landfill, Inc.</u> , – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	3-0 Holbrook abstained L-E
<b>PCB 12-126</b>	<u>Ameren Energy Resources v. IEPA</u> – The Board granted petitioner’s request for combined dual variances of four and five years, from the sulfur dioxide (SO <sub>2</sub> ) emission rate for seven electrical generating facilities subject to conditions.	4-0 A-V
<b>PCB 12-131</b>	<u>Larry D. Welch v. DeKalb Sanitary District</u> – No action taken.	L-E, Citizens
<b>PCB 12-134</b>	<u>Brimfield Auto &amp; Truck v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal on behalf of a Peoria County facility.	4-0 UST Appeal
<b>PCB 13-7</b>	<u>NACME Steel Processing, L.L.C. v. IEPA</u> – No action taken.	P-A, Air

<b>PCB 13-9</b>	<u>People of the State of Illinois v. American Grain, LLC and Environmental Operations, Inc.</u> – In this land enforcement action concerning a St. Clair 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 two separate stipulation and settlement agreements, and ordered respondents 1) American Grain, LLC, an Illinois limited liability company (American Grain) and 2) Environmental Operations, Inc., a Missouri corporation (EOI), to pay a total civil penalty of \$26,000.00, and to cease and desist from further violations. American Grain also agreed to perform a supplemental environmental project through which it will pay \$2,000.00 to St. Clair County Special Services “to fund supplies and services for the St. Clair County hazardous materials team.”	4-0 L-E
<b>PCB 13-12</b>	<u>People of the State of Illinois v. NACME Steel Processing, L.L.C.</u> – The Board accepted for hearing this air enforcement action concerning a Cook County facility.	4-0 A-E

**CASES PENDING DECISION**

<b>R08-18</b>	<u>In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Il. Adm. Code 620</u> – Adopted Rule, Final Opinion & Order .	PWS
<b>R11-18</b>	<u>In the Matter of: Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 301.106, 302.Subparts B, C, E, F and 303.312</u> – Proposed Rule, Second Notice, Opinion & Order .	Water

**OTHER ITEMS**

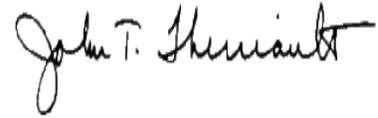
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## **ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Holbrook adjourned the meeting at 11:24 a.m.

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



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board