

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 4, 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. All four Board Members answered present.

APPROVAL OF MINUTES

The minutes of the September 20, 2012 open meeting were approved by a vote of 4-0. The minutes of the September 27, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0. The minutes of the October 3, 2012 closed meeting regarding personnel under 5 ILCS 120/2(c)(1) were approved by a vote of 4-0.

RULEMAKINGS

R08-18	<u>In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620</u> – The Board adopted a final opinion and order in this rulemaking proposal to amend the Board’s groundwater quality regulations.	4-0 Water
R11-18	<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> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water regulations.	4-0 Water

ADJUSTED STANDARDS

AS 13-1	<u>In the Matter of: Petition of Exelon Generation, LLC, Under 304.141(c) for Alternative Thermal Standards, Quad Cities Nuclear Generating Station</u> – No action taken.	Water
AS 13-2	<u>In the Matter of Petition of Emerald Performance Materials LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122(b)</u> – No action taken.	Water

ADMINISTRATIVE CITATIONS

AC 12-39	<u>IEPA v. CMH Homes, Inc. and David R. Moser</u> – On May 17, 2012, the Board accepted the petition for review from CMH Homes, Inc. (CMH) and found that David R. Moser (Moser) violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2010)) <i>See IEPA v. CMH Homes, Inc. and David R. Moser</i> , AC 12-39 (May 17, 2012). The Board withheld a final opinion as to Moser until a determination was made regarding CMH. In response to a joint stipulation and settlement agreement in this administrative citation action involving a Jefferson County facility, the Board found that respondent CMH had 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. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board, on its own motion, dismissed the alleged violation of Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2010)). Having previously found that Moser violated Sections 21(p)(1) and (p)(7) of the Act, the Board order Moser to pay a civil penalty of \$3,000.	4-0
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AC 13-7	<u>IEPA v. Robert Manker</u> – The Board accepted respondent’s amended petition for review involving a Madison County facility for hearing.	4-0
AC 13-10	<u>IEPA v. Hughes Tire & Battery Company (IEPA File No. 207-12-AC)</u> – The Board accepted respondent’s petition for review involving a Rock Island County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0
AC 13-11	<u>IEPA v. Hughes Tire & Battery Company (IEPA File No. 206-12-AC)</u> – The Board accepted respondent’s petition for review involving a Rock Island County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0
AC 13-12	<u>IEPA v. David Chapman</u> – The Board accepted an administrative citation against this Macoupin County respondent.	
AC 13-13	<u>IEPA v. Tony Porter</u> – The Board accepted an administrative citation against this Henry County respondent.	
AC 13-14	<u>IEPA v. Paul Curtis</u> – The Board accepted an administrative citation against this Morgan County respondent.	
AC 13-15	<u>IEPA v. Dorothy Tenney Trust</u> – The Board accepted an administrative citation against this DeKalb County respondent.	
AC 13-16	<u>IEPA v. Frank Lamchick</u> – The Board accepted an administrative citation against this Bureau County respondent.	
AC 13-17	<u>IEPA v. AAD Family Farms, LLC</u> – The Board accepted an administrative citation against this Woodford County respondent.	
AC 13-18	<u>IEPA v. Kenneth Hails</u> – The Board accepted an administrative citation against this Jefferson County respondent.	

ADJUDICATORY CASES

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 10-61	<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>	W-E
PCB 11-2	<u>Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC</u> – No action taken.	
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 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 12-131	<u>Larry D. Welch v. DeKalb Sanitary District</u> – No action taken.	L-E, Citizens
PCB 13-6	<u>People of the State of Illinois v. Thumser Entertainment, Inc.</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 Jo Daviess County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 13-7	<u>NACME Steel Processing, L.L.C. v. IEPA</u> – No action taken.	P-A, Air
PCB 13-13	<u>Dynegy Midwest Generation, LLC (Wood River Power Station) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	3-0 Holbrook abstained P-A, Air
PCB 13-14	<u>People of the State of Illinois v. Donald J. Sherman and James A. Sherman, as Trustees of the First Restatement of the Suzann M. Jennings Trust Agreement, dated December 19, 1997</u> – The Board accepted for hearing this land enforcement action concerning a Kane County facility.	4-0 L-E

CASES PENDING DECISION

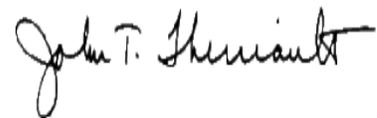
R13-1	<u>VOM Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – Proposed Rule for Public Comment, Opinion & Order .	Air
R13-2	<u>SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – Proposed Rule for Public Comment, Opinion & Order .	Water
PCB 12-94	<u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA (Due 12/20/12)</u> – Opinion & Order	W-V

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Holbrook adjourned the meeting at 11:13 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 18, 2012, by a vote of 4-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board