

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**November 1, 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**

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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 four Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the October 18, 2012 open meeting and of the October 25, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) 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 final opinion and order in this rulemaking proposal which amends the Board’s procedural rules.	4-0 Proc
<b>R12-24</b>	<u>In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations.	4-0 Air
<b>R13-5</b>	<u>RCRA Subtitle C Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a proposal for public comment in this “identical in substance” rulemaking to amend the Board’s hazardous waste regulations.	4-0 Land
<b>R13-7</b>	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a proposal for public comment in this “identical in substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	4-0 Water

## ADJUSTED STANDARDS

<b>AS 13-2</b>	<u>In the Matter of Petition of Emerald Performance Materials LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122(b)</u> – The Board accepted for hearing this petition for an adjusted standard concerning a Marshall County facility.	4-0 Water
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## ADMINISTRATIVE CITATIONS

<b>AC 13-9</b>	<u>County of Vermilion v. Mark Johnson</u> – No action taken.	
<b>AC 13-12</b>	<u>IEPA v. David Chapman</u> – The Board accepted respondent’s petition for review involving a Macoupin County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0
<b>AC 13-19</b>	<u>IEPA v. Steven R. and Andrea L. Walston</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0

AC 13-21	<u>IEPA v. Steven B. Meuser &amp; Deborah S. Meuser and Meuser Construction &amp; Excavation, Inc.</u> – The Board accepted an administrative citation against these Ford County respondents.	
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### ADJUDICATORY CASES

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 09-67	<u>Prime Location Properties, LLC v. IEPA</u> – No action taken.	UST Appeal
PCB 10-46	<u>Freedom Oil Company v. IEPA</u> – The Board denied petitioner’s request for reimbursement of legal fees.	4-0 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 10-75	<u>Chicago Coke Co., Inc, an Illinois corporation v. IEPA; Natural Resource Defense Council and Sierra Club as Intervenor</u> – No action taken.	P-A, Air
PCB 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – The Board denied the parties’ cross-motions for summary judgment.	4-0 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 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> – No action taken.	P-A, Air
PCB 13-15	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation</u> – No action taken.	W-E

<b>PCB 13-17</b>	<u>Natural Resources Defense Council, Prairie Rivers Network, and Sierra Club v. Illinois Environmental Protection Agency and Dynegy Midwest Generation, Inc.</u> – The Board accepted for hearing this third party permit appeal involving a Mason County facility.	3-0 Holbrook abstained W-PA, NPDES, 3d P
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**CASES PENDING DECISION**

<b>AS 12-3</b>	<u>Petition of Midway RACs, LLC for Adjusted Standard from 35 Ill. Adm. Code 218.586</u> – Opinion & Order	Air
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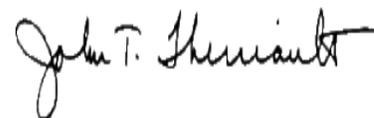
**OTHER ITEMS**

	The Board granted the Chairman’s Motion to hold two videoconference, Closed Board Meetings, one on Wednesday, December 5, 2012, and one on Wednesday, December 19, 2012, both meetings to be held at 2:00 pm in both Room 11-512 of James R. Thompson Center, Chicago, and in IPCB Conference Room 1244, 1021 N. Grand Avenue East, Springfield, both meetings as authorized by the exception in Section 2(c)(1) of the Open Meetings Act (5 ILCS 120/2(c)(1)) concerning personnel matters.	5-0
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**ADJOURNMENT**

Moved and seconded, by a vote of 4-0, Chairman Holbrook adjourned the meeting at 11:15 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 15, 2012, by a vote of 4-0



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board