

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 15, 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. Chairman Holbrook welcomed Member Jerome O'Leary to the Board.

ROLL CALL

The Assistant Clerk of the Board called the roll. All five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the November 1, 2012 open meeting were approved by a vote of 4-0; Member O'Leary abstained. The minutes of the November 8, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0; Member O'Leary abstained. The minutes of the November 1, 2012 closed meeting regarding personnel under 5 ILCS 120/2(c)(1) were approved by a vote of 4-0; Member O'Leary abstained.

RULEMAKINGS

R12-11	<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 final opinion and order in this rulemaking which amends the Board’s water regulations	4-0 O’Leary abstained Water
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ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 13-9	<u>County of Vermilion v. Mark Johnson</u> – Since no amended petition on behalf of respondent was filed as ordered in the Board’s September 20, 2012 order, the previously filed petition for review was dismissed. The Board found that this Vermilion County respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (7) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	4-0 O’Leary abstained
AC 13-10	<u>IEPA v. Hughes Tire & Battery Company (IEPA File No. 207-12-AC)</u> – The Board accepted for hearing respondent’s amended petition for review of this administrative citation involving a Rock Island County facility.	4-0 O’Leary abstained
AC 13-11	<u>IEPA v. Hughes Tire & Battery Company (IEPA File No. 206-12-AC)</u> – The Board accepted for hearing respondent’s amended petition for review of this administrative citation involving a Rock Island County facility.	4-0 O’Leary abstained
AC 13-13	<u>IEPA v. Tony Porter</u> – The Board found that this Henry County respondent violated Sections 21(p)(1), 21(p)(3) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) and 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$4,500.	4-0 O’Leary abstained
AC 13-15	<u>IEPA v. Dorothy Tenney Trust</u> – The Board found that this DeKalb 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 O’Leary abstained
AC 13-17	<u>IEPA v. AAD Family Farms, LLC</u> – The Board accepted respondent’s petition for review involving a Woodford County facility.	4-0 O’Leary abstained

AC 13-20	<u>IEPA v. Steven B. Meuser & Deborah S. Meuser and Meuser Construction & Excavation, Inc.</u> – The Board accepted respondents’ petition for review involving a Clay County facility, but directed respondents to file an amended petition to cure deficiencies.	4-0 O’Leary abstained
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ADJUDICATORY CASES

PCB 94-195	<u>Land and Lakes Co., JMC Operations, Inc., and NBD Trust Company of Illinois as Trustee Under Trust No. 2624 EG v. Village of Romeoville</u> – The Board granted petitioners’ motion for voluntary dismissal.	4-0 O’Leary abstained L-App, PCFSR
PCB 06-8	<u>People of the State of Illinois v. Bridgeport Grain, Inc.</u> , – In this air enforcement action concerning a Lawrence 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 \$6,000.00, and to cease and desist from further violations.	4-0 O’Leary abstained A-E
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> – The Board denied petitioner’s post-mandate motion for supplemental legal fees, finding the Board has no authority under the Environmental Protection Act to grant petitioner’s request.	4-0 O’Leary abstained UST Appeal

<p>PCB 10-61</p> <p>PCB 11-2</p>	<p><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></p> <p><u>Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC</u> – The Board granted People of the State of Illinois motion for summary judgment on Counts I and II the complaint, and denied Freeman United Coal Mining Company’s , LLC (Freeman United) counter-motion for summary judgment on Counts I and III of the complaint. In addition, the Board granted Environmental Law and Policy Center’s (ELPC) motion for summary judgment on Count II of their complaint, and denied Freeman United’s request that the Board reconsider Freeman United’s motion to dismiss ELPC’s complaint.</p>	<p>3-0 Burke, O’Leary abstained W-E</p>
<p>PCB 10-75</p>	<p><u>Chicago Coke Co., Inc, an Illinois corporation v. IEPA; Natural Resource Defense Council and Sierra Club as Intervenor</u> – No action taken.</p>	<p>P-A, Air</p>
<p>PCB 11-68</p>	<p><u>People of the State of Illinois v. Tradition Investments, LLC</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 Jo Daviess County facility, the Board ordered publication of the required newspaper notice.</p>	<p>4-0 O’Leary abstained UST Appeal W-E</p>
<p>PCB 12-21</p>	<p><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.</p>	<p>L-E</p>
<p>PCB 12-127</p>	<p><u>Evergreen FS, Inc. v. Office of the State Fire Marshal</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.</p>	<p>4-0 O’Leary abstained UST Appeal</p>
<p>PCB 13-6</p>	<p><u>People of the State of Illinois v. Thumser Entertainment, Inc.</u> – In this water enforcement action concerning a Jo Daviess 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 \$3,033.00, and to cease and desist from further violations.</p>	<p>4-0 O’Leary abstained W-E</p>

PCB 13-7	<u>NACME Steel Processing, L.L.C. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss this permit appeal.	4-0 O’Leary abstained P-A, Air
PCB 13-13	<u>Dynegy Midwest Generation, LLC (Wood River Power Station) v. IEPA</u> – The Board granted petitioner’s motion for partial stay of the effectiveness of the contested conditions in the construction permit.	3-0 Holbrook, O’Leary abstained 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.	A-E, Citizens
PCB 13-18	<u>People of the State of Illinois v. Two Rivers FS, Inc.</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a facility located in Pike County facility, the Board ordered publication of the required newspaper notice.	4-0 O’Leary abstained A-E
PCB 13-19	<u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, and Sheridan Sand & Gravel Co. (4201 Road Site)</u> – The Board accepted for hearing this land enforcement action concerning a LaSalle County facility.	4-0 O’Leary abstained L-E
PCB 13-20	<u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, and Sheridan Sand & Gravel Co. (Wiensland Site)</u> – The Board accepted for hearing this land enforcement action concerning a Jo Daviess County facility.	4-0 O’Leary abstained L-E
PCB 13-21	<u>Prairie Rivers Network and Sierra Club v. Illinois Environmental Protection Agency and Peabody Gateway North Mining, LLC</u> – The Board accepted for hearing this third-party permit appeal involving a Randolph County facility.	4-0 O’Leary abstained W-PA, NPDES, 3d P
PCB 13-22	<u>Mahomet Valley Water Authority, City of Champaign, Illinois, Donald R. Gerard, City of Urbana, Illinois, Laurel Lunt Prussing, City of Bloomington, Illinois, County of Champaign, Illinois, County of Piatt, Illinois, Town of Normal Illinois, Village of Savoy, Illinois and City of Decatur v. Clinton Landfill</u> – No action taken.	L-E, Citizens

CASES PENDING DECISION

<p>R11-9</p>	<p><u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742</u> – Proposed Rule, Second Notice, Opinion & Order .</p>	<p>Land</p>
<p>R13-8</p>	<p><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> – Proposed Rule, Second Notice, Opinion & Order .</p>	<p>Land</p>
<p>R13-9</p>	<p><u>In the Matter of: Proposed Amendment to 35 Ill. Adm. Code 101.108(d) Conforming to P. A. 93-509 Re: Board Majority</u> • First Notice Comment Period Closes November 16, 2012 – Proposed Rule, Second Notice, Opinion & Order .</p>	<p>Proc</p>
<p>AS 12-3</p>	<p><u>Petition of Midway RACs, LLC for Adjusted Standard from 35 Ill. Adm. Code 218.586</u> – Opinion & Order .</p>	<p>Air</p>

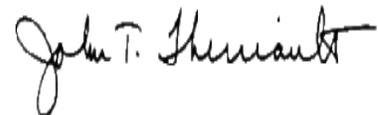
OTHER ITEMS

NONE

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:22 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 6, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
 Illinois Pollution Control Board