

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**December 6, 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 five Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the November 15, 2012 open meeting were approved by a vote of 5-0. The minutes of the November 21 and 29, 2012 closed deliberative sessions under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

**RULEMAKINGS**

<p><b>R13-8</b></p>	<p><u>In the Matter of: Proposed Amendments to Special Waste Hauling Permit Regulations to Implement Public Act 97-1081: 35 Ill. Adm. Code 809.204 and 809.212</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s solid waste and special waste hauling regulations.</p>	<p>5-0 Land</p>
<p><b>R13-9</b></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> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.</p>	<p>5-0 Proc</p>

**ADJUSTED STANDARDS**

<p><b>AS 12-3</b></p>	<p><u>Petition of Midway RACs, LLC for Adjusted Standard from 35 Ill. Adm. Code 218.586</u> – The Board granted Midway RACs an adjusted standard from the Stage II vapor recovery system requirements at its Cook County facility.</p>	<p>3-0 Holbrook, Zalewski abstained Air</p>
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**ADMINISTRATIVE CITATIONS**

<p><b>AC 12-29</b></p>	<p><u>IEPA v. H&amp;M Salvage &amp; Discount Co. and Carl Hagler</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Perry County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2010)) and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations of Sections 21(p)(7) and 55(k)(1) of the Act (415 ILCS 5/21(p)(1) and 55(k)(1) (2010)).</p>	<p>5-0</p>
<p><b>AC 13-14</b></p>	<p><u>IEPA v. Paul Curtis</u> – The Board found that this Morgan County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3) (2010)), and ordered respondent to pay a civil penalty of \$3,000.</p>	<p>5-0</p>

<b>AC 13-16</b>	<u>IEPA v. Frank Lamchick</u> – The Board dismissed respondent’s petition for review for failure to timely file an amended petition as directed. <u>IEPA v. Frank Lamchick</u> , AC 13-16 (Oct. 18, 2012). The Board found that this Bureau County respondent violated 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.	5-0
<b>AC 13-18</b>	<u>IEPA v. Kenneth Hails</u> – The Board accepted respondent’s petition for review involving a Jefferson County facility, but directed respondent to file an amended petition to cure deficiencies.	5-0
<b>AC 13-20</b>	<u>IEPA v. Thomas E. Barker and John H. &amp; Debra L. Barker</u> – The Board accepted for hearing respondents’ amended petition for review of this administrative citation involving a Greene County facility.	5-0
<b>AC 13-21</b>	<u>IEPA v. Steven B. Meuser &amp; Deborah S. Meuser and Meuser Construction &amp; Excavation, Inc.</u> – The Board accepted respondents’ petition for review involving a Ford County facility, but directed respondents to file an amended petition to cure deficiencies.	5-0
<b>AC 13-22</b>	<u>IEPA v. William Braden</u> – The Board accepted an administrative citation against this Saline County respondent.	

### **ADJUDICATORY CASES**

<b>PCB 06-75</b>	<u>The City of Springfield v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 07-95</b>	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – No action taken.	L-E
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens
<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 11-53</b>	<u>People of the State of Illinois v. Village of Spring Grove</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 McHenry County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 12-21</b>	<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
<b>PCB 12-106</b>	<u>WRB Refining LLC (Wastewater Treatment Upgrade Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W
<b>PCB 12-107</b>	<u>WRB Refining LLC (New Units Condensate Recovery Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W
<b>PCB 12-108</b>	<u>WRB Refining LLC (New Units Water Recycle Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W

<b>PCB 12-109</b>	<u>WRB Refining LLC (WWTP CPI Header Upgrade Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W
<b>PCB 12-110</b>	<u>WRB Refining LLC (New Sour Water Stripper Project) v. IEPA</u> The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W
<b>PCB 12-111</b>	<u>WRB Refining LLC (Wood Stove Sewer Repair Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W
<b>PCB 12-113</b>	<u>WRB Refining, LLC (WWTP CPI Header Bypass Project ) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W

<b>PCB 12-114</b>	<u>WRB Refining, LLC (SPCC Oil Spill Containment Upgrades and SPCC Dike Restoration ) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W
<b>PCB 12-115</b>	<u>WRB Refining, LLC ( Waste Water Flow Meter for NPDES Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W
<b>PCB 12-116</b>	<u>WRB Refining, LLC (Hartford Load Docks Project ) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W
<b>PCB 12-117</b>	<u>WRB Refining, LLC (Hartford Integration Water Pollution Prevention Projects ) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, W

<b>PCB 12-123</b>	<u>People of the State of Illinois v. Roxana Landfill, Inc.</u> , – In this land enforcement action concerning a Madison 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 \$7,000.00, and to cease and desist from further violations. Additionally, to offset additional penalties, Roxana Landfill must perform a Supplemental Environment Project (SEP), with a value of \$7,000. Under the SEP, over the next 3 years Roxana Landfill must provide 200 tons of landfill disposal capacity valued at a gate rate of \$35.00 per ton.	4-0 Holbrook abstained L-E
<b>PCB 13-5</b>	<u>People of the State of Illinois v. Daniel Lee Szafranski, individually and as Trustee of the Daniel Lee Szafranski Trust</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 LaSalle County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
<b>PCB 13-12</b>	<u>People of the State of Illinois v. NACME Steel Processing, LLC</u> – No action taken.	A-E
<b>PCB 13-14</b>	<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> – 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 Kane County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
<b>PCB 13-15</b>	<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
<b>PCB 13-19</b>	<u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, and Sheridan Sand &amp; Gravel Co. (4201 Road Site)</u> – No action taken.	L-E
<b>PCB 13-20</b>	<u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, and Sheridan Sand &amp; Gravel Co. (Wiensland Site)</u> – No action taken.	L-E

<b>PCB 13-22</b>	<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
<b>PCB 13-23</b>	<u>People of the State of Illinois v. Village of Pingree Grove</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 water enforcement action involving a facility located in Kane County facility, the Board accepted the complaint and ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 13-24</b>	<u>Midwest Generation, LLC v. IEPA</u> – No action taken.	A-V

**CASES PENDING DECISION**

<b>R11-9</b>	<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	Land
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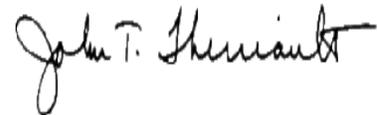
**OTHER ITEMS**

NONE

**ADJOURNMENT**

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:17 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 20, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board