

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**January 10, 2013**

**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 December 19, 2012 closed meeting under 5 ILCS 120/2(c)(1) were approved by a vote of 5-0. The minutes of the December 20, 2012 open meeting were approved by a vote of 5-0. The minutes of the January 3, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0. The minutes of the January 9, 2013 closed meeting under 5 ILCS 120/2(c)(1) were approved by a vote of 5-0.

## RULEMAKINGS

<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> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s land pollution control regulations.	4-0 Burke abstained Land
<b>R13-8</b>	<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 final opinion and order in this rulemaking to amend the Board’s solid waste and special waste hauling regulations.	5-0 Land
<b>R 13-10</b>	<u>Definition of VOM Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air
<b>R 13-11</b>	<u>National Ambient Air Quality Standards, USEPA Regulations (July 1, 2012 through December 31, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air
<b>R 13-12</b>	<u>SDWA Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	PWS
<b>R 13-13</b>	<u>UIC Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 13-14</b>	<u>RCRA Subtitle D Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land

<b>R 13-15</b>	<u>RCRA Subtitle C Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
<b>R 13-16</b>	<u>UST Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Water

### ADJUSTED STANDARDS

<b>AS 13-1</b>	<u>In the Matter of: Petition of Exelon Generation, LLC, Under 304.141(c) for Alternative Thermal Standards, Quad Cities Nuclear Generating Station</u> – The Board dismissed this request for an adjusted standard for failure to file an amended petition as directed in the Board’s October 18, 2012 order.	4-0 Holbrook abstained Land
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### ADMINISTRATIVE CITATIONS

<b>AC 12-3</b>	<u>IEPA v. Ashwin P. and Mia A. Patel</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Williamson County facility, the Board found that respondents had violated Section 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(7) (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)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1) and 21(p)(3) (2010)).	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 for hearing respondents’ amended petition for review of this administrative citation involving a Ford County facility.	5-0
<b>AC 13-22</b>	<u>IEPA v. William Braden</u> – The Board found that this Henry County respondent violated Sections 21(p)(1), 21(p)(5), 21(p)(7), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(5), 21(p)(7), 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$6,000.	5-0

<b>AC 13-24</b>	<u>IEPA v. Wabzz Realty, LLC and Best One Tire &amp; Service of Marion, Inc.</u> – The Board accepted an administrative citation against these Williamson County respondents.	
<b>AC 13-25</b>	<u>IEPA v. Hustler Hauling, LLC</u> – No action taken.	
<b>AC 13-26</b>	<u>IEPA v. Frank E. Seibert</u> – The Board accepted an administrative citation against this Hancock County respondent.	

### ADJUDICATORY CASES

<b>PCB 04-16</b>	<u>People of the State of Illinois v. Packaging Personified, Inc.</u> – The Board granted complainant’s motion to extend the date for closing the record.	5-0 Glosser and Zalewski concurred A-E
<b>PCB 07-95</b>	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – The Board granted E.O.R. Energy, LLC’s (EOR) motion to reconsider the Board’s September 6, 2012 order. The Board affirmed its September 6, 2012 decision granting summary judgment and found that EOR had violated the Environmental Protection Act (415 ILCS 5/1 <i>et seq.</i> (2010)) and Board regulations as alleged in the complaint. The Board ordered respondent to pay a civil penalty of \$200,000 and to cease and desist from further violations	5-0 L-E
<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – The Board granted complainant’s motion to dismiss this enforcement action.	5-0 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> – In this water enforcement action concerning a McHenry 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 \$4,000.00, and to cease and desist from further violations.	5-0 W-E

<b>PCB 11-68</b>	<u>People of the State of Illinois v. Tradition Investments, LLC</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 \$1,000.00, and to cease and desist from further violations.	5-0 W-E
<b>PCB 12-21</b>	<u>People of the State of Illinois v. Altiivity 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 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> – In this land enforcement action concerning a LaSalle 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 \$5,000.00, and to cease and desist from further violations.	5-0 L-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> – In this land enforcement action concerning a Kane 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 \$8,500.00, and to cease and desist from further violations.	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> – In this water enforcement action concerning a Kane 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 \$10,000.00, and to cease and desist from further violations.	5-0 W-E
<b>PCB 13-27</b>	<u>Sierra Club v. Midwest Generation, LLC</u> – No action taken.	A-E, Citizens
<b>PCB 13-29</b>	<u>People of the State of Illinois v. 401 North Wabash Venture, LLC</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 Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 13-30</b>	<u>People of State of Illinois v. Rock River Arms, 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 water enforcement action involving a facility located in Henry County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
<b>PCB 13-31</b>	<u>Exelon Generation LLC, Quad Cities Nuclear Generation Station v. IEPA</u> – No action taken.	W-V
<b>PCB 13-32</b>	<u>Hodel Turkey Farm, Inc. (Property ID No. 11-22-400-008)</u> – The Board found and certified that specified facilities of Hodel Turkey Farm, Inc. located in Woodford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W

<b>PCB 13-32</b>	<u>Hodel Turkey Farm, Inc. (Property ID No. 11-10-100-005)</u> – The Board found and certified that specified facilities of Hodel Turkey Farm, Inc. located in Woodford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 13-34</b>	<u>People of the State of Illinois v. Info Corner Materials, 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 Sangamon County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
<b>PCB 13-35</b>	<u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (East Campus)</u> – The Board accepted for hearing this land enforcement action concerning a Cook County facility.	5-0 A-E
<b>PCB 13-36</b>	<u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (West Campus)</u> – The Board accepted for hearing this land enforcement action concerning a Cook County facility.	5-0 A-E

### **CASES PENDING DECISION**

<b>R08-9 (C)</b>	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> Proposed Rule, First Notice Opinion & Order	Glosser Water
<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> Adopted Rule, Final Opinion & Order	Zalewski Air
<b>R13-1</b>	<u>VOM Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> Adopted Rule, Final Opinion & Order	Burke Air

<b>R13-2</b>	<u>SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> Adopted Rule, Final Opinion & Order	Burke PWS
<b>R13-5</b>	<u>RCRA Subtitle C Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> Adopted Rule, Final Opinion & Order	Burke Land
<b>R13-7</b>	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> Adopted Rule, Final Opinion & Order	Burke Water
<b>R13-9</b>	<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> Adopted Rule, Final Opinion & Order	Zalewski Proc

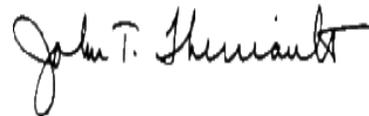
## OTHER ITEMS

## ADJOURNMENT

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Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:19 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 24, 2013, by a vote of 5-0



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board