

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 24, 2013

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 five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the January 10, 2013 open meeting were approved by a vote of 5-0. The minutes of the January 17, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0. The minutes of the January 23, 2013 closed meeting under 5 ILCS 120/2(c)(1) were approved by a vote of 5-0.

RULEMAKINGS

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| R12-24 | <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 final opinion and order in this rulemaking to amend the Board’s air pollution control regulations. | 5-0 Air |
| R13-1 | <u>VOM Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations. | 5-0 Air |
| R 13-2 | <u>SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s drinking water regulations. | 5-0 PWS |
| R 13-5 | <u>RCRA Subtitle C Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s hazardous waste regulations. | 5-0 Land |
| R 13-7 | <u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a final opinion and order in this rulemaking to amend the wastewater pretreatment regulations. | 5-0 Water |
| R 13-9 | <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 final opinion and order in this rulemaking to amend the Board’s procedural rules. | 5-0 Proc |
| R 13-17 | <u>Wastewater Pretreatment 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

None

ADMINISTRATIVE CITATIONS

| | | |
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| AC 09-47 | <u>IEPA v. D & B. Refuse Service, Inc. and Steve Loveall</u> – No action taken. | |
| AC 12-59 | <u>County of Macon v. Dale Pugsley and Tracy Kater</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket. | 5-0 |
| AC 13-12 | <u>IEPA v. David Chapman</u> – The Board found that this Macoupin County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (2010)), and ordered respondent to pay a civil penalty of \$3,000. | 5-0 |
| AC 13-18 | <u>IEPA v. Kenneth Hails</u> – The Board dismissed respondent’s petition for review for failure to timely file an amended petition as directed. The Board found that this Jefferson County respondent violated 21(p)(1), 21(p)(5), 21(p)(6), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(5), 21(p)(6), 21(p)(7) (2010)), and ordered respondent to pay a civil penalty of \$6,000. | 5-0 |
| AC 13-23 | <u>IEPA v. IL Valley Urban Lumberjacks, LLC</u> – The Board found that this LaSalle County respondent violated Sections 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500. | 5-0 |
| AC 13-25 | <u>IEPA v. Hustler Hauling, LLC</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket. | 5-0 |
| AC 13-27 | <u>IEPA v. Isidra Nunez d/b/a Chilo's Tire Service (IEPA File No. 302-12-AC)</u> – The Board accepted an administrative citation against this Rock Island County respondent. | |
| AC 13-28 | <u>IEPA v. Ray A. Hewardine</u> – The Board accepted an administrative citation against this Champaign County respondent. | |
| AC 13-29 | <u>IEPA v. Teddy G. Brown, Trustee, and Lawana R. Brown, Trustee and T&T Recycling, Inc.</u> – The Board accepted an administrative citation against these Williamson County respondents. | |

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| AC 13-30 | <u>IEPA v. Michael & Janet Mileham d/b/a Mike's Tire & Auto Service</u> – The Board accepted an administrative citation against these White County respondents. | |
| AC 13-31 | <u>County of Jackson v. Christopher Will</u> – The Board accepted an administrative citation against this Jackson County respondent. | |
| AC 13-32 | <u>IEPA v. Nico Development Groups, Inc.</u> – The Board accepted an administrative citation against this Rock Island County respondent. | |
| AC 13-33 | <u>IEPA v. Industrial Demolition, Inc.</u> – The Board accepted an administrative citation against this Macoupin County respondent. | |
| AC 13-34 | <u>IEPA v. Colonial Brick Co. Inc. and Rodney N. Brown d/b/a Brown Trucking & Ready Mix</u> – The Board accepted an administrative citation against these Knox County respondents. | |

ADJUDICATORY CASES

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| PCB 07-95 | <u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – The Board denied the complainant’s motion to strike AET Environmental, Inc. (AET) response to the motion for summary judgment. The Board granted complainant’s motion for summary judgment and found that respondent AET had violated Section 21(e) of the Environmental Protection Act (Act) (415 ILCS 5/21(e) (2010)) as alleged in the complaint. The Board ordered respondent to pay a civil penalty of \$60,000 and to cease and desist from further violations. (The Board had previously granted complainant’s motion for summary judgment as to E.O.R. Energy, LLC. <i>See People v. AET Environmental, Inc., and E.O.R. Energy, LLC, PCB 07-95 (Sept. 6. 2012).</i>) | 5-0 L-E |
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| PCB 10-12 | <u>People of the State of Illinois v. Hicks Oils & Hicksgas, Inc.</u> – In this water enforcement action concerning a Tazewell 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 Hicks Oils to pay a total civil penalty of \$5,000.00, and to cease and desist from further violations. Hicks Oils also agreed to perform a Supplemental Environmental Project (SEP) valued at \$75,000 that will benefit the non-profit Edelstein Water Works Co-op, located 25 miles away from the respondents’ site. Hicks Oils agreed to provide up to 50 water softener systems for customers of the co-op for the purpose of removing naturally occurring excess radium from the raw water, as the co-op cannot otherwise afford to remove it. | 5-0 W-E |
| PCB 10-20 | <u>People of the State of Illinois v. Montalbano Builders, Inc., an Illinois corporation, First American Properties, L.L.C., an Illinois limited liability company, and MBC XIV, LLC, a revoked Delaware limited liability company</u> – No action taken. | W-E |
| PCB 10-61 PCB 11-2 (cons.) | <u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC; Environmental Law and Policy Center v. Freeman United Coal Mining Company, LLC 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 Intervenors</u> – No action taken. | P-A, Air |
| 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 12-132 | <u>People of the State of Illinois v. Kehrer Brothers Construction, Inc. an Illinois corporation</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 Clinton County facility, the Board ordered publication of the required newspaper notice. | 4-0 Holbrook abstained L-E |
| PCB 13-1 | <u>People of the State of Illinois v. Troy Carter</u> – No action taken. | L-E |

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| 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 13-19 | <u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, and Sheridan Sand & Gravel Co. (4201 Road Site)</u> – No action taken. | 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> – No action taken. | L-E |
| 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 |
| PCB 13-26 | <u>People of the State of Illinois v. Bag Makers, Inc.</u> – In this land 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 \$30,000.00, and to cease and desist from further violations. | 5-0 A-E |
| PCB 13-27 | <u>Sierra Club v. Midwest Generation, LLC</u> – No action taken. | A-E, Citizens |
| PCB 13-31 | <u>Exelon Generation LLC, Quad Cities Nuclear Generation Station v. IEPA</u> – No action taken. | W-V |
| PCB 13-37 | <u>Texaco, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this LaSalle County facility. | 5-0 UST Appeal 90 Day Ext. |
| PCB 13-38 | <u>People of the State of Illinois v. Kerry Anderson, d/b/a Bill's Auto Repair</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 Henry County facility, the Board ordered publication of the required newspaper notice. | 5-0 L-E |

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| PCB 13-39 | <u>KCBX Terminals Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility. | 5-0 P-A, Air 90 Day Ext. |
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CASES PENDING DECISION

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| R08-9 (C) | <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 |
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OTHER ITEMS

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| | The Board granted the Chairman’s Motion under Section 2.06(c) of the Open Meeting Act (5 ILCS 120/2.06(c)) to continue to preserve only written minutes of Board closed deliberative sessions occurring January 1, 2011, through June 30, 2011, and to approve destruction of verbatim tape recordings of meetings held: January 13 and 27; February 10 and 24; March 10, 24, and 31; April 14 and 28; May 12 and 26; and June 9, 23, and 30; 2011. | 5-0 |
| | The Board granted the Chairman’s Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential minutes of Board closed deliberative sessions occurring between June 30, 2012 through December 31, 2012. | 5-0 |
| | The Board granted the Chairman’s Motion for Approval of Proposed Schedule of Regular Board Meetings for Calendar Year 2014 (Attached as Page 8). These Open Meetings Will Be Held at the Times and Locations Listed in the Attachment. | 5-0 |
| | The Board granted the Chairman’s Motion for Approval of Proposed Schedule of Closed Deliberative Sessions for Calendar Year 2014 (Attached as Page 9). These Closed Meetings Are Authorized by the Exception in Section 2(c)(4) of the Open Meetings Act (5 ILCS 120/2(c)(4)) for Evidentiary Case Discussions). These Meetings Will Be Held at the Times and Locations Listed in the Attachment. | 5-0 |

BOARD MEETINGS
SCHEDULED FOR CALENDAR YEAR 2014
(unless otherwise noted, meetings begin at 11:00 am)

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| January 9 | July 10 |
| January 23 | July 24 |
| February 6 | August 7 |
| February 20 | August 21 |
| March 6 | September 4 |
| March 20 | September 18 |
| April 3 | October 2 |
| April 17 | October 16 |
| May 1 | November 6 |
| May 15 | November 20 |
| June 5 | December 4 |
| June 19 | December 18 |

Unless otherwise noted below, Board meetings will be at the James R. Thompson Center, 100 W. Randolph Street, Chicago, IL

* These Board meetings will be via videoconference between Chicago, 100 W. Randolph Street, Videoconference Room 11-512, and Springfield, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor

** These Board meetings will be in the Board's Springfield Office, 1021 N. Grand Avenue East, North Entrance, Conference Room 1244 N, First Floor

**CLOSED DELIBERATIVE SESSIONS
SCHEDULED FOR CALENDAR YEAR 2014**
(unless otherwise noted, meetings begin at 10:00 am)

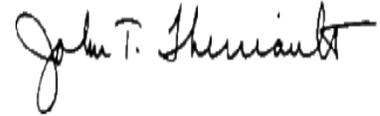
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| January 2 | July 3 |
| January 16 | July 17 |
| January 30 | July 31 |
| February 13 | August 14 |
| February 27 | August 28 |
| March 13 | September 11 |
| March 27 | September 25 |
| April 10 | October 9 |
| April 24 | October 23 |
| May 8 | October 30 |
| May 22 | November 13 |
| May 29 | November 26 (Wednesday) |
| June 12 | December 11 |
| June 26 | December 31 (Wednesday) |

Unless otherwise noted, Closed Deliberative Sessions will be at the James R. Thompson Center, 100 W. Randolph Street, Room 11-512, Chicago, IL

ADJOURNMENT

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 February 7, 2013, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board