

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



February 21, 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 February 7, 2013 open meeting were approved by a vote of 5-0. The minutes of the February 14, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0. The minutes of the February 20, 2013 closed meeting under 5 ILCS 120/2(c)(1) were approved by a vote of 5-0.

RULEMAKINGS

<p>R08-9 (C)</p>	<p><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> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s water regulations. The Board also opened a Subdocket E to examine issues surrounding Bubbly Creek (the South Fork of the South Branch Chicago River) as requested by the Metropolitan Water Reclamation District of Greater Chicago, Environmental Law and Policy Center, Friends of the Chicago River, Sierra Club Illinois Chapter, Natural Resources Defense Council and Openlands .</p>	<p>5-0 Water</p>
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ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

<p>AC 10-12</p>	<p><u>IEPA v. Landers' Children Family, LLC</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Sangamon County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2010)) and ordered respondent to pay a civil penalty of \$1,500. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500.00, the Board dismissed the alleged violations of Sections 21(p)(7) and 55(k)(1) of the Act (415 ILCS 5/21(p)(7), 55(k)(1) (2010)). The Board also granted the parties’ joint motion to dismiss respondent’s petition for review.</p>	<p>5-0</p>
<p>AC 13-23</p>	<p><u>IEPA v. IL Valley Urban Lumberjacks, LLC</u> – The Board directed respondent to provide by March 7, 2013, proof of service of its motion to reconsider to the Illinois Environmental Protection Agency.</p>	<p>5-0</p>
<p>AC 13-27</p>	<p><u>IEPA v. Isidra Nunez d/b/a Chilo's Tire Service</u> – The Board found that this Rock Island 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.</p>	<p>5-0</p>

AC 13-28	<u>IEPA v. Ray A. Hewerdine</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Champaign County facility.	5-0
AC 13-31	<u>County of Jackson v. Christopher Will</u> – The Board accepted respondent’s petition for review involving a Jackson County facility, but directed respondent to file an amended petition to cure deficiencies.	5-0

ADJUDICATORY CASES

PCB 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.</u> , – No action taken.	A-E
PCB 09-92	<u>Tilton Energy LLC (Tilton Energy Center) v. IEPA</u> – The Board granted petitioner’s motion to dismiss this permit appeal.	4-0 Holbrook abstained P-A, Air
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 10-23	<u>United States Steel Corporation v. IEPA, American Bottom Conservancy as Intervenor</u> – The Board grants petitioner’s motion to extend the stay of this proceeding through February 4, 2014.	4-0 Holbrook abstained P-A, Air
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 10-84	<u>People of the State of Illinois v. Professional Swine Management, LLC, Hilltop View LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., North Fork Pork, LLC, Little Timber, LLC, and Twin Valley Pumping, Inc.</u> – No action taken.	L-E
PCB 11-22	<u>Scott Mayer v. Lincoln Prairie Water Company, Korte & Luitjohan Contractors, Inc., and Milano & Grunloh Engineers, LLC</u> – No action taken.	L-E, Citizens

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 13-1	<u>People of the State of Illinois v. Troy Carter</u> – No action taken.	L-E
PCB 13-12	<u>People of the State of Illinois v. NACME Steel Processing, LLC</u> – No action taken.	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> – 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 13-28	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – No action taken.	W-E
PCB 13-29	<u>People of the State of Illinois v. 401 North Wabash Venture, LLC</u> – In this water enforcement action concerning a Cook 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 \$46,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 13-30	<u>People of State of Illinois v. Rock River Arms, Inc.</u> – In this air enforcement action concerning a Henry 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 \$13,000.00, and to cease and desist from further violations.	5-0 A-E

PCB 13-34	<u>People of the State of Illinois v. Info Corner Materials, Inc.</u> – In this land enforcement action concerning a Sangamon 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
PCB 13-41	<u>People of the State of Illinois v. Ameren Energy Generating Company, Inc.</u> – No action taken.	L-E
PCB 13-42	<u>Lloyd Milles Farms, Inc. – Genoa v. IEPA</u> – The Board found and certified that specified facilities of Lloyd Milles Farms, Inc. located in DeKalb 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
PCB 13-43	<u>People of the State of Illinois v. Blick's Construction Co. Inc. and Ron Bricker</u> – The Board accepted for hearing this land enforcement action concerning an Adams County facility.	5-0 L-E
PCB 13-44	<u>Bacon Hill Farms, Inc. - Avon v. IEPA</u> – The Board found and certified that specified facilities of Bacon Hill Farms, Inc. located in Fulton 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
PCB 13-45	<u>Prime Pork, LLC - DeKalb v. IEPA</u> – The Board found and certified that specified facilities of Prime Pork, LLC located in DeKalb 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
PCB 13-46	<u>Asay Farms, Inc. v. IEPA</u> – The Board found and certified that specified facilities of Asay Farms, Inc. located in Henry 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

CASES PENDING DECISION

R11-9	<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	Holbrook Land
PCB 13-10	<u>Martin Maggio v. County of Winnebago, Winnebago County Board, and Winnebago Landfill Company, LLC (Due 3/7/13)</u> – Opinion & Order	Glosser PCFSR, 3d P

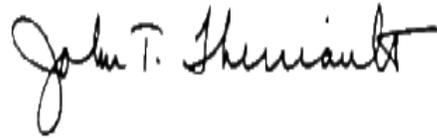
OTHER ITEMS

NONE

ADJOURNMENT

Moved and seconded, by a vote of 5-0, 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 March 7, 2013, by a vote of 4-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board