

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**March 7, 2013**

**11:00 a.m.**

### **Videoconference**

#### **Chicago**

100 W. Randolph Street  
Chicago, IL

**And**

#### **Springfield**

1021 N. Grand Avenue East  
Springfield, IL  
Room 11-512 Conference Room  
1244 N, First Floor

### **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. Four Board Members answered present; Member Burke was absent.

### **APPROVAL OF MINUTES**

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The minutes of the February 21, 2013 open meeting were approved by a vote of 4-0. The minutes of the February 28, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 3-0; Member Glosser abstained.

**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 Land
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**ADJUSTED STANDARDS**

NONE

**ADMINISTRATIVE CITATIONS**

<b>AC 13-23</b>	<u>IEPA v. IL Valley Urban Lumberjacks, LLC</u> – No action taken.	
<b>AC 13-29</b>	<u>IEPA v. Teddy G. Brown, Trustee, and Lawana R. Brown, Trustee and T&amp;T Recycling, Inc.</u> – The Board found that these Williamson County respondents violated Sections 21(p)(1), 21(p)(3), 21(p)(4), and 21(p)(6) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4), (p)(6) (2010)), and ordered respondents to pay a civil penalty of \$6,000.	4-0
<b>AC 13-30</b>	<u>IEPA v. Michael &amp; Janet Mileham d/b/a Mike's Tire &amp; Auto Service</u> – The Board found that these White County respondents violated Sections 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
<b>AC 13-32</b>	<u>IEPA v. Nico Development Groups, Inc.</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.	4-0
<b>AC 13-33</b>	<u>IEPA v. Industrial Demolition, Inc.</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Macoupin County facility.	4-0
<b>AC 13-34</b>	<u>IEPA v. Colonial Brick Co. Inc. and Rodney N. Brown d/b/a Brown Trucking &amp; Ready Mix</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Knox County facility.	4-0

<b>AC 13-35</b>	<u>County of Jackson v. Cloyd and Craig Karnes</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 13-37</b>	<u>County of Vermilion, Illinois v. Charles Long</u> – The Board on its own motion dismissed the administrative citation and closed the docket, for failure to timely serve the administrative citation on respondent.	4-0
<b>AC 13-38</b>	<u>IEPA v. Jeff Wuebbels</u> – The Board accepted an administrative citation against this Clinton 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 for extension of the record-closing deadline.	4-0 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> – No action taken.	L-E
<b>PCB 08-30</b>	<u>E.R. 1, LLC, assignee of Caseyville Sport Choice, LLC v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity, and Fairmount Park, Inc.</u> – No action taken.	L-E, Citizens
<b>PCB 10-9</b>	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, and Trinity Rail Group, Inc.</u> – In this land enforcement action concerning a Macon 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)) as Trinity Rail Group, Inc., (Trinity) only, accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$30,000, and to cease and desist from further violations. Trinity also agreed to pay the People’s attorney’s fees in the amount of \$750.00.	4-0 L-E
<b>PCB 10-20</b>	<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

<b>PCB 10-61</b> <b>PCB 11-2</b> <b>(cons.)</b>	<u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC;</u> <u>Environmental Law and Policy Center v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC</u> – No action taken.	W-E
<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 10-84</b>	<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
<b>PCB 11-22</b>	<u>Scott Mayer v. Lincoln Prairie Water Company, Korte &amp; Luitjohan Contractors, Inc., and Milano &amp; Grunloh Engineers, LLC</u> – No action taken.	L-E, Citizens
<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 13-1</b>	<u>People of the State of Illinois v. Troy Carter</u> – The Board granted complainant’s motion for summary judgment, finding that respondent violated the specified provisions of the Environmental Protection Act and the Board regulations as alleged in the complaint. The Board ordered respondent to pay a total civil penalty of \$37,008.00, and to cease and desist from further violations.	4-0 L-E
<b>PCB 13-3</b>	<u>People of the State of Illinois v. Edward W. Fisher, Rhonda L. Fisher, and DEM/EX Group, Inc.</u> – No action taken.	L-E
<b>PCB 13-8</b>	<u>Atkinson Landfill Company v. IEPA</u> – No action taken.	P-A, Land
<b>PCB 13-10</b>	<u>Martin Maggio v. County of Winnebago, Winnebago County Board, and Winnebago Landfill Company, LLC</u> – The Board affirmed the Winnebago County Board’s siting approval for the Winnebago Landfill Company’s pollution control facility expansion.	4-0 PCFSR, 3d P

<b>PCB 13-11</b>	<u>Rock River Water Reclamation District v. IEPA</u> – No action taken.	P-A, Water
<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 13-19</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 13-28</b>	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – No action taken.	W-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> – No action taken.	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> – No action taken.	A-E
<b>PCB 13-41</b>	<u>People of the State of Illinois v. AmerenEnergy Resources Generating Company, Inc.</u> , – The Board granted complainant’s motion for substitution of parties and dismissed respondent’s motion for dismissal. (The above caption reflects this action.)	4-0 L-E
<b>PCB 13-43</b>	<u>People of the State of Illinois v. Blick's Construction Co., Inc. and Ron Bricker</u> – No action taken.	A-E

**CASES PENDING DECISION**

<b>PCB 12-101</b>	<u>ConocoPhillips Company v. IEPA</u> (Due 3/21/13) – Opinion & Order	Glosser P-A, Water
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**OTHER ITEMS**

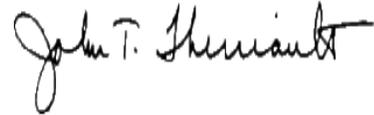
None

## ADJOURNMENT

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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 March 21, 2013, by a vote of 4-0, Member Burke abstained.



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board