

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



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

RULEMAKINGS

<p>R12-9 (B)</p>	<p><u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> – The Board adopted an order directing the hearing officer to schedule hearings and provide participants with questions to be addressed concerning groundwater monitoring issues at hearing.</p>	<p>3-0 Burke and Zalewski abstained Land</p>
<p>R13-8</p>	<p><u>In the Matter of: Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219</u> – No action taken.</p>	<p>Air</p>

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

<p>AC 12-4</p>	<p><u>IEPA v. Garrison Properties, Inc. & River City Roofing Company, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria 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)(3) and 21(p)(7) of the Act (415 ILCS 5/21(p)(3) and 21(p)(7) (2010)).</p>	<p>5-0</p>
<p>AC 12-38</p>	<p><u>IEPA v. Funk Builders, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Woodford 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. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations of Sections 21(p)(3) and 21(p)(7) of the Act (415 ILCS 5/21(p)(3) and 21(p)(7) (2010)).</p>	<p>5-0</p>

AC 12-51	<u>IEPA v. Northern Illinois Service Company</u> – The Board denied complainant’s motion for leave to amend an administrative citation as unnecessary.	5-0
AC 13-23	<u>IEPA v. IL Valley Urban Lumberjacks, LLC</u> – The Board denied respondent’s motion to reconsider the Board’s January 24, 2013 order.	5-0
AC 13-36	<u>IEPA v. Paul Williams & H S Auto Salvage</u> – The Board found that these Alexander County respondents violated Section 21(p)(1), 21(p)(3), 21(p)(7) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) and 55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$6,000.	5-0
AC 13-39	<u>County of Jackson v. Elmer Rowe and Greg Rowe</u> – The Board accepted an administrative citation against these Jackson County respondents.	
AC 13-40	<u>IEPA v. Lloyd Schoenheit and Mark E. Johnson d/b/a MJ Tire Service</u> – The Board accepted an administrative citation against these Edwards County respondents.	

ADJUDICATORY CASES

PCB 07-95	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – No action taken.	L-E
PCB 08-30	<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
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> – The Board granted complainant’s motion to voluntarily dismiss First American Properties, LLC (First American) from the amended complaint. First American’s motion to dismiss Counts I and II of the amended complaint is moot.	5-0 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;</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
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 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 12-101	<u>ConocoPhillips Company v. IEPA</u> – The Board affirmed the Illinois Environmental Protection Agency’s imposition of Special Condition 27 in Phillips 66 Company’s National Pollutant Discharge Elimination System permit issued on December 22, 2011. The Board remanded the permit for recalculation of the effluent limit for mercury.	3-0 Burke and Holbrook abstained P-A, Water
PCB 12-132	<u>People of the State of Illinois v. Kehrer Brothers Construction, Inc. an Illinois corporation</u> – In this land enforcement action concerning a Clinton 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 \$6,000.00, and to cease and desist from further violations.	4-0 Holbrook abstained L-E
PCB 13-3	<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
PCB 13-8	<u>Atkinson Landfill Company v. IEPA</u> – No action taken.	P-A, Land

PCB 13-11	<u>Rock River Water Reclamation District v. IEPA</u> – No action taken.	P-A, Water
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 13-35	<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
PCB 13-36	<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
PCB 13-38	<u>People of the State of Illinois v. Kerry Anderson, d/b/a Bill's Auto Repair</u> – In this land 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 \$6,000.00, and to cease and desist from further violations.	5-0 L-E
PCB 13-43	<u>People of the State of Illinois v. Blick's Construction Co., Inc. and Ron Bricker</u> – No action taken.	A-E

PCB 13-47	<u>People of the State of Illinois v. City of Carlinville</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 Macoupin County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
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CASES PENDING DECISION

PCB 13-24	<u>Midwest Generation, LLC v. IEPA</u> (Due 4/4/13) – Opinion & Order	O’Leary A-V, CAAPP
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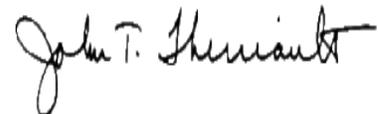
OTHER ITEMS

	The Board granted the Chairman’s Motion to hold four videoconference, Closed Board Meetings, on Wednesday, April 3, 2013 at 2:00 pm, Thursday, April 18, 2013 at 1:00 pm, Wednesday, May 1, 2013 at 2:00 pm, and Thursday, May 16, 2013 at 1:00 pm,. All meetings will be held in both Room 11-512 of James R. Thompson Center, Chicago, and in IPCB Conference Room 1244, 1021 N. Grand Avenue East, Springfield, as authorized by the exception in Section 2(c)(1) of the Open Meetings Act (5 ILCS 120/2(c)(1)) concerning personnel matters.	5-0
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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 April 4, 2013, by a vote of 4-0, Member Burke abstained.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board