

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



April 18, 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. Four Board Members answered present: Chairman Holbrook and Member O'Leary at the Springfield location and Members Burke and Zalewski at the Chicago location.

Chairman Holbrook noted that overnight rains and statewide flooding had resulted in many closed roads, expressway and schools and that the Governor activated the State's Incident Response Center. As a result, Member Glosser was unable to safely and timely reach either meeting location. The Chairman moved under Section 7 of the Open Meetings Act and Section 2175.120(d)(2) of the Board's rules to allow her to participate by telephone. Motion carried on voice vote, and Member Glosser registered her presence.

APPROVAL OF MINUTES

The minutes of the April 4, 2013 open meeting and April 11, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

RULEMAKINGS

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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> – No action taken. | Water |
| R08-18(B) | <u>In the Matter of: Technical Corrections to 35 Ill. Adm. Code 620.420</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s public water supply pollution regulations. | 5-0 PWS |
| R11-18(B) | <u>In the Matter of: Technical Corrections to Triennial Review of Water Quality Standards Amendments for Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 302.208(b) and (e)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water pollution control regulations. | 5-0 Water |
| R13-19 | <u>In the Matter of: Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B</u> – The Board accepted for hearing petitioner’s April 9, 2013 proposal to amend the Board’s land pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signatures. | 5-0 Land |

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

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| AC 13-38 | <u>IEPA v. Jeff Wuebbels</u> – The Board found that this Clinton County respondent 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500. | 5-0 |
| AC 13-39 | <u>County of Jackson v. Elmer Rowe and Greg Rowe</u> – The Board accepted respondents’ petition for review, but directed respondents to file an amended petition to cure deficiencies on or before May 20, 2013. | 5-0 |

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| AC 13-40 | <u>IEPA v. Lloyd Schoenheit and Mark E. Johnson d/b/a MJ Tire Service</u> – The Board accepted respondents’ petition for review, but directed respondents to file an amended petition to cure deficiencies on or before May 20, 2013. | 5-0 |
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ADJUDICATORY CASES

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| PCB 04-16 | <u>People of the State of Illinois v. Packaging Personified, Inc.</u> – The Board granted complainant’s motion to extend the discovery schedule. | 5-0 Glosser and Zalewski concurred A-E |
| 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 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;</u> <u>Environmental Law and Policy Center v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC</u> – The Board denied respondents’ motion for interlocutory appeal and to stay the pending proceedings. | 4-0 Burke abstained 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 10-86 | <u>People of the State of Illinois v. Illinois Fuel Company</u> – No action taken. | W-E |

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| 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 11-88 | <u>People of the State of Illinois v. Super Mix, Inc.</u> – No action taken. | W-E |
| 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> – Upon receipt of a proposed stipulation and settlement agreement, as to Altivity only, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice. | 5-0 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 13-12 | <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 |

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| PCB 13-25 | <u>People of the State of Illinois v. Diversified Labeling Solutions, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice. | 5-0 A-E |
| PCB 13-28 | <u>People of the State of Illinois v. Atkinson Landfill Company</u> – The Board granted the parties’ agreed motion for leave to file the People’s first amended complaint and accepted the first amended complaint for hearing. The Board reserved ruling upon Atkinson Landfill Company’s motion to join the Village of Atkinson and the City of Galva as respondents. | 5-0 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> – The Board granted respondent’s motions to consolidate PCB 13-35 and PCB 13-36 for purposes of hearing and decision. The Board also granted respondent’s motion to a limited stay the consolidated proceedings. | 5-0 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> – The Board granted respondent’s motions to consolidate PCB 13-35 and PCB 13-36 for purposes of hearing and decision. The Board also granted respondent’s motion to a limited stay the consolidated proceedings. | 5-0 A-E |
| PCB 13-40 | <u>People of the State of Illinois v. Messenger Auto, Inc., d/b/a Messenger Auto & Recycling, William E. Messenger, Sr. and William M. Messenger, Jr.</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 Ogle County facility, the Board ordered publication of the required newspaper notice. | 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 13-49 | <u>Akzo Nobel Surface Chemistry LLC v. IEPA</u> – The Board granted petitioner’s motion for partial stay of the National Pollutant Discharge Elimination System permit. | 4-0 Burke abstained P-A, Water |

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| PCB 13-52 | <u>People of the State of Illinois v. Oil Technology, 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 air enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice. | 5-0 A-E |
| PCB 13-53 | <u>United States Steel Corporation v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit. | 4-0 Holbrook abstained P-A, Air |
| PCB 13-54 | <u>Jay Bell's 66 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Peoria County facility. | 5-0 UST Appeal |
| PCB 13-55 | <u>Equistar Chemicals, LP v. IEPA</u> – The Board found and certified that specified facilities of Equistar Chemicals, LP located in Grundy 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 13-56 | <u>Consolidated Ice Company 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 St. Clair County facility. | 5-0 UST Appeal 90 Day Ext. |
| PCB 13-57 | <u>Congress Development Company v. IEPA</u> – The Board accepted for hearing petitioner’s petition in this permit appeal involving a Cook County facility. | 5-0 P-A, Air |
| PCB 13-58 | <u>ABP Properties, LLC v. IEPA (Incident No. 20120616)</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Charleston County facility. | 5-0 UST Appeal 90 Day Ext. |
| PCB 13-59 | <u>ABP Properties, LLC v. IEPA (Incident No. 20120616-62395)</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Charleston County facility. | 5-0 UST Appeal 90 Day Ext. |

CASES PENDING DECISION

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| PCB 13-11 | <u>Rock River Water Reclamation District v. IEPA (Due 5/4/13)</u> <ul style="list-style-type: none">• Rock River Water Reclamation District's Motion to Reopen the Record for Leave to File Instant Petitioner's Reply to Respondent's Post-Hearing Response Brief (3/4)• Rock River Water Reclamation District's Reply to Respondent's Post Hearing Response Brief (3/4)• Respondent's Response to Petitioner's Motion to Reopen the Record and for Leave to File Instant (3/5)<ul style="list-style-type: none">– Opinion & Order | Zalewski W-PA |
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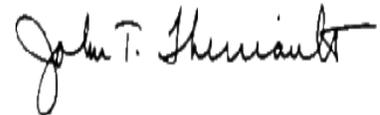
OTHER ITEMS

NONE

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:22 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 2, 2013, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board