

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



May 16, 2013

11:00 a.m.

Videoconference

Chicago

100 W. Randolph Street
Chicago, IL
Room 11-512

And

Springfield

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

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 May 2, 2013 open meeting were approved by a vote of 5-0. The minutes of the May 9, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

RULEMAKINGS

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> – The Board denied in part and granted in part the Illinois Environmental Regulatory Group’s motion to clarify the Board’s February 21, 2013 first notice order.	5-0 Water
R11-9	<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 final opinion and order in this rulemaking which amends the Board’s land pollution control regulations.	4-0 Burke Abstained Land
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 final opinion and order in this rulemaking which amends the Board’s water regulations to correct scrivener’s errors.	5-0 Water
R13-11	<u>National Ambient Air Quality Standards, USEPA Regulations</u> – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s air pollution control regulations. A hearing will be held in Springfield on June 26, 2013.	5-0 Air

ADJUSTED STANDARDS

AS 13-3	<u>Kramer Tree Specialists, Inc. v. IEPA</u> – No action taken.	Land
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ADMINISTRATIVE CITATIONS

AC 13-41	<u>IEPA v. Robert & Tia Mixer</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving an Adams County facility.	5-0
AC 13-42	<u>IEPA v. James & Pam Green</u> – The Board accepted an administrative citation against these Whiteside County respondents.	
AC 13-43	<u>IEPA v. Mike Munson</u> – The Board accepted an administrative citation against this Crawford County respondent.	

AC 13-44	<u>IEPA v. Raymond Burns</u> – The Board accepted an administrative citation against this Marion County respondent.	
AC 13-45	<u>IEPA v. Marshall Brennan</u> – The Board accepted an administrative citation against this LaSalle County respondent.	

ADJUDICATORY CASES

PCB 06-75	<u>The City of Springfield v. IEPA</u> – The Board granted the parties’ amended joint motion to lift the stay of uncontested Clean Air Act Permit Program permit conditions and request for remand to the Illinois Environmental Protection Agency to revise the permit’s term of duration, while maintaining the stay of the contested conditions and the Board’s jurisdiction over them.	5-0 P-A, Air
PCB 08-59	<u>John Blickhan v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Land
PCB 10-20	<u>People of the State of Illinois v. Montalbano Builders, Inc., an Illinois corporation and MBC XIV, LLC, a revoked Delaware limited liability company</u> – No action taken.	W-E
PCB 10-86	<u>People of the State of Illinois v. Illinois Fuel Company</u> – The Board accepted the first amended complaint for hearing.	5-0 W-E
PCB 11-88	<u>People of the State of Illinois v. Super Mix, Inc.</u> – No action taken.	W-E
PCB 12-101	<u>Phillips 66 Company (f/k/a ConocoPhillips Company) v. IEPA</u> – The Board denied petitioner’s motion to reconsider its March 21, 2013 opinion and order affirming the Illinois Environmental Protections Agency’s permit decision, but remanding it for additional proceedings.	3-0 Burke and Holbrook abstained P-A, Water
PCB 12-126	<u>Ameren Energy Resources v. IEPA</u> – No action taken.	A-V

PCB 13-3	<u>People of the State of Illinois v. Edward W. Fisher, Rhonda L. Fisher, and DEM/EX Group, Inc.</u> – The Board granted complainant’s motions for summary judgment against respondents Edward Fisher, Rhonda Fisher, and DEM/EX Group. The Board found that respondents violated Sections 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(7)(i)-(ii), 55(a)(1), and 55(k)(1) of the Environmental Protection Act (Act), and Section 812.101(a) of the Board regulations. 415 ILCS 5/9(a), (c), 21(a), (d)(1)-(2), (e), (p)(1), (p)(3), (p)(7)(i)-(ii), 55(a)(1), (k)(1) (2010); 35 Ill. Adm. Code 812.101(a). The Board ordered respondents to cease and desist from violating the Act and associated regulations and ordered each respondent to pay a civil penalty in the amount of \$16,000, for a total civil penalty of \$48,000.	5-0 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
PCB 13-28	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – The Board granted the parties’ agreed motion for extension of time to answer or otherwise plead in response to the first amended complaint. The Board struck complainant’s April 22, 2013 re-filing of the first amended complaint on April 22, 2013 as unnecessary. The Board also reserved ruling on the pending motion for joinder of additional respondents.	5-0 W-E

PCB 13-43	<u>People of the State of Illinois v. Blick's Construction Co., Inc. and Ron Bricker</u> – The Board granted respondents' motion to dismiss count II of the complaint as insufficiently pled and dismissed count II as to both respondents.	5-0 A-E
PCB 13-54	<u>Jay Bell's 66 v. IEPA</u> – No action taken.	UST Appeal
PCB 13-60	<u>People of the State of Illinois v. Village of Atkinson</u> – No action taken.	W-E
PCB 13-61	<u>People of the State of Illinois v. City of Galva</u> – No action taken.	W-E
PCB 13-62	<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 13-63	<u>Spectrum Preferred Meats, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving an Ogle County facility. No action was taken on petitioner's motion for partial stay of specified conditions in the construction permit.	4-0 Burke abstained P-A, Water

CASES PENDING DECISION

NONE

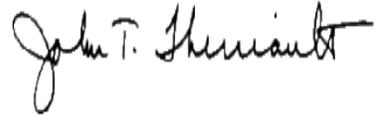
OTHER ITEMS

	The Board granted the Chairman's Motion to hold four videoconference, Closed Board Meetings, on Wednesday, June 5, 2013, at 3:00 PM, Wednesday, June 19, 2013, at 2:00 PM, Wednesday, July 10, 2013, at 2:00 PM, and Wednesday, July 24, 2013, at 2:00 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 11:21 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 6, 2013, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board