

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 6, 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 May 16, 2013 open meeting were approved by a vote of 5-0. The minutes of the May 23 and 30, 2013 closed deliberative sessions under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0. The minutes of the June 5, 2013 closed meeting under 5 ILCS 120/2(c)(1) were approved by a vote of 5-0.

RULEMAKINGS

NONE

ADJUSTED STANDARDS

AS 09-4	<u>In the Matter of: Petition of Royal Fiberglass Pools, Inc. for an Adjusted Standard from 35 IAC 215.301</u> – No action taken.	Air
AS 13-3	<u>Kramer Tree Specialists, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal.	5-0 Land
AS 13-4	<u>In the Matter of: Petition of Brickyard Disposal & Recycling, Inc. Pursuant to 35 Ill. Adm. Code 814.402(b)(3)</u> – No action taken.	Land

ADMINISTRATIVE CITATIONS

AC 13-31	<u>County of Jackson v. Christopher Will</u> – The Board extended the deadline for respondent to file an amended petition for review until July 8, 2013.	5-0
AC 13-39	<u>County of Jackson v. Elmer Rowe and Greg Rowe</u> – The Board accepted an amended administrative citation against these Jackson County respondents.	5-0
AC 13-40	<u>IEPA v. Lloyd Schoenheit and Mark E. Johnson d/b/a MJ Tire Service</u> – The Board dismissed respondents’ petition for review for failure to timely file an amended petition as directed. The Board found that these Edwards County respondents violated Sections 21(p)(6) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(6) and 55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 13-46	<u>IEPA v. Best Kept Lawn, Inc. and David Klauser</u> – The Board accepted an administrative citation against these Adams County respondents.	
AC 13-47	<u>County of Perry v. Indiana Properties, Inc.</u> – The Board accepted an administrative citation against this Perry County respondent.	
AC 13-48	<u>IEPA v. Nico Development Group, Inc.</u> – The Board accepted an administrative citation against this Rock Island County respondent.	

AC 13-49	<u>IEPA v. John P. Dunbar</u> – The Board accepted an administrative citation against this Rock Island County respondent.	
AC 13-50	<u>IEPA v. R. F. Stewart Family Ltd. Partnership</u> – The Board accepted an administrative citation against this Edwards County respondent.	
AC 13-51	<u>County of Vermilion v. Marian and Russell Herbold</u> – The Board accepted an administrative citation against these Vermilion County respondents.	
AC 13-52	<u>County of Vermilion v. Charles Long</u> – The Board accepted an administrative citation against this Vermilion County respondent.	

ADJUDICATORY CASES

PCB 06-189 PCB 06-190	<u>L. Keller Oil Properties / Farina (Incident No. 20060153) v. IEPA</u> <u>L. Keller Oil Properties / Farina (Incident No. 20051539) v. IEPA</u> – No action taken.	UST Appeal
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. James A. Seiber, Jr., Executor of the Estate of Erma I. Seiber and James A. Seiber, Deceased, 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 and MBC XIV, LLC, a revoked Delaware limited liability company</u> – The Board granted complainant’s motion to withdraw its first amended complaint and accepted the second amended complaint for hearing.	5-0 W-E
PCB 11-63	<u>Beverly Powers f/d/b/a Dick's Super Service v. IEPA</u> – The Board will decide the motion to strike in the final opinion and order, due for issuance on August 22, 2013.	UST Appeal
PCB 11-88	<u>People of the State of Illinois v. Super Mix, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a McHenry County facility, the Board ordered publication of the required newspaper notice.	5-0 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> – In this land enforcement action concerning a Tazewell 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 as to Altivity Packaging, LLC, only, and ordered the respondent to pay a total civil penalty of \$25,000.00, and to cease and desist from further violations.	5-0 L-E
PCB 12-92	<u>People of the State of Illinois v. S. A. Lewis Construction, Inc</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Macon County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 12-126	<u>Ameren Energy Resources v. IEPA</u> – The Board denied petitioner’s motion to reopen this docket and substitute parties.	4-0 Holbrook abstained A-V
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> – The Board granted complainant’s motion for leave to file a reply and the complainant’s motion to strike NACME Steel Processing, LLC’ s (NACME) first affirmative defense of a valid federally enforceable state operating permit. The Board denied complainant’s motion to strike NACME’s second and third defenses of laches and waiver.	5-0 A-E
PCB 13-15	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation</u> – No action taken.	W-E, Citizens
PCB 13-17	<u>Natural Resources Defense Council, Prairie Rivers Network, and Sierra Club v. Illinois Environmental Protection Agency and Dynegy Midwest Generation, Inc.</u> – No action taken.	W-PA, NPDES, 3d P
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 13-25	<u>People of the State of Illinois v. Diversified Labeling Solutions, Inc.</u> – In this air enforcement action concerning a DuPage 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 \$20,000.00, consisting of a \$15,500 civil penalty for deposit into the Environmental Protection Trust Fund and a \$4,500 payment for deposit into the Environmental Protection Permit and Inspection Fund. The Board also ordered respondent to cease and desist from further violations.	5-0 A-E
PCB 13-28	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – The Board denied Atkinson Landfill Co.’s motion to join the Village of Atkinson and City of Galva as respondents to this proceeding.	5-0 W-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> – In this land enforcement action concerning an Ogle 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 \$10,000.00, and to cease and desist from further violations.	5-0 L-E

PCB 13-52	<u>People of the State of Illinois v. Oil Technology, Inc.</u> – In this air enforcement action concerning an Ogle 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 \$3,000.00, and to cease and desist from further violations. Additionally, the stipulation includes a supplemental environmental project (SEP), whereby respondent agrees to provide \$4,500 to the Illinois Clean Diesel Grant Program, which is administered by the Illinois Green Fleets Program, to purchase a direct-fired heater for a school bus engine.	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> – 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 Henry County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 13-61	<u>People of the State of Illinois v. City of Galva</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 Henry County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 13-62	<u>United States Steel Corporation v. IEPA</u> – The Board granted petitioner’s motion for partial stay of the contested conditions within the revised Clean Air Act Permit Program permit.	4-0 Holbrook abstained P-A, Air
PCB 13-63	<u>Spectrum Preferred Meats, Inc. v. IEPA</u> – No action taken.	P-A, Water
PCB 13-64	<u>People of the State of Illinois v. Southern Illinois Regional Landfill, 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 water enforcement action involving a Jackson County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E

PCB 13-65	<u>Natural Resources Defense Council, Prairie Rivers Network, and Sierra Club v. Illinois Environmental Protection Agency and Dynegy Midwest Generation, Inc.</u> – No action taken.	W-PA, NPDES, 3d P
PCB 13-66	<u>People of the State of Illinois v. Union Pacific Railroad Company and Walsh Construction Company</u> – The Board accepted for hearing this land enforcement action concerning a Cook County facility.	5-0 W-E
PCB 13-67	<u>Prairie Rivers Network and Sierra Club v. Illinois Environmental Protection Agency and Springfield Coal Company, LLC</u> – The Board accepted petitioners’ petition for review involving a facility located in McDonough and Schuyler Counties. The Board directed petitioners to file an amended petition to cure deficiencies.	4-0 Burke abstained W-PA, NPDES, 3d P

CASES PENDING DECISION

R13-15	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – Proposed Rule for Public Comment; Opinion & Order	Burke Land
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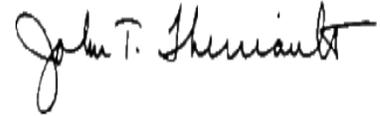
OTHER ITEMS

NONE

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 20, 2013, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board