

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



February 7, 2013

11:00 a.m.

Videoconference

Chicago Office

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

AND

Springfield Office

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

ANNOUNCEMENTS

Chairman Holbrook welcomed members of the public and staff. The Chairman called the meeting to order at 11:00 am, but “stood at ease” until 11:12 am, at which time the Board began to conduct business.

ROLL CALL

The Assistant Clerk of the Board called the roll. All five Board Members answered present (Members Glosser, O’Leary and Zalewski in Springfield). The Chairman congratulated Members O’Leary and Zalewski who had just appeared at the 9:00 am Springfield meeting of the Senate Executive Appointments Committee and whose reappointments had been passed out of that committee.

APPROVAL OF MINUTES

The minutes of the January 24, 2013 open meeting were approved by a vote of 5-0. The minutes of the January 31, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0. The minutes of the February 6, 2013 closed meeting under 5 ILCS 120/2(c)(1) were approved by a vote of 5-0.

RULEMAKINGS

R11-18 (B)	<u>In the Matter of: Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 301.106, 302.Subparts B, C, E, F and 303.312</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s water regulations.	5-0 Water
R13-10	<u>VOM Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic material regulations during the update period of July 1, 2012 through December 31, 2012.	5-0 Air
R 13-12	<u>SDWA Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its drinking water regulations during the update period of July 1, 2012 through December 31, 2012.	5-0 PWS
R 13-13	<u>UIC Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2012 through December 31, 2012.	5-0 Land
R 13-14	<u>RCRA Subtitle D Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of July 1, 2012 through December 31, 2012.	5-0 Land
R 13-16	<u>UST Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 2012 through December 31, 2012.	5-0 Land

R 13-17	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of July 1, 2012 through December 31, 2012.	5-0 Water
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ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 09-47	<u>IEPA v. D & B. Refuse Service, Inc. and Steve Loveall</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Moultrie County facility, the Board found that respondents had violated Section 21(o)(13) of the Environmental Protection Act (415 ILCS 5/21(o)(13) (2010)) and ordered respondents to pay a civil penalty of \$500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review.	5-0
AC 13-24	<u>IEPA v. Wabzz Realty, LLC and Best One Tire & Service of Marion, Inc.</u> – The Board found that these Williamson County respondents violated Section 55(k)(1) of the Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$1,500.	5-0
AC 13-26	<u>IEPA v. Frank E. Seibert</u> – The Board found that this Franklin County respondent violated Sections 21(p)(1), 21(p)(3), 21(p)(4), 21(p)(5), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4), (p)(5), (p)(7) (2010)), and ordered respondent to pay a civil penalty of \$9,000.	5-0
AC 13-35	<u>County of Jackson v. Cloyd and Craig Karnes</u> – The Board accepted respondent’s Cloyd Karnes petition for review involving a Jackson County facility, but directed respondent to file an amended petition to cure deficiencies.	5-0
AC 13-36	<u>IEPA v. Paul Williams & H S Auto Salvage</u> – The Board accepted an administrative citation against these Alexander County respondents.	5-0

AC 13-37	<u>County of Vermilion, Illinois v. Charles Long</u> – The Board accepted an administrative citation against this Vermilion County respondent.	5-0
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ADJUDICATORY CASES

PCB 10-9	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, and Trinity Rail Group, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement as to Trinity Rail Group, Inc., and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a facility located in Macon County facility, the Board ordered publication of the required newspaper notice.	5-0 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 10-23	<u>United States Steel Corporation v. IEPA, American Bottom Conservancy as Intervenor</u> – No action taken.	P-A, Air
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 Freeman United and Springfield Coal’s motion to reconsider a November 15, 2012 opinion and order.	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 Intervenor</u> – No action taken.	P-A, Air
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 13-1	<u>People of the State of Illinois v. Troy Carter</u> – No action taken.	L-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> – The Board found that this matter was stayed effective December 17, 2012, due to respondent’s filing of a bankruptcy petition in the federal bankruptcy court.	4-0 Holbrook abstained A-E, Citizens
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> – The Board granted the Attorney General’s unopposed motion to intervene in this enforcement proceeding on behalf of the People of the State of Illinois. The Board also granted the Attorney General’s request for leave to file a response to respondent’s pending motion to dismiss. The Board reserved ruling on the pending motions to dismiss and for leave to file a reply.	5-0 L-E, Citizens
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> – The Board found that this matter was stayed effective December 17, 2012, due to respondent’s filing of a bankruptcy petition in the federal bankruptcy court.	4-0 Holbrook abstained A-E, Citizens
PCB 13-28	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – No action taken.	W-E
PCB 13-31	<u>Exelon Generation LLC, Quad Cities Nuclear Generation Station v. IEPA</u> – The Board directed petitioner’s directed to file an amended petition to cure noted deficiencies in this variance petition within 45 days. The Board also granted the Illinois Environmental Protection Agency’s motion for extension of time to file its recommendation.	4-0 Holbrook abstained W-V

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> – The Board accepted for hearing this land enforcement action concerning an Ogle County facility.	5-0 L-E
PCB 13-41	<u>People of the State of Illinois v. Ameren Energy Generating Company, Inc.</u> – The Board accepted for hearing this land enforcement action concerning a Fulton County facility.	5-0 L-E

CASES PENDING DECISION

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> – Proposed Rule, First Notice Opinion & Order	Glosser 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> – Proposed Rule, Second-Notice, Opinion & Order	Holbrook Land

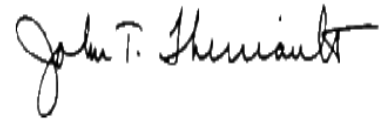
OTHER ITEMS

	The Board granted the Chairman’s Motion to hold two videoconference, Closed Board Meetings, on Thursday, March 7, 2013 at 1:00 pm and Wednesday, March 20, 2013 at 2:00 pm. Both 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 11:32 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 21, 2013, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board