

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



April 4, 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 21, 2013 open meeting were approved by a vote of 5-0. The minutes of the March 20 and April 3, 2013 closed meeting under 5 ILCS 120/2(c)(1) were approved by a vote of 5-0. The minutes of the March 28, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

RULEMAKINGS

R13-18	<u>In the Matter of: Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s (IEPA) March 18, 2013 proposal to amend the Board’s air pollution control regulations. The Board granted the IEPA’s motion for expedited review, subject to available resources. The Board reserved ruling on the motion for waiver of copy requirements.	5-0 Air
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ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

AC 09-28	<u>IEPA v. Theodore and Sally Jackson</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
AC 10-3	<u>IEPA v. Les Curtis</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
AC 12-13	<u>IEPA v. Rodney K. Brown</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
AC 13-41	<u>IEPA v. Robert & Tia Mixer</u> – The Board accepted an administrative citation against these Adams 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> – The Board granted the complainant’s motion for leave to file a second amended complaint and to add a respondent: James A. Seiber Jr., executor of the estate of Erma I. Seiber and of James A. Seiber, deceased.	4-0 Holbrook abstained L-E, Citizens

PCB 10-09	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc. and Jerry Camfield</u> – The Board granted the complainant’s motion to voluntarily dismiss the complaint against Waste Hauling Landfill, Inc., and Jerry Camfield and closed this docket.	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 10-61 PCB 11-2 (cons.)	<u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC; 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 Intervenor</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 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. The Board will decide the motion in the final opinion and order, due for issuance on May 2, 2013.	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 13-24	<u>Midwest Generation, LLC v. IEPA</u> – The Board granted petitioner a variance from two provisions of the Combined Pollutant Standard (CPS) regulations (35 Ill. Adm. Code 225.295, 225.296), subject to conditions. The Board denied petitioner a variance from Condition 1(a) of the variance granted in <u>Midwest Generation, LLC - Waukegan Generating Station v. IEPA</u> , PCB 12-121 (Aug. 23, 2012).	4-0 Holbrook abstained Glosser Concurred A-V, CAAPP
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 granted the petitioner’s motion to voluntarily withdraw its petition for variance and closed this docket.	4-0 Holbrook abstained W-V
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 13-43	<u>People of the State of Illinois v. Blick's Construction Co., Inc. and Ron Bricker</u> – No action taken.	A-E

PCB 13-48	<u>City of O'Fallon 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.	4-0 Holbrook abstained UST Appeal 90 Day Ext.
PCB 13-49	<u>Akzo Nobel Surface Chemistry LLC v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Grundy 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
PCB 13-50	<u>Mildred Loepker Trust 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.	4-0 Holbrook abstained UST Appeal 90 Day Ext.
PCB 13-51	<u>People of the State of Illinois v. Midwest Environmental Consulting Services, Inc. and Universal Asbestos Removal, Inc.</u> – The Board accepted for hearing this air enforcement action concerning a Bureau County facility.	5-0 A-E

CASES PENDING DECISION

NONE

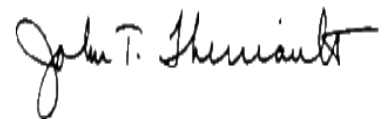
OTHER ITEMS

NONE

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Holbrook adjourned the meeting at 11:14 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 18, 2013, by a vote of 4-0, Member Burke abstained.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board