

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



May 17, 2012

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.

ROLL CALL

The Assistant Clerk of the Board called the roll. Five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the May 3, 2012 open meeting were approved by a vote of 5-0. The minutes of the May 8, 2012 closed meeting under 5 ILCS 2(c)(1) were approved by a vote of 5-0. The minutes of the May 10, 2012 closed deliberative sessions under 5 ILCS 120/2(c)(4) were approved by a vote of 5-0.

RULEMAKINGS

R 11-25	<u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources; Amendments to 35 Ill. Adm. Code Part 223</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s public water supplies regulations.	5-0 PWS
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ADJUSTED STANDARDS

AS 12-3	<u>Petition of Midway RACs, LLC for Adjusted Standard from 35 Ill. Adm. Code 218.586</u> – The Board directed petitioner to file an amended petition curing noted deficiencies by June 15, 2012 or this matter may be dismissed.	3-0 Holbrook and Zalewski abstained Air
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ADMINISTRATIVE CITATIONS

AC 12-33	<u>IEPA v. Shapiro Brothers of Illinois, Inc. d/b/a Milano Metals and Recycling</u> – The Board found that this Jefferson County respondent violated Sections 21(p)(1), 21(p)(6), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(6), 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$4,500.	5-0
AC 12-34	<u>IEPA v. Best One Tire & Service of Fairfield, Inc. and Rogers & Associates</u> – The Board found that this Shelby County respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2010)), and ordered respondent to pay a civil penalty of \$4,500.	5-0
AC 12-36	<u>IEPA v. Mark H. & Linda A. Hagen</u> – The Board granted complainant’s motion to voluntarily dismiss the administrative citation.	5-0
AC 12-38	<u>IEPA v. Funk Builders, Inc.</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Woodford County facility.	5-0

AC 12-39	<u>IEPA v. CMH Homes, Inc. and David R. Moser</u> – The Board accepted for hearing CMH Homes, Inc.’s (CMH) petition for review of this administrative citation involving a Jefferson County facility. The Board found that David R. Moser defaulted by failing to timely to file a petition for review. The Board withheld issuing a final order regarding David R. Moser until the Board makes its final decision regarding CMH.	5-0
AC 12-40	<u>IEPA v. Michael Brooks</u> – The Board found that this Shelby County respondent violated Sections 21(p)(1) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 12-41	<u>IEPA v. Louis K. Niemeyer</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Coles County facility.	5-0
AC 12-42	<u>IEPA v. John K. Croslow (IEPA File No. 80-12-AC)</u> – The Board found that this Lawrence County County respondent violated Sections 21(p)(1), 21(p)(3), 21(p)(7), and 55(k)(1) of the Environmental Protection Act ((415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7), 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$6,000.	5-0
AC 12-43	<u>IEPA v. John K. Croslow (IEPA File No. 81-12-AC)</u> – The Board found that this Lawrence County County respondent violated Sections 55(k)(1), (k)(2), and (k)(3)of the Environmental Protection Act (415 ILCS 5/55(k)(1), (k)(2), (k)(3) (2010)), and ordered respondent to pay a civil penalty of \$4,500.	5-0
AC 12-50	<u>County of LaSalle v. Tax Lien Investments</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a LaSalle County facility.	5-0
AC 12-51	<u>IEPA v. Northern Illinois Service Company</u> – The Board accepted an administrative citation against this Winnebago County respondent.	
AC 12-52	<u>IEPA v. J. & R Tire Service, Inc.</u> – The Board accepted an administrative citation against this Hancock County respondent.	

ADJUDICATORY CASES

PCB 99-134	<u>People of the State of Illinois v. Heritage Coal Company, LLC (f/k/a/ Peabody Coal Company, LLC)</u> – No action taken.	W-E
PCB 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.</u> , – The Board granted the complainant’s motion to stay this proceeding until the Board issues an order that addresses the complainant’s motion for reconsideration of the Board’s March 1, 2012 order. The Board denied respondent’s motion to issue an order adopting the company’s proposed schedule for record completion. The Board’s September 8, 2011 order continues to be stayed pending final Board action.	5-0 Glosser and Zalewski concurred A-E
PCB 06-81	<u>People of the State of Illinois v. Briggs Industries, Inc.</u> – In this land and water enforcement action concerning a Crawford 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 \$6,000.00, and to cease and desist from further violations.	5-0 L, W-E
PCB 06-141	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage County (Division of Transportation)</u> – No action taken.	W-E, Citizens
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens
PCB 09-67	<u>Prime Location Properties, LLC v. IEPA</u> – No action taken.	UST Appeal
PCB 10-61 PCB 11-2	<u>People of the State of Illinois v. Freeman United Coal Mining Company and Springfield Coal Company, LLC; Environmental Law and Policy Center as Intervenor</u> <u>Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC</u> – No action taken.	W-E
PCB 11-56	<u>Green Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage appeal.	5-0 UST Appeal

PCB 11-74	<u>People of the State of Illinois v. Adolf M. Lo and Renee C. Lo d/b/a Lo Farms</u> – In this air and water enforcement action concerning a Champaign 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 respondents to pay a total civil penalty of \$10,000.00, and to cease and desist from further violations.	5-0 A,W-E
PCB 11-76	<u>Warsaw Itco v. IEPA</u> – No action taken.	UST Appeal
PCB 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C., an Illinois limited liability company</u> – No action taken.	W-E
PCB 11-89	<u>Gary Cooper v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage appeal.	5-0 UST Appeal
PCB 11-105	<u>Peoplf of the State of Illinois v. Kolb-Lena Bresse Bleu, Inc., Kolb-Lena, Inc. and Zausner Foods Corp.,</u> – In this air enforcement action concerning a Stephenson 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 respondents to pay a total civil penalty of \$27,000.00, and to cease and desist from further violations.	5-0 A-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> – No action taken.	L-E
PCB 12-29	<u>Gary Cooper v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage appeal.	5-0 UST Appeal
PCB 12-35	<u>People of the State of Illinois v. Six M. Corporation, Inc., William Maxwell, and Marilyn Maxwell, and Joinder of James McIlvain as Necessary Party</u> – In response to respondents’ motion for reconsideration, the Board vacated its order of February 12, 2012.	5-0 W-E
PCB 12-49	<u>United States Steel Corporation v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this variance petition.	4-0 Holbrook abstained A-V

PCB 12-53	<u>A & H Implement Company v. IEPA</u> – The Board accepted for hearing this underground storage appeal involving a Effingham County facility. The Board denied the Illinois Environmental Protection Agency’s motion to dismiss	5-0 UST Appeal
PCB 12-64	<u>People of the State of Illinois v. Cordray Brothers, Inc.</u> , – In this water 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 \$7,700.00, and to cease and desist from further violations.	5-0 W-E
PCB 12-120	<u>People of the State of Illinois v. S. H. Bell Co., Inc.</u> – In this air enforcement action concerning a Cook 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 \$15,000.00, and to cease and desist from further violations.	5-0 A-E
PCB 12-125	<u>People of the State of Illinois v. LaSalle Street Capital, Inc., an affiliate of Bank of America, National Association</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 facility located in Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 12-127	<u>Evergreen FS, Inc. v. Office of the State Fire Marshal</u> – The Board accepted for hearing this underground storage tank appeal involving a Livingston County facility.	5-0 UST Appeal

CASES PENDING DECISION

R12-9	<u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100 (Due 7/26/12)</u> - Proposed Rule, Second Notice, Opinion & Order	Land
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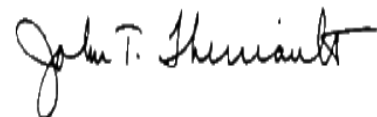
R12-11	<u>In the Matter of: Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I</u> - Proposed Rule, Second Notice, Opinion & Order	Procedural
R12-13	<u>In the Matter of: Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)</u> - Proposed Rule, Second Notice, Opinion & Order	Land
R12-21	<u>In the Matter of: Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act: New 35 Ill. Adm. Code 106, Subpart J</u> - Adopted Rule, Final Opinion & Order	Procedural
R12-22	<u>In the Matter of: Updates to the Definition of "Pollution Control Facility" at Section 101.202 of the Board's Procedural Rules to Reflect Recent Public Acts</u> - Adopted Rule, Final Opinion & Order	Procedural

OTHER ITEMS

	The Board granted the Chairman's Motion to Hold a Closed Meeting on Wednesday, June 6, 2012, at 1:30 pm in Room 11-512 of James R. Thompson Center, Chicago, as Authorized by the Exception to the Open Meetings Act in Section 120/2 (c)(1) (5 ILCS 120/2 (c)(1) Concerning Personnel Matters.	5-0
	The Board granted Chairman Holbrook's motion to issue a proclamation to honor and thank Dr. G. Tanner Girard on his retirement from State service.	5-0

ADJOURNMENT

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 7, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board