

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



August 23, 2012

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. Five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the August 9, 2012 open meeting were approved by a vote of 5-0.

RULEMAKINGS

<p>R12-9</p>	<p><u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> – The Board adopted a final opinion and order in this rulemaking proposal to amend the Board’s land pollution control regulations. In response to the Joint Committee on Administrative Rules Recommendation, the Board agreed to open sub docket to consider groundwater monitoring.</p>	<p>3-0 Burke and Zalewski abstained Land</p>
<p>R 13-3</p>	<p><u>UIC Update, USEPA Amendments (January 1, 2012 through June 30, 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 January 1, 2012 through June 30, 2012.</p>	<p>5-0 Land</p>
<p>R 13-4</p>	<p><u>RCRA Subtitle D Update, USEPA Amendments (January 1, 2012 through June 30, 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 January 1, 2012 through June 30, 2012.</p>	<p>5-0 Land</p>
<p>R 13-6</p>	<p><u>UST Update, USEPA Amendments (January 1, 2012 through June 30, 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 January 1, 2012 through June 30, 2012.</p>	<p>5-0 Land</p>

ADJUSTED STANDARDS

NONE

ADMINISTRATIVE CITATIONS

<p>AC 12-61</p>	<p><u>IEPA v. Joes W. McDermott, Joe W. McDermott d/b/a McDermott Sales & Service and Joseph R. McDermott d/b/a McDermott Towing & Recovery</u> – No action taken.</p>	
<p>AC 13-4</p>	<p><u>IEPA v. Dennis Zindars</u> – The Board granted complainant’s motion to voluntarily dismiss the administrative citation.</p>	<p>5-0</p>

AC 13-7	<u>IEPA v. Robert Manker</u> – The Board accepted respondent’s petition for review involving a Morgan County facility, but directed respondents to file an amended petition to cure deficiencies.	5-0
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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 06-8	<u>People of the State of Illinois v. Bridgeport Grain, Inc.</u> , – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Lawrence County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
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 08-96	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens
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 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 10-100	<u>Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust, AND Prairie Living West, LLC v. Horve Contractors, Inc.</u> – The Board granted complainants’ and the third-party complainants’ motions for voluntary dismissal, dismissed both the complaint and third-party complaint with prejudice, and closed the docket.	5-0 L-E
PCB 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
PCB 11-51 PCB 12-61	<u>Evergreen FS, Inc. v. IEPA</u> <u>Evergreen FS, Inc. v. IEPA</u> – No action taken.	UST Appeal

PCB 11-58	<u>People of the State of Illinois v. Zachary Isaac d/b/a Nu Shine Car Wash</u> – No action taken.	W-E
PCB 11-76	<u>Warsaw Itco v. IEPA</u> – No action taken.	UST Appeal
PCB 12-121	<u>Midwest Generation, LLC - Waukegan Generating Station v. IEPA</u> – The Board granted this petitioner a variance for a period beginning December 31, 2013 through December 31, 2014, subject to conditions.	4-0 Holbrook abstained A-V
PCB 12-128	<u>Wood River Acquisitions, LLC and Heritage Transport, LLC v. IEPA</u> – The Board accepted petitioners’ petition for permit review on behalf of a Madison County facility.	5-0 P-A, Land
PCB 12-131	<u>Larry D. Welch v. DeKalb Sanitary District</u> – No action taken.	L-E, Citizens
PCB 12-133	<u>People of the State of Illinois v. Northwest Illini Feedlots Corporation</u> – In this water enforcement action concerning a Carroll 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 \$6,500.00, and to cease and desist from further violations.	5-0 W-E
PCB 13-10	<u>Martin Maggio v. County of Winnebago, Winnebago County Board, and Winnebago Landfill Company, LLC</u> – The Board accepted for hearing this pollution control facility siting appeal involving a Winnebago County facility.	5-0 P-C-F-S-R, Third Party

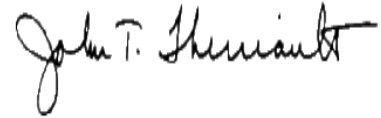
CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

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

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 6, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board