

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

---



**October 18, 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. All four Board Members answered present.

### **APPROVAL OF MINUTES**

---

The minutes of the October 4, 2012 open meeting and of the October 11, 2012 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

## RULEMAKINGS

<b>R13-1</b>	<u>VOM Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a proposal for public comment in this “identical in substance” rulemaking to amend the Board’s air regulations.	4-0 Air
<b>R13-2</b>	<u>SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a proposal for public comment in this “identical in substance” rulemaking to amend the Board’s drinking water regulations.	4-0 Water

## ADJUSTED STANDARDS

<b>AS 13-1</b>	<u>In the Matter of: Petition of Exelon Generation, LLC, Under 304.141(c) for Alternative Thermal Standards, Quad Cities Nuclear Generating Station</u> – The Board adopted a procedural order at the request of the petitioner and the Illinois Environmental Protection Agency, requesting the filing of an amended petition by December 19, 2012.	3-0 Holbrook abstained Water
<b>AS 13-2</b>	<u>In the Matter of Petition of Emerald Performance Materials LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122(b)</u> – No action taken.	Water

## ADMINISTRATIVE CITATIONS

<b>AC 13-5</b>	<u>IEPA v. Ricky Stratton (IEPA No. 176-12-AC)</u> – The Board dismissed respondent’s petition for review for failure to timely file an amended petition as directed. <u>IEPA v. Ricky Stratton</u> , AC 13-5 (Sept. 6, 2012). The Board found that this Morgan County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
<b>AC 13-6</b>	<u>IEPA v. Ricky Stratton (IEPA NO. 181-12-AC)</u> – The Board dismissed respondent’s petition for review for failure to timely file an amended petition as directed. <u>IEPA v. Ricky Stratton</u> , AC 13-6 (Sept. 6, 2012). The Board found that this Morgan 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), (p)(3), (p)(7) (2010)), and ordered respondent to pay a civil penalty of \$4,500.	4-0

<b>AC 13-12</b>	<u>IEPA v. David Chapman</u> – No action taken.	
<b>AC 13-16</b>	<u>IEPA v. Frank Lamchick</u> – The Board accepted respondent’s petition for review involving a Bureau County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0
<b>AC 13-19</b>	<u>IEPA v. Steven R. and Andrea L. Walston</u> – The Board accepted an administrative citation against these Champaign County respondents.	
<b>AC 13-20</b>	<u>IEPA v. Thomas E. Barker and John H. &amp; Debra L. Barker</u> – The Board accepted an administrative citation against these Clay County respondents.	

### **ADJUDICATORY CASES**

<b>PCB 08-96</b>	<u>United City of Yorkville v. Hamman Farms</u> – No action taken.	A,L, W-E, Citizens
<b>PCB 09-67</b>	<u>Prime Location Properties, LLC v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 09-97</b>	<u>Ameren Energy Generating Company and Elgin Energy Center v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
<b>PCB 09-98</b>	<u>Amerenue and Raccoon Creek Power Plant v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
<b>PCB 09-100</b>	<u>Union Electric Company d/b/a Amerenue and Kinmundy Power Plant v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
<b>PCB 10-61</b>  <b>PCB 11-2</b>	<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

<b>PCB 10-75</b>	<u>Chicago Coke Co., Inc, an Illinois corporation v. IEPA; Natural Resource Defense Council and Sierra Club as Intervenors</u> – No action taken.	P-A, Air
<b>PCB 11-25</b>	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 12-21</b>	<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
<b>PCB 12-94</b>	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – The Board granted petitioners a variance from the Total Dissolved Solids (TDS) water quality standards of 35 Ill. Adm. Code 302.407, subject conditions.	4-0 W-V
<b>PCB 12-131</b>	<u>Larry D. Welch v. DeKalb Sanitary District</u> – The Board denied the DeKalb Sanitary District’s motion for dismissal of the complaint. The Board on its own motion, dismissed the complaint finding the alleged violations of Part 370 and a permit application instruction are frivolous.	4-0 L-E, Citizens
<b>PCB 13-2</b>	<u>Terminal Railroad Association of St. Louis v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this St. Clair County facility.	3-0 Holbrook abstained UST Appeal
<b>PCB 13-7</b>	<u>NACME Steel Processing, L.L.C. v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 13-13</b>	<u>Dynegy Midwest Generation, LLC (Wood River Power Station) v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 13-15</b>	<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
<b>PCB 13-16</b>	<u>People of the State of Illinois v. Alpena Vision Resources, LLC</u> – The Board accepted for hearing this water enforcement action concerning a Douglas County facility.	4-0 W-E

**CASES PENDING DECISION**

<p><b>R12-11</b></p>	<p><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></p> <ul style="list-style-type: none"> <li>• JCAR Review at 10/16/12 Meeting               <ul style="list-style-type: none"> <li>– Adopted Rule, Final Opinion &amp; Order</li> </ul> </li> </ul> <p>.</p>	<p>Proc</p>
<p><b>R12-24</b></p>	<p><u>In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219</u></p> <ul style="list-style-type: none"> <li>– Proposed Rule, Second Notice, Opinion &amp; Order</li> </ul> <p>.</p>	<p>Air</p>
<p><b>R13-5</b></p>	<p><u>RCRA Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u></p> <ul style="list-style-type: none"> <li>– Proposed Rule for Public Comment, Opinion &amp; Order</li> </ul> <p>.</p>	<p>Land</p>
<p><b>R13-7</b></p>	<p><u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u></p> <ul style="list-style-type: none"> <li>– Proposed Rule for Public Comment, Opinion &amp; Order</li> </ul> <p>.</p>	<p>Water</p>

**OTHER ITEMS**

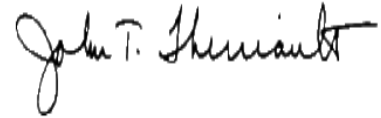
	<p>The Board granted the Chairman’s Motion to a videoconference, Closed Board Meeting on Thursday, November 1, 2012, at 12:00 pm in both Room 11-512 of James R. Thompson Center, Chicago, and in IPCB Conference Room 1244, 1021 N. Grand Avenue East, Springfield, authorized by the exception in Section 2(c)(1) of the Open Meetings Act (5 ILCS 120/2(c)(1)) concerning personnel matters.</p>	<p>4-0</p>
--	---	------------

## **ADJOURNMENT**

---

Moved and seconded, by a vote of 4-0, Chairman Holbrook adjourned the meeting at 11:17 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 1, 2012, by a vote of 4-0



John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board