

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



March 1, 2012

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. Five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the February 16, 2012 open meeting and the February 15 and 23, 2012 closed deliberative sessions were approved by a vote of 5-0.

RULEMAKINGS

R 11-25	<u>In the Matter of: Setback Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618</u> – The Board adopted a first 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

NONE

ADMINISTRATIVE CITATIONS

AC 11-24	<u>IEPA v. Dennis Heck and Deanna Harris</u> – No action taken.	
AC 12-1	<u>IEPA v. Gaylon L. and Lois J. Harrell</u> – The Board granted complainant’s motion to voluntarily dismiss the administrative citation.	5-0
AC 12-24	<u>IEPA v. Robert A. Gerdes</u> – The Board found that this Livingston County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 12-29	<u>IEPA v. H&M Salvage & Discount Co. and Carl Hagler</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Perry County facility.	5-0
AC 12-30	<u>IEPA v. JR’s., Mobile Homes, Inc., CMH Homes, Inc., and David R. Moser</u> – The Board accepted an administrative citation against these Jefferson County respondents.	

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 denied in part and granted in part respondent’s motion for reconsideration. The Board’s on its own motion ordered a supplemental hearing and briefing on penalty with the record to close on August 28, 2012. The stay of the September 8, 2011 order will continue pending final Board action.	3-2 A-E Members Glosser and Zalewski dissented

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 10-100	<u>Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust, and Prairie Living West, LLC</u> – No action taken.	L-E, Citizens
PCB 11-24	<u>People of the State of Illinois v. U. S. Chrome Corporation of Illinois, Inc.</u> – No action taken.	A-E
PCB 12-21	<u>People of the State of Illinois v. Altiivity Packaging, LLC., Intra-Plant Maintenance Corporation, Ironhustler Excavating, Inc. and Ron Bright, d/b/a Quarter Construction</u> – No action taken.	L-E
PCB 12-95	<u>Anielle Lipe and Nykole Gillette v. IEPA (Bureau of Air, Permit Section)</u> – No action taken.	A-E, Citizens
PCB 12-99	<u>People of the State of Illinois v. Alton Irrigation, Inc.</u> , – In this water enforcement action concerning a Peoria 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 \$10,000.00, and to cease and desist from further violations. Respondent also agreed to pay an additional \$1,062.22 for the reasonable value of fish destroyed.	5-0 W-E
PCB 12-101	<u>ConocoPhillips Company v. IEPA</u> – No action taken.	P-A, NPDES
PCB 12-106	<u>WRB Refining LLC (Wastewater Treatment Upgrade Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-107	<u>WRB Refining LLC (New Units Condensate Recovery Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-108	<u>WRB Refining LLC (New Units Water Recycle Project) v. IEPA</u> – No action taken.	T-C, A

PCB 12-109	<u>WRB Refining LLC (WWTP CPI Header Upgrade Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-110	<u>WRB Refining LLC (New Sour Water Stripper Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-111	<u>WRB Refining LLC (Wood Stove Sewer Repair Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-112	<u>People of the State of Illinois v. Berteau-Lowell Plating Works, Inc.</u> , – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E
PCB 12-113	<u>WRB Refining, LLC (WWTP CPI Header Bypass Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-114	<u>WRB Refining, LLC (SPCC Oil Spill Containment Upgrades and SPCC Dike Restoration) v. IEPA</u> – No action taken.	T-C, A
PCB 12-115	<u>WRB Refining, LLC (Waste Water Flow Meter for NPDES Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-116	<u>WRB Refining, LLC (Hartford Load Docks Project) v. IEPA</u> – No action taken.	T-C, A
PCB 12-117	<u>WRB Refining, LLC (Hartford Integration Water Pollution Prevention Projects) v. IEPA</u> – No action taken.	T-C, A
PCB 12-118	<u>Paul Schwendener, Inc. 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 DuPage County facility.	5-0 UST Appeal 90-Day Extension

CASES PENDING DECISION

R11-18	<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> - Proposed Rule, First Notice, Opinion & Order	Water
R11-22	<u>In the Matter of: Amendments Under P.A. 96-908 to Regulations of Underground Storage Tanks (UST) and Petroleum Leaking UST: 35 Ill. Adm. Code 731, 732, and 734</u> - Adopted Order, Final Opinion & Order	Land

R12-8	<u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources; Amendments to 35 Ill. Adm. Code Part 223</u> - Proposed Rule, Second Notice, Opinion & Order	Air
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, First Notice, Opinion & Order	Land

OTHER ITEMS

	The Board granted the Chairman’s motion to add locations to the April 19, 2012 and May 17, 2012 Open Meetings of the Board Currently Scheduled for 11:00 am in Room 9-040 at the James R. Thompson Center, 100 W. Randolph, Chicago. The Meetings Will be Held Instead at the Board’s Videoconference Facilities in Chicago (Room 11-512, James R. Thompson Center) and Illinois Pollution Control Board Conference Room 1244, 1021 N. Grand Avenue East, Springfield, IL.	5-0
	The Board granted the Chairman’s motion to change the date of the Scheduled November 22, 2012 Closed Deliberative Session Under 5 ILCS 120/2 (c)(4) to Wednesday, November 21, 2011, at 10:00 am in Room 11-512, James R. Thompson Center, 100 West Randolph, Chicago, IL.	5-0
	The Board granted the Chairman’s Motion to Hold a Closed Meeting on Thursday, March 15, 2012, at 9:30 am as Authorized by the Exceptions to the Open Meetings Act in Section 120/2 (c)(1) and (c)(2) (5 ILCS 120/2 (c)(1) and (c)(2) Concerning Personnel Matters and Collective Negotiating Matters.	5-0
	The Board granted the Chairman’s motion for approval of proposed regular Board Meeting Schedule for Calendar Year 2013. These open meetings will be held at the listed times and locations.	5-0

BOARD MEETINGS
SCHEDULED FOR CALENDAR YEAR 2013
(unless otherwise noted, meetings begin at 11:00 am)

January 10	July 11
January 24	July 25
February 7	August 8 *
February 21	August 22
March 7 *	September 5
March 21	September 19
April 4	October 3
April 18 *	October 17
May 2	November 7 *
May 16 *	November 21
June 6	December 5
June 20	December 19

Unless otherwise noted below, Board meetings will be at the James R. Thompson Center, 100 W. Randolph Street, Chicago, IL

* These Board meetings will be via videoconference between Chicago, 100 W. Randolph Street, Videoconference Room 11-512, and Springfield, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor

** These Board meetings will be in the Board’s Springfield Office, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor

	The Board granted the Chairman’s motion for approval of proposed Closed Deliberative Session Schedule for Calendar Year 2013. These Closed Meetings are authorized by the exception to the Open Meetings Act in Section 120 (c)(4) (5 ILCS 120/2(c)(4) for Evidentiary Case Discussions). They will be held at the listed times and location.	5-0
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**CLOSED DELIBERATIVE SESSIONS
SCHEDULED FOR CALENDAR YEAR 2013**

(unless otherwise noted, meetings begin at 10:00 am)

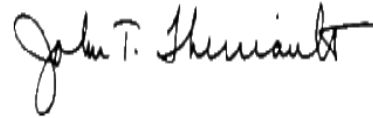
January 3	July 3 (Wednesday)
January 17	July 18
January 31	August 1
February 14	August 15
February 28	August 29
March 14	September 12
March 28	September 26
April 11	October 10
April 25	October 24
May 9	October 31
May 23	November 14
May 30	November 27 (Wednesday)
June 13	December 12
June 27	(January 2, 2014)

Unless otherwise noted, Closed Deliberative Sessions will be at the James R. Thompson Center, 100 W. Randolph Street, Room 11-512, Chicago, IL

ADJOURNMENT

Moved and seconded, by a vote of 5-0, 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 March 15, 2012, by a vote of 5-0



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board