

ILLINOIS POLLUTION CONTROL BOARD

~~MEETING MINUTES~~



April 3, 2014

11:00 a.m.

Chicago
100 W. Randolph Street
Chicago, IL
Room 9-040

ANNOUNCEMENTS

Chairman Glosser welcomed members of the public and staff.

ROLL CALL

The Clerk of the Board called the roll. All four Board Members answered present.

APPROVAL OF MINUTES

The minutes of the March 20, 2014 open meeting were approved by a vote of 4-0.

PUBLIC REMARKS

None.

RULEMAKINGS

R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u> (Water) – No action taken.	
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ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

<p>AC 12-48</p>	<p><u>IEPA v. Ruth White</u> – The Board entered an interim opinion and order finding respondent violated 21(p)(1), 21(p)(3), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), (p)(3), 55(k)(1) (2012)) and assessing a penalty of \$4,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by April 17, 2014, a statement of hearing costs, supported by affidavit, with service on respondents. Respondent may respond to the cost statements by May 1, 2014.</p>	<p>4-0</p>
<p>AC 14-14</p>	<p><u>IEPA v. Flossie E. Hayes and Kevin E. Stine</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Clay County facility, the Board found that Flossie E. Hayes had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)) and ordered her to pay a civil penalty of \$1,500 and dismissed respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board dismissed the alleged violations of Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2012)). The Board also dismissed Kevin E. Stine as a respondent to this matter.</p>	<p>4-0</p>
<p>AC 14-34</p>	<p><u>Illinois EPA v. Lester Scott Hutchings, individually, and d/b/a Hutch's Tire & Lube</u> – The Board found that these Perry County respondents violated Sections 55(k)(1) and (2) of the Environmental Protection Act (415 ILCS 5/55(k)(1) and (2) (2012)), and ordered respondents to pay a civil penalty of \$3,000.</p>	<p>4-0</p>
<p>AC 14-36</p>	<p><u>IEPA v. Leland W. Brock & Jessie M. Brock d/b/a Brock's Enterprise</u> – The Board found that these Perry County respondents violated Sections 55(k)(2) and (k)(3) of the Environmental Protection Act (415 ILCS 5/55(k)(2) and (k)(3) (2012)), and ordered respondents to pay a civil penalty of \$3,000.</p>	<p>4-0</p>

ADJUDICATORY CASES

<p>PCB 13-15</p>	<p><u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation</u> (Water-Enforcement, Citizens) – No action taken.</p>	
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<p>PCB 13-19</p> <p>PCB 13-20 (cons.)</p>	<p><u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, an Illinois limited-liability company and Sheridan Sand & Gravel Co., an Illinois corporation (4201 Road Site)</u></p> <p><u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, an Illinois limited-liability company and Sheridan Sand & Gravel Co., an Illinois corporation (Wiensland Site)</u></p> <p>(Land-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in these land enforcement consolidated actions involving two LaSalle County facilities, the Board ordered publication of the required newspaper notice.</p>	<p>4-0</p>
<p>PCB 13-27</p>	<p><u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizens) – No action taken.</p>	
<p>PCB 13-28</p>	<p><u>People of the State of Illinois v. Atkinson Landfill Company</u> (Water-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this water enforcement action involving a Henry County facility, the Board ordered publication of the required newspaper notice.</p>	<p>4-0</p>
<p>PCB 14-39</p>	<p><u>People of the State of Illinois v. Bradley Property, LLC, Bradley Auto Spa, LLC, and A-K Underground, Inc.</u> (Water-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement between the People and Bradley Property and Bradley Auto Spa only and their agreed motion to request relief from the hearing requirement in this water enforcement action involving a Kankakee County facility, the Board ordered publication of the required newspaper notice.</p>	<p>4-0</p>
<p>PCB 14-99</p>	<p><u>Timber Creek Homes, Inc. v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc.</u> (Land-Siting Appeal, 3rd Party) – The Board denied petitioner’s motion for expedited review of a hearing officer order entered on March 20, 2014 and affirmed the hearing officer’s order.</p>	<p>4-0</p>

PCB 14-103	<u>Metropolitan Water Reclamation District of Greater Chicago (Calumet Plant, NPDES Permit No. IL0028061) v. Illinois Environmental Protection Agency</u> (Water-Permit Appeal, NPDES) – The Board partially granted IEPA’s agreed motion to consolidate, consolidating PCB 14-103 and PCB 14-104, but denying consolidation with the consolidated third-party appeals in PCB 14-106, PCB 14-107, and PCB 14-108, which remain separate from these proceedings.	4-0
PCB 14-104	<u>Metropolitan Water Reclamation District of Greater Chicago (O’Brien Plant, NPDES Permit No. IL0028088) v. Illinois Environmental Protection Agency</u> (Water-Permit Appeal, NPDES) – The Board partially granted IEPA’s agreed motion to consolidate, consolidating PCB 14-103 and PCB 14-104, but denying consolidation with the consolidated third-party appeals in PCB 14-106, PCB 14-107, and PCB 14-108, which remain separate from these proceedings.	4-0
PCB 14-110	<u>KCBX Terminals Company v. IEPA</u> (Air, Permit Appeal) – The Board declined to take action on the March 26, 2014 notice filed by the IEPA and directed the parties to hearing on the Agency’s January 17, 2014 determination according to the schedule established by the hearing officer.	4-0
PCB 14-119	<u>People of the State of Illinois v. Lake City Cleaners, LLC</u> (Air-Enforcement) – 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 Cook County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 14-120	<u>People of the State of Illinois v. TBR ENT of Illinois, LLC</u> (Water-Enforcement) – 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 water enforcement action involving a Champaign County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 14-121	<u>People of the State of Illinois v. Village of Hammond</u> (Water-Enforcement) – 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 water enforcement action involving a Piatt County facility, the Board ordered publication of the required newspaper notice.	4-0

CASES PENDING DECISION

None

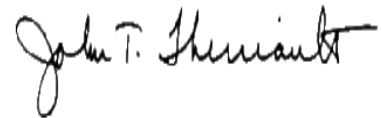
OTHER ITEMS

None

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:15 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 17, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board