

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES



**July 24, 2014**

**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 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 July 10, 2014 open meeting were approved by a vote of 4-0.

### **PUBLIC REMARKS**

None.

### **RULEMAKINGS**

<b>R14-23</b>	<u>In the Matter of: Standards and Requirements for Potable Water Well Surveys and Community Relations Activities Performed in Conjunction With Agency Notices of Threats From Contamination: Proposed Amendments to 35 Ill. Adm. Code 1600</u> (Land) – The Board accepted for hearing the Illinois Environmental Protection Agency’s June 17, 2014 proposal to amend the Board’s Subtitle O Right to Know regulations.	4-0
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<b>R14-24</b>	<u>In the Matter of: Proposed Site Specific Rule for Sanitary District of Decatur From 35 Ill. Adm. Code Section 302.208(E)</u> (Water-Site Specific) – The Board accepted for hearing petitioner’s June 30, 2014 proposal to amend the Board’s water pollution control regulations. The Board granted petitioner’s motion to waive the requirement to submit 200 signatures.	4-0
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**ADJUSTED STANDARDS**

**ADMINISTRATIVE CITATIONS**

<p><b>AC 06-16</b></p> <p><b>AC 06-17</b> (cons.)</p>	<p><u>IEPA v. Rex D. Evans and Roy W. Evans, Jr. (Road Dist. No. 10/Evans)</u></p> <p><u>IEPA v. Rex D. Evans and Roy W. Evans, Jr. (Road Dist. No. 11/Evans)</u> – In response to a joint stipulation and settlement agreement in these two consolidated administrative citations involving two Morgan County facilities, the Board found that respondents had violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2012)) and ordered respondents to pay a civil penalty of \$4,500. The Board also granted the parties’ joint motion to dismiss respondents’ petitions for review. The Board noted that while the stipulation references Site Code No. 1378110004 with regard to the Section 21(p)(7) violation, the Section 21(p)(7) allegation was made with regard to the property designated with Site Code No. 1378100006. To effectuate the parties’ intent to settle the allegations in both administrative citations, the Board noted the error in the stipulation and accepted the respondents’ admission to the Section 21(p)(7) violation.</p>	4-0
<b>AC 12-41</b>	<p><u>IEPA v. Louis K. Niemeyer</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Coles County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board, on its own motion, dismissed the alleged violation of Section 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(7) (2012)).</p>	4-0

<b>AC 14-23</b>	<u>IEPA v. Cord Shaffer</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board, on its own motion, dismissed the alleged violation of Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2012)).	4-0
<b>AC 14-50</b>	<u>IEPA v. Craig S. Walker and Walker &amp; Sons Enterprises, Ltd.</u> – The Board accepted respondents’ petition for review involving a Peoria County facility, but directed respondents to file an amended petition to cure deficiencies specified in the order.	4-0
<b>AC 14-52</b>	<u>IEPA v. Danny Stifle</u> – The Board accepted respondent’s petition for review involving a Crawford County facility, but directed respondent to file an amended petition to cure deficiencies specified in the order.	4-0
<b>AC 14-53</b>	<u>IEPA v. John Wayne Squier and Jerry Lee Squier d/b/a Squier Auto Sales Salvage</u> – The Board found that these Hancock County respondents violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) 2012)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
<b>AC 14-54</b>	<u>IEPA v. Brian &amp; Tina Page</u> – The Board accepted for hearing respondents’ petition for review involving a Marshall County facility.	4-0

**ADJUDICATORY CASES**

<b>PCB 11-59</b>	<u>Freedom Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	4-0
<b>PCB 11-61</b>	<u>Robbie’s 66 v. IEPA</u> (UST-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	4-0
<b>PCB 13-27</b>	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizens) – No action taken.	

<b>PCB 14-112</b>	<u>Mr. Gary L. Polchow v. Aaron Warren and Sean McAllister</u> (Air, Water-Enforcement; Citizen's) – The Board found the complaint frivolous in this citizen's air and water enforcement action involving a Vermilion County facility, but allowed complainant to file an amended complaint to cure the deficiencies noted in the order.	4-0
<b>PCB 14-122</b>	<u>Ascend R. L. B., Inc. v. IEPA, John Tierney and Vera Tierney</u> (Water Well Setback-Public Water Supply) – The Board granted petitioner's motion for voluntary dismissal of this petition for exception from the water well setback requirement at Section 14.2(a) of the Environmental Protection Act (415 ILCS 5/14.2(a), (2012)).	4-0
<b>PCB 14-125</b>	<u>Ginger L. Deavers v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – 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 McLean County facility.	4-0
<b>PCB 14-134</b>	<u>Sierra Club v. Ameren Energy Medina Valley Cogen, LLC and Futuregen Industrial Alliance, Inc.</u> (Air, Enforcement; Citizen's) – The Board accepted for hearing this citizen's air enforcement action concerning a facility located in Morgan County. The Board denied respondent FutureGen Industrial Alliance Inc.'s (FutureGen) motions to appear <i>pro hac vice</i> . No action was taken on respondents' motion for summary judgment or respondents' motion for expedited review.	4-0
<b>PCB 15-2</b>	<u>JD Pork, LLC-LaHarpe v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of JD Pork, LLC located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
<b>PCB 15-3</b>	<u>Muegge Stock, LLC v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Muegge Stock, LLC located in Adams County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0

<b>PCB 15-4</b>	<u>Knox Farm, LLC-Roanoke v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Knox Farm, LLC located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
<b>PCB 15-5</b>	<u>Dan Reed v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Dan Reed located in Rock Island County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
<b>PCB 15-6</b>	<u>Aurora Blacktop, Inc. v. IEPA</u> (UST-Permit Appeal, 90 day Extension) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Kane County facility.	4-0
<b>PCB 15-7</b>	<u>People of the State of Illinois v. Ernest Bennett d/b/a Bennett Excavating</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 Shelby County facility, the Board ordered publication of the required newspaper notice.	4-0
<b>PCB 15-8</b>	<u>Ron Parmele v. IEPA</u> (UST-Permit Appeal, 90 day Extension) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Tazewell County facility.	4-0
<b>PCB 15-9</b>	<u>Christensen Swine-Sheffield v. IEPA</u> ((Water-Tax Certification)) – The Board found and certified that specified facilities of Christensen Swine located in Bureau County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0

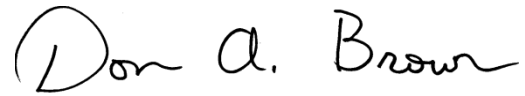
## **OTHER ITEMS**

## **ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:20 a.m.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 7, 2014, by a vote of 4-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Assistant Clerk  
Illinois Pollution Control Board