

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



March 5, 2015

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 February 19, 2015 open meeting were approved by a vote of 4-0. The minutes of the February 26, 2015 Closed Deliberative Session Under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

PUBLIC REMARKS

None

RULEMAKINGS

R08-9(D)	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> (Water) – No action taken.	
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R15-4	<u>National Ambient Air Quality Standards Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u> (Air) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.	4-0
R15-5	<u>Definition of VOM Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u> (Air) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.	4-0

ADJUSTED STANDARDS

AS 13-2	<u>In the Matter of Petition of Emerald Performance Materials LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122(b)</u> (Water) – No action taken.	
AS 14-3	<u>In the Matter of: Petition of Brickyard Disposal & Recycling, Inc. for an Adjusted Standard Pursuant to 35 Ill. Adm. Code 814.402(B)(3) and From 35 Ill. Adm. Code 810.103, 811.318(b)(3), and 811.320(c)</u> (Land) – The Board granted petitioner an adjusted standard from the Board’s landfill regulations at its Vermilion County facility.	4-0

ADMINISTRATIVE CITATIONS

AC 13-17	<u>IEPA v. AAD Family Farms, LLC</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Woodford 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 violations of Section 21(p)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(3), 21(p)(7) (2012)).	4-0
AC 15-25	<u>IEPA v. Mark E. Bosecker</u> – The Board accepted respondent’s petition for review involving a Wabash County facility.	4-0

ADJUDICATORY CASES

<p>PCB 14-2</p>	<p><u>People of the State of Illinois v. Demolition Excavating Group, Inc., Rhonda Fisher, and Edward Fisher</u> (Land -Enforcement) – No action taken.</p>	
<p>PCB 14-106</p> <p>PCB 14-107</p> <p>PCB 14-108 (cons.)</p>	<p><u>Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of Chicago River, and Gulf Restoration Network v. Illinois Environmental Protection Agency and Metropolitan Water Reclamation District of Greater Chicago (O'Brien Plant, Permit No. 28088)</u></p> <p><u>Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of Chicago River, and Gulf Restoration Network v. Illinois Environmental Protection Agency and Metropolitan Water Reclamation District of Greater Chicago (Calumet Plant, Permit No. 28061)</u></p> <p><u>Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of Chicago River, and Gulf Restoration Network v. Illinois Environmental Protection Agency and Metropolitan Water Reclamation District of Greater Chicago (Stickney Plant, Permit No. 28053)</u> (Water-Permit Appeal, NPDES) – In these consolidated NPDES permit appeals concerning three MWRDGC Cook County facilities, the Board denied the Environmental Groups’ motion to reconsider its December 18, 2014 opinion and order.</p>	<p>4-0</p>
<p>PCB 15-14</p>	<p><u>PAK-AGS, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board denied the parties’ motions to reconsider. The Board ordered the respondent to pay \$16,595.90 in reimbursement for Stage 1 Site Investigation Actual Costs to petitioner from the UST Fund. The Board also granted petitioner’s request for authorization of legal fees and directed the Agency to reimburse petitioner \$10,355 in legal fees and costs from the UST Fund.</p>	<p>4-0</p>

PCB 15-84	<u>Allen McAfee v. IEPA</u> (UST-Permit Appeal) – The Board struck the requirement that a project labor agreement (PLA) be used for site investigation activities from the Illinois Environmental Protection Agency’s (Agency) denial letter. The Board remanded the matter to the Agency to issue a decision on the Stage 3 site investigation plan and budget that does not include a requirement for a PLA. The Board directed petitioner to file a statement of legal fees and its argument as to why the fees are eligible for reimbursement by March 23, 2015. The Agency may file a response with 14 days after being served with petitioner’s statement.	3-1 Member O’Leary dissented
PCB 15-96	<u>J & M Auto Enterprises, Inc., d/b/a Pete's Service Center 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 Cook County facility.	4-0
PCB 15-109	<u>People of the State of Illinois v. Gold Standard Baking, Inc.</u> (Air -Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and 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 15-110	<u>Village of Carlock v. IEPA</u> (Public Water Supply, Water Well Setback) – The Board accepted for hearing this request for water well setback on behalf of this McLean County facility.	4-0
PCB 15-120	<u>Sandra Clayborne v. City of Chicago Department of Water Management</u> (Public Water Supply-Enforcement, Citizens) – The Board granted respondent’s motion to dismiss the complaint.	3-0 Member Burke abstained
PCB 15-139	<u>Susan M. Bruce v. Highland Hills Sanitary District</u> (Water-Enforcement, Citizens) – No action taken.	4-0
PCB 15-158	<u>Lannis Walters v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Massac County facility.	4-0

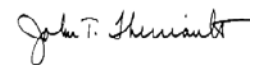
PCB 15-159	<u>GBL Properties, Inc. (2501 Lynch Avenue) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-160	<u>Puckett Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Pike County facility.	4-0
PCB 15-161	<u>Darji Enterprise, Inc. v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jackson County facility.	4-0
PCB 15-162	<u>Tonya Spicuzza v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Hamilton County facility.	4-0
PCB 15-163	<u>GBL Properties, Inc. (6020 State Street) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-164	<u>Stock's Underhood Specialists, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:24 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 19, 2015, by a vote of 4-0, Member Keenan Present.



John T. Therriault, Clerk
Illinois Pollution Control Board