

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 2, 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 September 18, 2014 open meeting were approved by a vote of 4-0.

PUBLIC REMARKS

None

RULEMAKINGS

R12-23(A)	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u> (Water) – The Board directed the Illinois Environmental Protection Agency (Agency) to submit written comments in response to the Board’s questions set out in the order by Monday, November 3, 2014. The Board directed any participant wishing to respond to the Agency’s comments to submit their comments on or before Wednesday, December 3, 2014. In addition, in response to JCAR’s recommendation, the Board declined to expand the scope of this subdocket.	4-0
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ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 14-52	<u>IEPA v. Danny Stifle</u> – The Board dismissed respondent’s petition for review for failure to file an amended petition as directed in the Board’s July 24, 2014 order. The Board found that this Crawford County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 15-7	<u>County of Vermilion, Illinois v. Jerry Nuss</u> – The Board found that this Vermilion County respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0

ADJUDICATORY CASES

PCB 07-145	<u>Randy Grant, Donald Grant and Patricia Wallace v. Mach Mining LLC (Pond Creek Mine #1) and Cline Resource and Development Company</u> (Noise-Enforcement, Citizen’s) – The Board granted complainants’ motion for voluntary dismissal, dismissed the complaint, and closed the docket.	4-0
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizen’s) – No action taken.	
PCB 14-14	<u>People of the State of Illinois v. Donley Trucking, Inc.</u> (Land, Water-Enforcement) – In this land and water enforcement action concerning a Sangamon 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$8,500.00, and to cease and desist from further violations.	4-0
PCB 14-112	<u>Mr. Gary L. Polchow v. Aaron Warren and Sean McAllister</u> (Air, Water-Enforcement, Citizen’s) – The Board directed complainant to file an amended complaint to cure deficiencies specified in the order.	4-0

PCB 15-55	<u>CNS Farms v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of CNS Farms located in DeKalb 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
PCB 15-56	<u>Sangamon Prairie Pork v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Sangamon Prairie Pork located in Logan 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
PCB 15-60	<u>Clinton Landfill, Inc. v. IEPA</u> (Land- Permit Appeal) – The Board granted petitioner’s motion to withdraw its motion to stay the effectiveness of contested permit conditions.	4-0
PCB 15-61	<u>People of the State of Illinois v. Taylor Brothers Welding Service, Inc.</u> (Land-Enforcement) – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Perry County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 15-66	<u>Death Farms Finishers v. IEPA (Property ID No. 14-06-200-007)</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Death Farms Finishers located in Ogle County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)). The Board made no determination regarding the portions of the buildings above the certified manure pits	4-0
PCB 15-67	<u>Death Farms Finishers v. IEPA (Property ID No. 07-28-300-002)</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Death Farms Finishers located in Ogle County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)). The Board made no determination regarding the portions of the buildings above the certified manure pits.	4-0

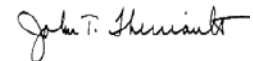
PCB 15-68	<u>John and Ross Sword v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of John and Ross Sword located in Carroll County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)). The Board made no determination regarding the portions of the buildings above the certified manure pits.	4-0
PCB 15-71	<u>Hamilton & Grove Properties, Inc. v. IEPA</u> (Land-Permit Appeal, Cost Recovery) – The Board on its own motion reconsidered the September 18, 2014 order construing the unilateral request for an extension as a petition for review and vacated the September 18, 2014 order. The Board granted the parties’ joint request for a 90-day extension of the appeal period.	4-0
PCB 15-73	<u>People of the State of Illinois v. Sigma-Aldrich Manufacturing, LLC</u> (Land -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 land enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 15-74	<u>Calhoun County Rural Water District v. IEPA</u> (Water-Permit Appeal) – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Calhoun County facility.	4-0
PCB 15-75	<u>Steve Shank v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Bond County facility.	4-0

OTHER ITEMS

ADJOURNMENT

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

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 16, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board