

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 19, 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 June 5, 2014 open meeting were approved by a vote of 4-0. The minutes of the June 12, 2014 Closed Deliberative Session Under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

PUBLIC REMARKS

None.

RULEMAKINGS

| | | |
|---------------|---|-----|
| R14-22 | <u>In the Matter of: Proposal of Clifford-Jacobs Forging Co. for an Amendment to the Site-Specific Rule at 35 Ill. Adm. Code 901.119</u> (Noise) – The Board accepted for hearing petitioner’s June 2, 2014 proposal to amend the Board’s noise pollution control regulations. The Board also granted petitioner’s motion to waive requirement to submit 200 signatures. | 4-0 |
|---------------|---|-----|

ADJUSTED STANDARDS

| | | |
|---------|--|-----|
| AS 13-5 | <p><u>In the Matter of: Petition of Caterpillar, Inc. for an Adjusted Standard From 35 Ill. Admin. Code 620.410(a) and 817.106(a)</u> – The Board granted petitioner’s motion to extend to June 4, 2014 the deadline for compliance with paragraph 5 of the Board’s order dated November 7, 2013 granting petitioner an adjusted standard with conditions. .</p> | 4-0 |
|---------|--|-----|

ADMINISTRATIVE CITATIONS

| | | |
|----------|--|-----|
| AC 13-7 | <p><u>IEPA v. Robert Manker</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$363.43 and a civil penalty of \$4,500. This order follows the Board's interim order of May 15, 2014, which found that this respondent had violated Section 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3), 21(p)(7) (2012)).</p> | 4-0 |
| AC 14-48 | <p><u>IEPA v. Best One Tire & Service of Fairfield, Inc. and Rogers & Associates</u> – The Board found that these Wayne County respondents violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2012)). Because the violation of Section 55(k)(1) is respondents’ second or subsequent adjudicated violation of that provision, respondents were ordered to pay a civil penalty of \$3,000.</p> | 4-0 |
| AC 14-49 | <p><u>IEPA v. Walker Tire</u> – The Board found that this DeWitt County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2012)), and ordered respondent to pay a civil penalty of \$1,500.</p> | 4-0 |

ADJUDICATORY CASES

| | | |
|------------|---|-----|
| PCB 97-195 | <p><u>W. R. Meadows, Inc. v. IEPA (Air -Permit Appeal)</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.</p> | 4-0 |
| PCB 06-140 | <p><u>W. R. Meadows, Inc. v. IEPA (Air -Permit Appeal)</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.</p> | 4-0 |

| | | |
|--|--|-----------------------------|
| PCB 11-25 | <u>Estate of Gerald D. Slightom v. IEPA</u> (UST -Permit Appeal) – The Board affirmed the October 29, 2010 determination of the Illinois Environmental Protection Agency applying a \$100,000 deductible to the Estate’s request for reimbursement from the Leaking Underground Storage Tank Fund. | 3-1 Glosser Dissented |
| PCB 13-27 | <u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizens) – No action taken. | |
| PCB 14-100 | <u>People of the State of Illinois v. Wess Whittaker, d/b/a Whittaker Auto Salvage</u> (Water-Enforcement) – In this water enforcement action concerning a LaSalle 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 \$5,200.00, and to cease and desist from further violations. | 4-0 |
| PCB 14-106 PCB 14-107 PCB 14-108 (cons.) | <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> <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> <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, 3 rd Party) – The Board granted respondent MWRDGC’s motion for a stay of the effectiveness of Special Condition 18 of the NPDES permit issued for the Stickney plant during the pendency of this proceeding. | 4-0 |

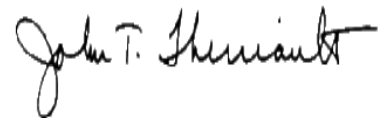
| | | |
|-------------------|--|-----|
| PCB 14-110 | <u>KCBX Terminals Company v. IEPA</u> (Air, Permit Appeal) – The Board reversed the Illinois Environmental Protection Agency’s (Agency) January 17, 2014 determination denying petitioner’s request for permit revision. The Board remanded this case to the Agency for additional consideration of the permit application consistent with the Board’s order and the requirements of the Environmental Protection Act and applicable regulations. | 4-0 |
| PCB 14-123 | <u>Exelon Generation LLC (Quad Cities Nuclear Generating Station) v. IEPA</u> (Thermal Demonstration) – No action taken. | |
| PCB 14-124 | <u>Estate of Gerald D. Slightom v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Macoupin County facility. | 4-0 |

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:16 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 10, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board