

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 3, 2013

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 19, 2013 open meeting were approved by a vote of 4-0. The minutes of the September 26, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

RULEMAKINGS

R08-9 (C)	<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> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s water regulations.	4-0 Water
R08-18(B)	<u>In the Matter of: Technical Corrections to 35 Ill. Adm. Code 620.420</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s public water supply pollution regulations.	4-0 PWS
R14-9	<u>In the Matter of: Technical Corrections to 35 Ill. Adm. Code 620.420</u> – The Board accepted for hearing petitioner’s September 19, 2013 proposal to amend the Board’s public water supply regulations.	4-0 Water

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 11-1	<u>IEPA v. William A. Cogdill</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 12-53	<u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd & Tabitha Booten d/b/a C & T Recycling</u> – No action taken.	
AC 14-3	<u>IEPA v. Thomas and Heather Farris</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 14-8	<u>County of Montgomery v. Vernon Weber</u> – The Board found that this Montgomery County respondent violated Sections 21(p)(1) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 55(k)(1) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 14-10	<u>IEPA v. Daniel Dawson</u> – The Board accepted respondent’s petition for review involving a McLean County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0

ADJUDICATORY CASES

PCB 08-30	<u>E.R. 1, LLC, assignee of Caseyville Sport Choice, LLC v. James A. Seiber, Jr., Executor of the Estate of Erma I. Seiber and James A. Seiber, Deceased, and Fairmount Park, Inc.</u> – No action taken.	L-E, Citizens
PCB 10-20	<u>People of the State of Illinois v. Montalbano Builders, Inc., MBC XIV, LLC, Cortland I-88, LLC, RB Resolutions Properties, LLC, and Douglas J Johnson</u> – No action taken.	W-E
PCB 10-84	<u>People of the State of Illinois v. Professional Swine Management, LLC, Hilltop View LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., North Fork Pork, LLC, Little Timber, LLC, and Twin Valley Pumping, Inc.</u> – No action taken.	L-E
PCB 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
PCB 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C.</u> , – No action taken.	W-E
PCB 12-94 (See also PCB 14-4)	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-V
PCB 12-102	<u>Quick Oil Co. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 UST Appeal
PCB 13-15	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation</u> – The Board denied Midwest Generation LLC’s (MWG) motion to dismiss the complaint as frivolous or duplicative based merely upon the existence of the compliance commitment agreements. The Board also denied MWG’s motion to dismiss the open dumping counts as insufficiently pled. The Board granted the request to strike counts 1-3 of the complaint to the extent they allege MWG violated federal regulations, and struck portions of paragraphs 43, 46, and 49 of the complaint.	4-0 W-E, Citizens
PCB 13-19 PCB 13-20 (cons.)	<u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC</u> <u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC</u> – No action taken.	L-E

PCB 13-28	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – No action taken.	W-E
PCB 13-35 PCB 13-36 (cons.)	<u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (East Campus)</u> <u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (West Campus)</u> – The Board granted the parties’ joint motion to extend the stay of these consolidated enforcement proceedings; stay will last until October 10, 2013, unless the Board issues an order terminating the stay sooner. On October 9, 2013, the parties must file, separately or jointly, a status report regarding No. 13-CH-162.	4-0 A-E
PCB 13-51	<u>People of the State of Illinois v. Midwest Environmental Consulting Services, Inc. and Universal Asbestos Removal, Inc.,</u> – In this air enforcement action concerning a Bureau 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)) and accepted two separate stipulation and settlement agreements, ordering the respondents to pay a total civil penalty of \$30,000.00, and to cease and desist from further violations.	4-0 A-E
PCB 13-69	<u>People of the State of Illinois v. R. A. Peterson, Inc., an Illinois corporation</u> – 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 Lake County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 14-1	<u>Chatham BP, LLC v. IEPA</u> – No action taken.	UST Appeal
PCB 14-3	<u>Johns Manville v. Illinois Department of Transportation</u> – No action taken.	L-E, Citizens
PCB 14-4 (See also PCB 12-94)	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-V
PCB 14-6	<u>Jon Chvalovsky v. Exelon and Commonwealth Edison</u> – The Board granted respondents’ motion to dismiss the complaint as frivolous, but allowed complainant 30 days to file an amended complaint addressing the deficiencies.	3-0 Burke abstained N-E, Citizens

PCB 14-16	<u>People of the State of Illinois v. C & M Contractors of Missouri, LLC</u> – In this water enforcement action concerning a McDonough 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 the respondent to pay a total civil penalty of \$10,000.00, and to cease and desist from further violations.	4-0 W-E
PCB 14-23	<u>J & A Investors, LLC v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Champaign County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 W-PA
PCB 14-24	<u>SABIC Innovative Plastics US LLC v. IEPA</u> – The Board accepted for hearing this permit appeal involving a LaSalle County facility. No action was taken on petitioner’s motion to allow Andrew S. Hogeland to appear <i>pro hac vice</i> on behalf of SABIC.	4-0 W-PA, NPDES

CASES PENDING DECISION

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> – Proposed Rule; First Notice; Opinion & Order	Water
R14-8	<u>SDWA Update, USEPA Amendments (January 1, 2013 through June 30, 2013)</u> – Proposed Rule; Proposal for Public Comment; Opinion & Order	Water

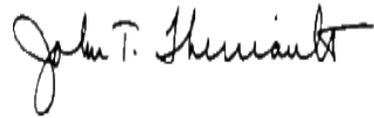
OTHER ITEMS

None

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:18 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 17, 2013, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board