

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**October 17, 2013**

**11:00 a.m.**

**Chicago**

100 W. Randolph Street  
Chicago, IL  
**Room 9-040**

### **ANNOUNCEMENTS**

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Chairman Glosser welcomed members of the public and staff.

### **ROLL CALL**

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The Clerk of the Board called the roll. All four Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the October 3, 2013 open meeting were approved by a vote of 4-0. The minutes of the October 10, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

**RULEMAKINGS**

**NONE**

**ADJUSTED STANDARDS**

<b>AC 13-4</b>	<u>In the Matter of: Petition of Brickyard Disposal &amp; Recycling, Inc. Pursuant to 35 Ill. Adm. Code 814.402(b)(3) – No action taken.</u>	
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**ADMINISTRATIVE CITATIONS**

<b>AC 12-53</b>	<u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd &amp; Tabitha Booten d/b/a C &amp; T Recycling – No action taken.</u>	
<b>AC 13-55</b>	<u>County of Perry v. Union Pacific Railroad Company – The Board granted parties’ joint motion for dismissal of this administrative citation and closed the docket.</u>	4-0
<b>AC 14-12</b>	<u>IEPA v. Raben Tire Company, Inc. (IEPA File No. 224-13-AC) – The Board found that this Saline 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.</u>	
<b>AC 14-13</b>	<u>IEPA v. Raben Tire Company, Inc. (IEPA File No. 226-13-AC) – The Board found that this Saline 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.</u>	
<b>AC 14-14</b>	<u>IEPA v. Flossie E. Hayes and Kevin E. Stine – The Board accepted respondents’ petition for review involving a McLean County facility.</u>	4-0
<b>AC 14-18</b>	<u>County of Jackson v. John Kenneth Lewis – The Board found that this Jackson County respondent violated Sections 21(p)(1), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(4), and (p)(7) (2012)), and ordered respondent to pay a civil penalty of \$4,500.</u>	4-0

**ADJUDICATORY CASES**

<b>PCB 08-30</b>	<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. – No action taken.</u>	L-E, Citizens
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<b>PCB 10-20</b>	<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> – The Board granted complainant’s motion to dismiss Douglas Johnson as a respondent.	4-0 W-E
<b>PCB 10-84</b>	<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
<b>PCB 11-25</b>	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 11-79</b>	<u>People of the State of Illinois v. Inverse Investment L.L.C.,</u> – The Board granted respondent’ motion to stay the proceedings until February 18, 2014.	4-0 W-E
<b>PCB 12-94</b> (See also <b>PCB 14-4</b> )	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-V
<b>PCB 13-19</b> <b>PCB 13-20</b> (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> – The Board denied respondents’ motion to reconsider its August 8, 2013 Order.	4-0 L-E
<b>PCB 13-28</b>	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – No action taken.	W-E
<b>PCB 14-1</b>	<u>Chatham BP, LLC v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 14-3</b>	<u>Johns Manville v. Illinois Department of Transportation</u> – No action taken.	L-E, Citizens
<b>PCB 14-4</b> (See also <b>PCB 12-94</b> )	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-V

<b>PCB 14-19</b>	<u>People of the State of Illinois v. Walsh Construction Company</u> – In this water enforcement action concerning a Madison 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 \$15,000.00, and to cease and desist from further violations.	4-0 W-E
<b>PCB 14-21</b>	<u>People of the State of Illinois v. T. S. Banze Construction, Inc</u> – No action taken.	A,L -E
<b>PCB 14-23</b>	<u>J &amp; A Investors, LLC v. IEPA</u> – No action taken.	4-0 W-PA
<b>PCB 14-24</b>	<u>SABIC Innovative Plastics US LLC v. IEPA</u> – The Board granted petitioner’s motion to allow Andrew S. Hogeland to appear <i>pro hac vice</i> .	4-0 W-PA, NPDES
<b>PCB 14-25</b>	<u>Will Scarlett Properties, L.L.C. v. IEPA</u> – The Board granted this request for a 60-day extension of time to file an underground storage tank appeal on behalf of this facility located in Saline and Williamson Counties.	4-0 W-PA, NPDES
<b>PCB 14-26</b>	<u>Jaswinder Sadhu v. IEPA</u> – 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 UST-PA, 90-Day Ext.

**CASES PENDING DECISION**

<b>R12-23</b>	<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
<b>R13-18</b>	<u>In the Matter of: Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219</u> – Proposed Rule; Second Notice; Opinion & Order	Air
<b>R14-8</b>	<u>SDWA Update, USEPA Amendments (January 1, 2013 through June 30, 2013)</u> – Proposed Rule; Proposal for Public Comment; Opinion & Order	Water

**OTHER ITEMS**

	The Board granted the Chairman’s Motion to add a location to already scheduled Board meetings at 11:00 am on January 9, 2014,	4-0
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	February 6, 2014, and March 6, 2014. These three Board meetings will be Videoconference Meetings Between the Board's Chicago Office (Room 11-512) and the Board's Springfield Office (Room 1244N, First Floor)..	
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**ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:15 a.m.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 7, 2013, by a vote of .

John T. Therriault, Clerk  
Illinois Pollution Control Board