

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 7, 2013

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 October 17, 2013 open meeting were approved by a vote of 4-0. The minutes of the October 24, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0. The minutes of the October 31, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 3-0; Chairman Glosser abstained.

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> – The Board granted ExxonMobil Oil Corporation’s motion to postpone the pre-filing of testimony. The Board directed the parties to pre-file all testimony by November 22, 2013 and pre-file questions by December 9, 2013.	4-0 Water
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> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s water regulations.	4-0 Water
R13-18	<u>In the Matter of: Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air regulations.	4-0 Air
R14-8	<u>SDWA Update, USEPA Amendments (January 1, 2013 through June 30, 2013)</u> – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s drinking water regulations.	4-0 Water
R14-10	<u>In the Matter of: Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841</u> – The Board accepted the Illinois Environmental Protection Agency’s October 28, 2013 proposal for hearing.	4-0 Water

ADJUSTED STANDARDS

AC 13-4	<u>In the Matter of: Petition of Brickyard Disposal & Recycling, Inc. Pursuant to 35 Ill. Adm. Code 814.402(b)(3)</u> – No action taken.	Land
AC 13-5	<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 Caterpillar, Inc., an adjusted standard, subject to the conditions for its Mapleton, Peoria County facility.	4-0 Water

ADMINISTRATIVE CITATIONS

AC 12-53	<u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd & Tabitha Booten d/b/a C & T Recycling</u> – The Board denied respondents’ motion for reconsideration. Any response to the costs filed by the Agency and the Board are due December 2, 2013.	4-0
AC 14-4	<u>IEPA v. Mark & Cheryl Rogers</u> – The Board dismissed respondents’ petition for review for their failure to file proof of service. The Board found that these Fulton County respondents violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2012)), and ordered respondents to pay a civil penalty of \$4,500.	4-0
AC 14-9	<u>County of DuPage v. McKeown Classic Homes, Inc.</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 14-15	<u>IEPA v. Union National Bank Land Trust 1516</u> – The Board found that this DeKalb County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 55(k)(1) (2012)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 14-16	<u>IEPA v. Thomas Gibbs</u> – The Board accepted respondent’s petition for review involving a Saline County facility.	4-0
AC 14-17	<u>County of Vermilion, Illinois v. Marian and Russell Herbold</u> – The Board found that these Vermilion County respondents violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2012)), and ordered respondents to pay a civil penalty of \$3,000.	4-0
AC 14-19	<u>IEPA v. Boudie's Auto Shop</u> – The Board accepted an administrative citation against this LaSalle County respondent.	
AC 14-20	<u>IEPA v. Frank Root</u> – The Board accepted respondent’s petition for review involving a Macoupin County facility, but directed respondent to file an amended petition to cure deficiencies.	
AC 14-21	<u>IEPA v. Bernard Coil and Angie Ratliff</u> – The Board accepted an administrative citation against these Morgan County respondents.	
AC 14-22	<u>IEPA v. Roger Ray</u> – The Board accepted an administrative citation against this Moultrie County respondent.	

AC 14-23	<u>IEPA v. Cord Shaffer</u> – The Board accepted an administrative citation against this Champaign County respondent.	
AC 14-24	<u>IEPA v. Gwendolyn Sutton & Milton "Rusty" Sutton</u> – The Board accepted an administrative citation against these Jersey County respondents.	
AC 14-25	<u>IEPA v. Karla F. Kopp</u> – The Board accepted an administrative citation against this Jersey County respondent.	

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 09-107	<u>People of the State of Illinois v. Tate and Lyle Ingredients Americas, Inc.</u> – No action taken.	A-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> – The Board granted complainant’s three motions to strike the respondents’ affirmative defenses. The Board struck the affirmative defenses of Professional Swine Management, High-Power Pork, Lone Hollow, Prairie State Gilts, Timberline, Little Timber, Hilltop, and Eagle Point.	4-0 L-E
PCB 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – The Board denied respondent’s motion to dismiss.	4-0 UST Appeal
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 13-22	<u>Mahomet Valley Water Authority, City of Champaign, Illinois, Donald R. Gerard, City of Urbana, Illinois, Laurel Lunt Prussing, City of Bloomington, Illinois, County of Champaign, Illinois, County of Piatt, Illinois, Town of Normal Illinois, Village of Savoy, Illinois, and City of Decatur, Illinois v. Clinton Landfill, Inc.; People of the State of Illinois as Intervenor</u> – No action taken.	L-E, Citizens

PCB 13-28	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – No action taken.	W-E
PCB 13-53	<u>United States Steel Corporation v. IEPA</u> – No action taken.	A-PA, CAAPP
PCB 13-69	<u>People of the State of Illinois v. R. A. Peterson, Inc., an Illinois corporation</u> – In this water enforcement action concerning a Lake 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,500.00, and to cease and desist from further violations.	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> – The Board denied respondent’s motion to dismiss, found the complaint neither duplicative nor frivolous, and accepted the complaint for hearing.	4-0 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 14-21	<u>People of the State of Illinois v. T. S. Banze Construction, Inc</u> – In this air and land enforcement action concerning a Pike 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$17,500.00, and to cease and desist from further violations.	4-0 A,L -E
PCB 14-22	<u>People of the State of Illinois v. R. R. Donnelley & Sons Company</u> – In this air enforcement action concerning a Livingston 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,000.00, and to cease and desist from further violations.	4-0 A-E, CAAPP

PCB 14-23	<u>J & A Investors, LLC v. IEPA</u> – The Board granted petitioner’s motion for partial stay of the contested conditions within the National Pollutant Discharge Elimination System permit.	4-0 W-PA
PCB 14-27	<u>Congress Development Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	4-0 A-PA,
PCB 14-28	<u>Peoria Disposal Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Peoria County facility. No action was taken on petitioner’s motion for partial stay of specified conditions.	4-0 W-PA, NPDES
PCB 14-29	<u>Enbridge Pipelines (Southern Lights), LLC (containment pit located near the north end of the facility) (Property ID No. 12-29-101-002-0000) v. IEPA</u> – The Board found and certified that specified facilities of Enbridge Pipelines located in Will 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 T-C, W
PCB 14-30	<u>Enbridge Pipelines (Southern Lights), LLC (A secondary containment pit located near the south end of the facility) v. IEPA</u> – The Board found and certified that specified facilities of Enbridge Pipelines located in Will 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 T-C, W
PCB 14-31	<u>Enbridge Pipelines (Southern Lights), LLC (A containment pit surrounding the pump building) v. IEPA</u> – The Board found and certified that specified facilities of Enbridge Pipelines located in Will 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 T-C, W
PCB 14-32	<u>Enbridge Pipelines (Southern Lights), LLC (installation of cathodic protection on the product storage tanks) v. IEPA</u> – No action taken.	T-C, W
PCB 14-33	<u>Enbridge Pipelines (Southern Lights), LLC (Sump systems) v. IEPA</u> – No action taken.	T-C, W

PCB 14-34	<u>Maurice Whisenhunt v. Jeff Moore</u> – No action taken.	N-E, Citizens
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CASES PENDING DECISION

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> – Proposed Rule; Second Notice; Opinion & Order	Water
R14-6	<u>National Ambient Air Quality Standards Update, USEPA Regulations (January 1, 2013 through June 30, 2013)</u> – Adopted Rule; Final Opinion & Order	Air
R14-7	<u>Definition of VOM Update, USEPA Amendments (January 1, 2013 through June 30, 2013)</u> – Adopted Rule; Final Opinion & Order	Air
PCB 14-10	<u>Illinois Power Holdings, LLC, AmerenEnergy Medina Valley Cogen, LLC, and Ameren Energy Resources, LLC as Co-Petitioner V. IEPA (Due 11/21/13)</u> – Opinion & Order	A-V

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:26 a.m.

I, Don A. Brown, Acting Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 7, 2013, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above the printed name and title.

Don A. Brown, Acting Clerk
Illinois Pollution Control Board