

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 21, 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. In response to a Fourth District Appellate Court decision that the Board is reviewing, the Board set aside time for members of the public to address the Board concerning items that appear on the Board's agenda. No one participated.

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of the November 7, 2013 November 7, 2013 open meeting were approved by a vote of 4-0. The minutes of the November 14, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0. The minutes of the November 20, 2013 closed deliberative session under 5 ILCS 120/2(c)(1) were approved by a vote of 4-0.

RULEMAKINGS

<p>R08-9 (C)</p>	<p><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 to amend the Board’s water regulations.</p>	<p>4-0 Water</p>
<p>R14-6</p>	<p><u>National Ambient Air Quality Standards Update, USEPA Regulations (January 1, 2013 through June 30, 2013)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations.</p>	<p>4-0 Air</p>
<p>R14-7</p>	<p><u>Definition of VOM Update, USEPA Amendments (January 1, 2013 through June 30, 2013)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations.</p>	<p>4-0 Air</p>
<p>R14-19</p>	<p><u>In the Matter of: Fast Track Standards and Limitations for Certain Sources of Lead: Proposed 35 Ill. Adm. Code 226</u> – The Board accepted the Illinois Environmental Protection Agency’s November 15, 2013 proposal for hearing and adopted a first notice opinion and order as required by Section 28.5 of the Environmental Protection Act.</p>	<p>4-0 Water</p>

ADJUSTED STANDARDS

<p>AS 13-4</p>	<p><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.</p>	<p>Land</p>
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ADMINISTRATIVE CITATIONS

<p>AC 12-20</p>	<p><u>IEPA v. Shelby and Sons, Inc.</u>– In response to a joint stipulation and settlement agreement in this administrative citation action involving a Franklin County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations Sections 21(p)(4), (7) and 55(k)(1) of the Act (415 ILCS 5/21(p)(4), (7) and 55(k)(1) (2012)).</p>	<p>4-0</p>
<p>AC 12-58</p>	<p><u>IEPA v. Leota Humm and Bishop's Truck Service, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Saline County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations Section 21(p)(3), (5), (7), and Section 55(k)(1) of the Act (415 ILCS 5/21(p)(3), (5), (7), and Section 55(k)(1) (2012)).</p>	<p>4-0</p>
<p>AC 14-10</p>	<p><u>IEPA v. Daniel Dawson</u> – The Board accepted respondent’s amended petition for review involving a McLean County facility.</p>	<p>4-0</p>

ADJUDICATORY CASES

<p>PCB 05-199</p>	<p><u>People of the State of Illinois v. Champion Environmental Services, Inc</u> – No action taken.</p>	<p>A-E</p>
<p>PCB 06-64</p>	<p><u>Ameren Energy Generating Company, Coffeen Power Station v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.</p>	<p>4-0 A-PA, CAAPP</p>
<p>PCB 06-75</p>	<p><u>The City of Springfield v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.</p>	<p>4-0 A-PA, CAAPP</p>

PCB 07-13	<u>People of the State of Illinois v. Ray F. Landers, individually, and Equipping the Saints Ministry</u> – The Board entered an order requesting clarification of the parties’ stipulation.	4-0 A-E
PCB 07-86	<u>People of the State of Illinois v. The Ridges of Coal Valley</u> – The Board granted complainant’s motion for voluntary dismissal of this enforcement action.	4-0 W-E
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> – The Board granted complainant’s motion for dismissal of this enforcement action.	4-0 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 11-22	<u>Scott Mayer v. Lincoln Prairie Water Company, Korte & Luitjohan Contractors, Inc., and Milano & Grunloh Engineers, LLC</u> – The Board granted the parties’ motion for dismissal of this enforcement action.	4-0 L-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 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> – The Board granted American Bottom Conservancy’s motion to Intervene.	4-0 A-PA, CAAPP
PCB 14-1	<u>Chatham BP, LLC v. IEPA</u> – No action taken.	UST Appeal
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> – No action taken.	N-E, Citizens
PCB 14-10	<u>Illinois Power Holdings, LLC, AmerenEnergy Medina Valley Cogen, LLC, and Ameren Energy Resources, LLC as Co-Petitioner V. IEPA</u> – The Board granted Illinois Power Holdings, LLC and AmerenEnergy Medina Valley Cogen, LLC and Co-Petitioner Ameren Energy Resources, LLC (AER) combined dual variances for the electrical generating units in AER’s Multi-Pollutant Standard Group from the applicable requirements of 35 Ill. Adm. Code 225.233(e)(3)(C)(iii) for a period beginning January 1, 2015 through December 31, 2019 and from 35 Ill. Adm. Code 255.233(e)(3)(C)(iv) for a period beginning January 1, 2017 through December 31, 2019, subject to conditions.	3-1 Glosser dissented A-V
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 14-28	<u>Peoria Disposal Company v. IEPA</u> – The Board issued an order finding that the contested permit is stayed under the Illinois Administrative Procedure Act (APA) during the pendency of this proceeding	4-0 W-PA, NPDES
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> – 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 14-34	<u>Maurice Whisenhunt v. Jeff Moore</u> – No action taken.	N-E, Citizens
PCB 14-35	<u>Greuel Holdings, LLC - East Moline v. IEPA</u> – No action taken.	T-C, W
PCB 14-36	<u>EJP Wheaton, LLC 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 DuPage County facility.	4-0 T-C, W

PCB 14-37	<u>4th Meridian Farm, Inc. v. IEPA</u> – No action taken.	T-C, W
PCB 14-38	<u>EJS LLC v. IEPA</u> – No action taken.	T-C, W

CASES PENDING DECISION

NONE

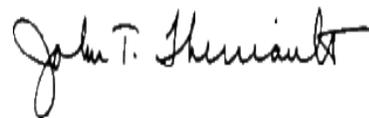
OTHER ITEMS

	The Board granted the Chairman’s Motion to hold six videoconference, Closed Board Meetings, on Wednesday, December 4, 2013, at 2:00 PM, Wednesday, December 18, 2013, at 2:00 PM, Wednesday, January 8, 2014, at 2:00 PM, Wednesday, January 22, 2014, at 2:00 PM, Wednesday, February 5, 2014, at 2:00 PM, and Wednesday February 19, 2014, at 2:00 PM. All meetings will be held in both Room 11-512 of James R. Thompson Center, Chicago, and in IPCB Conference Room 1244, 1021 N. Grand Avenue East, Springfield, as authorized by the exception in Section 2(c)(1) of the Open Meetings Act (5 ILCS 120/2(c)(1)) concerning personnel matters.	4-0
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ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:22 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 5, 2013, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board