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# Environmental Register

May 2014 - Number 719

The Environmental Register is a Publication of the Illinois Pollution Control Board

Deanna Glosser, Chairman

Board Members:

Jennifer A. Burke, Jerome D. O'Leary, and Carrie Zalewski

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# Letter from the Chairman

The Board has taken the opportunity over the last few months to revisit how the Board uses our web site and the Clerk's Office Online (COOL). While we are very proud of our website and the ability of the public to make use of it, we wanted to explore ways to improve the website. As a result of this review, the Board discovered that the historical files on the web do not include the *Environmental Register* editions prior to 1990, nor were all the Board's annual reports available. The Board is working towards scanning and saving those documents to make them available on the web site, which we hope to complete in the coming months.



Also, the Board is updating its procedural rules and plans to move forward in June with a first notice proposal. Please check our website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us) for updates in Procedural Rule to Implement Electronic Filing and allow for Public Remarks at Board Meetings, R14-21. The Board is examining changes to accomplish two primary objectives. First, the proposal is looking at allowing, with certain limited exceptions, electronic filing in all Board proceedings through COOL, as well as service by e-mail of most types of filings. Second, the proposal will codify procedural standards for remarks by members of the public at the Board's open meetings in accordance with the Open Meetings Act. In addition, the Board will take the opportunity to update other sections of the procedural rules, including rulemaking proposals that include material proposed for incorporation by reference, pollution control facility certification for property tax purposes; temporary waivers of the ban on specified electronic products landfills; and formatting requirements for the record in appeals from final agency decisions. The Board looks forward to comments from the practice community, agencies, and the general public on the Board's changes to the procedural rules.

Sincerely,

A handwritten signature in black ink that reads "Deanna Glosser". The signature is written in a cursive style and is contained within a rectangular box.

Deanna Glosser, Ph.D.  
Chairman

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## Board Actions

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**May1, 2014**  
**Via videoconference**  
**Springfield and Chicago, Illinois**

### Adjusted Standards

- AS 14-2**      In the Matter of: Petition of Kramer Tree Specialists, Inc. for an Adjusted Standard from Provisions of 35 Ill. Adm. Code 830      4-0  
(Land) – Upon receipt of publication of notice of a petition for adjusted standard, the Board found notice proper, but directed the parties to brief the applicability of Part 830 of the Board’s regulations (standards for compost facilities) to petitioner’s leaf mulching operation.

### Administrative Citations

- AC 09-41**      IEPA v. Mark A. Lewis – 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 \$443.98 and a civil penalty of \$3,000. This order follows the Board’s interim order of March 20, 2014, which found that this respondent had violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2012)).      4-0
- AC 14-40**      IEPA v. Timothy Lewis and William Lewis – The Board found that these White County respondents violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) 2012)), and ordered respondents to pay a civil penalty of \$1,500.      4-0
- AC 14-41**      IEPA v. Ghent B. Holman, Jr. (IEPA File No. 53-14-AC) – The Board found that this Jefferson County respondent 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.      4-0

### Adjudicatory Cases

- PCB 13-35**      People of the State of Illinois v. The Board of Trustees of the University of Illinois (East Campus)      4-0
- PCB 13-36**      People of the State of Illinois v. The Board of Trustees of the University of Illinois (West Campus)  
(Air-Enforcement) – In this air enforcement action concerning a Cook 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 \$10,000.00, and to cease and desist from further

violations. In addition, the respondent agreed to perform a supplemental environmental project with a settlement value of \$101,000, consisting of replacement of at least one of two chillers that currently use ozone depleting refrigerant R-11 with one that uses a non-ozone depleting refrigerant at the University's Administrative Office Building, located at 1737 West Polk Street, Chicago, Illinois.

<b>PCB 13-66</b>	<u>People of the State of Illinois v. Union Pacific Railroad Company, a Delaware Corporation, and Walsh Construction Company</u> (Water-Enforcement) – In this water enforcement action concerning a Cook 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 \$25,000.00, and to cease and desist from further violations.	4-0
<b>PCB 14-1</b>	<u>Chatham BP, LLC v. IEPA</u> (UST-Permit Appeal) – The Board denied the parties' joint motion for entry of judgment and directed the parties to proceed to hearing on petitioner's drum disposal costs.	4-0
<b>PCB 14-39</b>	<u>People of the State of Illinois v. Bradley Property, LLC, Bradley Auto Spa, LLC, and A-K Underground, Inc.</u> (Water-Enforcement) – In this water enforcement action concerning a Kankakee 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 as to A-K Underground, Inc. only, and ordered respondent to pay a total civil penalty of \$10,000.00, and to cease and desist from further violations.	4-0
<b>PCB 14-99</b>	<u>Timber Creek Homes, Inc. v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc.</u> (Land-Siting Appeal, 3 <sup>rd</sup> Party) – The Board sustained the hearing officer's April 17, 2014 order quashing the subpoena for Derke J. Price.	4-0
<b>PCB 14-110</b>	<u>KCBX Terminals Company v. IEPA</u> (Air, Permit Appeal) – The Board denied respondent's motion to reconsider the Board's April 17, 2014 order and granted petitioner's second motion to supplement the record.	4-0
<b>PCB 14-111</b>	<u>Sanitary District of Decatur v. IEPA</u> (Water-Variance) – The Board granted petitioner's motion to stay the proceeding, but only until October 1, 2014.	4-0
<b>PCB 14-115</b>	<u>People of the State of Illinois v. Heritage-Crystal Clean, L.L.C</u> (Land-Enforcement) – In this land enforcement action concerning a Marion 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 \$8,000.00, and to cease and desist from further violations.	4-0

<b>PCB 14-116</b>	<u>WRB Refining, LLC, Maintenance Upgrades of Existing Product Tanks v. IEPA</u> (Water-Tax Certification) – The Board denied the petition of WRB Refining, LLC located in Madison County that specified maintenance, upgrades, and or replacement of existing product tanks, including improvements to tank level instrumentation, installation of cathodic protection equipment, and replacement of tank floors, internal and external coatings, gaskets, isolation valves and piping are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
<b>PCB 14-117</b>	<u>WRB Refining, LLC, Hot Line Softening System v. IEPA</u> (Water-Tax Certification) – The Board denied the petition of WRB Refining, LLC located in Madison County that specified the replacement of a hot lime softening system used for demineralizing boiler feed water with a reverse osmosis system is a pollution control facility for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
<b>PCB 14-118</b>	<u>WRB Refining, LLC, Upgrading Air to Soil Interfaces for Buried Pipe v. IEPA</u> (Water-Tax Certification) – The Board denied the petition of WRB Refining, LLC located in Madison County that specified upgrading air to soil interfaces for buried pipe, which involves relocating underground lines to above ground lines, installing linings in existing underground lines, installing cathodic protection systems with remote monitoring on storage tanks and associated lines, and installing protective coatings on lines are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
<b>PCB 14-122</b>	<u>Ascend R. L. B., Inc. v. IEPA, John Tierney and Vera Tierney</u> (Water-Water Well Setback) – The Board accepted for hearing petitioner’s request from the water well setback requirement at Section 415 ILCS 5/14.2(a), (c) (2012) of the Environmental Protection Act, for a facility located in Lake County. The Board directed petitioner to file an appearance by an attorney licensed and registered to practice law.	4-0
<b>PCB 14-125</b>	<u>Ginger L. Deavers v. IEPA</u> (UST-Permit Appeal, 90-Day Extension) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McLean County facility.	4-0
<b>PCB 14-126</b>	<u>People of the State of Illinois v. 400 Condominium Association</u> (Water-Enforcement) – 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 land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0
<b>PCB 14-127</b>	<u>People of the State of Illinois v. Remediation and Management Services Corporation</u> (Air-Enforcement) – The Board accepted for hearing this air enforcement action concerning a facility located in Carroll County.	4-0

**May 15, 2014**  
**Chicago, Illinois**

### **Administrative Citations**

- AC 13-7**      IEPA v. Robert Manker – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2012)) and assessing a penalty of \$4,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by May 29, 2014, a statement of hearing costs, supported by affidavit, with service on respondents. Respondent may respond to the cost statements by June 12, 2014. 4-0
- AC 14-42**      IEPA v. Ghent B. Holman, Jr. (IEPA File No. 54-14-AC) – The Board found that this Jefferson County respondent 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. 4-0
- AC 14-43**      IEPA v. David R. & Beth W. Moser – The Board accepted respondent David Moser’s petition for review involving a Jackson County facility, but directed respondents to file an amended petition to cure deficiencies specified in the order. 4-0

### **Adjudicatory Cases**

- PCB 11-42**      People of the State of Illinois v. Joel A. Moske, d/b/a U. S. Scrap (Air, Land-Enforcement) – The Board granted complainant’s motions for penalty determination and for voluntary dismissal of count III of the complaint. The Board entered a final opinion and order requiring respondent to pay a civil penalty of \$8,000. This order follows the Board’s order of February 20, 2014, which found that respondent had violated Sections 9(a), 9(c), 21(a), 21(e), 21(p)(3), and 21(p)(7)(i) of the Environmental Protection Act (415 ILCS 5/9(a), 9(c), 21(a), 21(e), 21(p)(3), 21(p)(7)(i) (2012)). 4-0
- PCB 13-19**      People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, an Illinois limited-liability company and Sheridan Sand & Gravel Co., an Illinois corporation (4201 Road Site) 4-0
- PCB 13-20**      People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, an Illinois limited-liability company and Sheridan Sand & Gravel Co., an Illinois corporation (Wiensland Site)  
(cons.) (Land-Enforcement) – In this consolidated land enforcement action concerning two LaSalle County facilities, 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 \$17,500.00 and to cease and desist from further violations.
- PCB 13-28**      People of the State of Illinois v. Atkinson Landfill Company  
(Water-Enforcement) – In this water enforcement action concerning a Henry 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 \$5,000.00 and to cease and desist from further violations. 4-0

<b>PCB 14-39</b>	<u>People of the State of Illinois v. Bradley Property, LLC, Bradley Auto Spa, LLC, and A-K Underground, Inc.</u> (Water-Enforcement) – In this water enforcement action concerning a Kankakee 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 as to Bradley Property, LLC and Bradley Auto Spa, LLC only, and ordered respondents to pay a total civil penalty of \$5,300.00 and to cease and desist from further violations.	4-0
<b>PCB 14-41</b>	<u>AmerenEnergy Resources Generating Company v. IEPA</u> (Land-Permit Appeal) – The Board denied petitioner’s motion to reconsider the Board’s March 20, 2014 order denying petitioner’s motion to strike a portion of the administrative record.	4-0
<b>PCB 14-81</b>	<u>BNSF Railway Company v. Indian Creek Development Company and JB Industries, Inc.</u> (Land-Enforcement) – The Board denied respondents’ motion to reconsider the Board’s March 20, 2014 order denying respondents’ motion to dismiss.	4-0
<b>PCB 14-100</b>	<u>People of the State of Illinois v. Wess Whittaker, d/b/a Whittaker Auto Salvage</u> (Water-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this water enforcement action involving a LaSalle County facility, the Board ordered publication of the required newspaper notice.	4-0
<b>PCB 14-119</b>	<u>People of the State of Illinois v. Lake City Cleaners, LLC</u> (Air-Enforcement) – In this air enforcement action concerning a Cook 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 \$2,000.00 and to cease and desist from further violations.	4-0
<b>PCB 14-120</b>	<u>People of the State of Illinois v. TBR ENT of Illinois, LLC</u> (Water-Enforcement) – In this water enforcement action concerning a Champaign 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 \$3,000.00, and to cease and desist from further violations.	4-0
<b>PCB 14-121</b>	<u>People of the State of Illinois v. Village of Hammond</u> (Water-Enforcement) – In this water enforcement action concerning a Piatt 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 \$15,980.00, and to cease and desist from further violations.	4-0
<b>PCB 14-123</b>	<u>Exelon Generation LLC (Quad Cities Nuclear Generating Station) v. IEPA</u> (Thermal Demonstration-Other) – The Board acknowledged receipt of this petition for alternative thermal effluent limitations concerning a facility located in Rock Island County and found notice of the petition sufficient.	4-0

**PCB 14-128** Filiberto Quiles v. IEPA  
 (UST-Permit Appeal, 90-Day Extension) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

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## New Cases

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### May 1, 2014 Board Meeting

**AC 14-45** IEPA v. Benjamin Raleigh & Rose Mary Raleigh – The Board accepted an administrative citation against these Fulton County respondents.

**AC 14-46** IEPA v. Jeanetta and Gary Maddock – The Board accepted an administrative citation against these Massac County respondents.

**AC 14-47** IEPA v. Robert Frazier – The Board accepted an administrative citation against this Champaign County respondent.

**AC 14-48** IEPA v. Best One Tire & Service of Fairfield, Inc. and Rogers & Associates – The Board accepted an administrative citation against these Wayne County respondents.

**AC 14-49** IEPA v. Walker Tire – The Board accepted an administrative citation against this DeWitt County respondent.

**PCB 14-125** Ginger L. Deavers v. IEPA (UST-Permit Appeal, 90-Day Extension) – The Board granted this request for a 30-day extension of time to file an underground storage tank appeal on behalf of this McLean County facility.

**PCB 14-126** People of the State of Illinois v. 400 Condominium Association (Water-Enforcement) – 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 land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.

**PCB 14-127** People of the State of Illinois v. Remediation and Management Services Corporation (Air-Enforcement) – The Board accepted for hearing this air enforcement action concerning a facility located in Carroll County.

### May 15, 2014

**PCB 14-128** Filiberto Quiles v. IEPA (UST-Permit Appeal, 90-Day Extension) – The Board granted this request for a 30-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

## Calendar

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6/2/2014 9:00 AM	PCB 14-99	<u>Timber Creek Homes, Inc. v. Village of Round Lake Park Village Board and Groot Industries, Inc.</u>  (Continues until complete or through April 3, 2014)	Round Lake Park Village Hall Village Board Chambers 203 E. Lake Short Drive Round Lake Park
6/5/2014 11:00 AM	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>

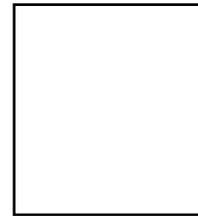
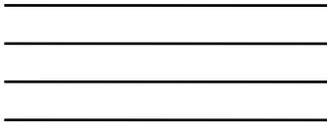
6/18/2014 11:00 AM	R14-10	<u>In the Matter of: Coal combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841</u>  (Continues until complete or through June 19, 2014)	James R. Thompson Center Room 9-039 100 W. Randolph Street Chicago
<b>6/19/2014 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
7/1/2014 10:00 AM	PCB 14-122	<u>Ascent R. L. B., Inc., v. IEPA, John Tierney and Vera Tierney</u>	Village Hall Board Room Second Floor 118 West Cook Libertyville
<b>7/10/2014 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
<b>7/24/2014 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
7/29/2014 10:00 AM	PCB 14-001	<u>Chatham BP, LLC v. IEPA</u>	Pollution Control Board Hearing Room 1021 North Grand Avenue East Springfield



The Illinois Pollution Control Board is an independent five-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

The *Environmental Register* is published monthly by the Board, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information.

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