

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



September 4, 2014

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 August 21, 2014 open meeting and the August 28, 2014 Closed Deliberative Session Under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

PUBLIC REMARKS

Jennifer A. Van Wie, Illinois Attorney General's Office, addressed the Board regarding Clinton Landfill, Inc. v. IEPA, PCB 15-60.

RULEMAKINGS

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 14-50	<u>IEPA v. Craig S. Walker and Walker & Sons Enterprises, Ltd.</u> – The Board accepted respondents’ amended petition for review involving a Peoria County facility.	4-0
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ADJUDICATORY CASES

PCB 07-83	<u>People of the State of Illinois v. Edelstein Waterworks Co-Op (Public Water Supply-Enforcement)</u> – The Board granted complainant’s motion to dismiss Counts V, VI and VII of the complaint. Upon receipt of a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Peoria County facility, the Board also ordered publication of the required newspaper notice.	4-0
PCB 10-86	<u>People of the State of Illinois v. Illinois Fuel Company, LLC (Water-Enforcement, NPDES)</u> – The Board granted complainant’s motion and deemed admitted each matter of fact and the genuineness of each document included in complainant’s June 16, 2014 request.	4-0
PCB 12-50	<u>Commonwealth Edison Co. v. Frederick K. Slayton, Ann Vole Slayton, and Cioni Excavating, Inc.</u> (Land-Enforcement, Citizen’s) – The Board granted complainant’s motion for voluntary dismissal of this land enforcement action involving a Lake County facility.	3-0 Zalewski abstained
PCB 12-134	<u>Brimfield Auto & Truck v. IEPA</u> (UST-Permit Appeal) – The Board affirmed the Illinois Environmental Protection Agency’s April 30, 2012 determination to modify petitioner’s proposed Stage 1 Site Investigation Plan Budget.	4-0
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizen’s) – No action taken.	
PCB 14-1	<u>Chatham BP, LLC v. IEPA</u> (UST-Permit Appeal) – The Board reversed the Illinois Environmental Protection Agency’s (Agency) May 28, 2013 determination to reduce petitioner’s reimbursement of drum disposal costs by \$1,145.92. The Board directed the Agency to reimburse petitioner \$1,145.92 in drum disposal cost from the UST Fund. The Board also remanded the proposed Stage 2 site investigation budget to the Agency for its review.	4-0

PCB 14-3	<u>Johns Manville v. Illinois Department of Transportation</u> (Land-Enforcement, Citizen's) – In this citizen's land enforcement action concerning a Lake County site, the Board denied respondent's motion to dismiss the amended complaint, found the amended complaint neither frivolous nor duplicative, and granted respondent until October 6, 2014 to file an answer to the amended complaint.	4-0
PCB 14-13	<u>People of the State of Illinois v. Bingham Commercial Construction, Inc.,</u> (Water-Enforcement) Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving an Ogle County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 14-110	<u>KCBX Terminals Company v. IEPA</u> (Air, Permit Appeal) – The Board granted petitioner's motion for leave to file a reply and accepted the reply. The Board denied petitioner's motion to reconsider the Board's order of June 19, 2014. On its own motion, the Board modified the June 19, 2014 order to include a deadline of Wednesday, October 22, 2014, for the Illinois Environmental Protection Agency's determination on remand.	4-0
PCB 14-133	<u>People of the State of Illinois v. Bingham Commercial Construction, Inc.,</u> (Water-Enforcement) – Upon receipt of 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
PCB 15-7	<u>People of the State of Illinois v. Ernest Bennett d/b/a Bennett Excavating</u> (Air-Enforcement) – In this air enforcement action concerning a Shelby 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

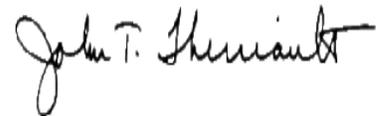
PCB 15-60	<u>Clinton Landfill, Inc. v. IEPA</u> (Land-Permit Appeal) – The Board accepted for hearing this permit appeal on behalf of this DeWitt County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.	4-0
PCB 15-61	<u>People of the State of Illinois v. Taylor Brothers Welding Service, Inc.</u> (Land-Enforcement) – The Board accepted for hearing this land enforcement action concerning a facility located in Perry County.	4-0

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:17 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 18, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board