

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**November 20, 2014**

**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 November 6, 2014 open meeting and the November 13, 2014 Closed Deliberative Session Under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

### **PUBLIC REMARKS**

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None

### **RULEMAKINGS**

<b>R14-23</b>	<u>In the Matter of: Standards and Requirements for Potable Water Well Surveys and Community Relations Activities Performed in Conjunction With Agency Notices of Threats From Contamination: Proposed Amendments to 35 Ill. Adm. Code 1600</u> (Land) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s Right to Know regulations.	4-0
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<b>R15-4</b>	<u>National Ambient Air Quality Standards Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u> (Air) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.	4-0
<b>R15-5</b>	<u>Definition of VOM Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u> (Air) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.	4-0
<b>R15-8</b>	<u>RCRA Subtitle D Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u> (Land) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s municipal solid waste landfill regulations.	4-0

## ADJUSTED STANDARDS

## ADMINISTRATIVE CITATIONS

<b>AC 12-51</b>	<u>IEPA v. Northern Illinois Service Company</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1), 21(p)(7), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), (p)(7), 55(k)(1) (2012)) and assessing a penalty of \$7,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by December 22, 2014, a statement of hearing costs, supported by affidavit, with service on respondents. Respondent may respond to the cost statements within 21 days of service of those statements.	4-0
<b>AC 15-12</b>	<u>IEPA v. Ralph and Lois Williams</u> – The Board found that these Knox County respondents violated Sections 21(p)(1), 21(p)(5), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), (p)(5), 55(k)(1) (2012)), and ordered respondents to pay a civil penalty of \$7,500.	4-0
<b>AC 15-13</b>	<u>IEPA v. John D. Belless</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	4-0

## ADJUDICATORY CASES

<b>PCB 13-12</b>	<u>People of the State of Illinois v. NACME Steel Processing, LLC</u> (Air-Enforcement) – No action taken.	
<b>PCB 13-27</b>	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizen's) – No action taken.	
<b>PCB 14-2</b>	<u>People of the State of Illinois v. Demolition Excavating Group, Inc., Rhonda Fisher, and Edward Fisher</u> (Land-Enforcement) – The Board directed complainant to file, before the Board would rule on the People's motion to deem facts admitted, proof that the complaint was served on all respondents.	4-0
<b>PCB 14-129</b>	<u>Southern Illinois Power, Cooperative v. IEPA</u> (Land-Thermal Demonstration) – The Board denied petitioner's request for alternate thermal effluent limitations.	4-0
<b>PCB 14-131</b>	<u>Piasa Motor Fuels, Inc. v. IEPA</u> (UST-Permit Appeal) – No action taken.	
<b>PCB 15-44</b>	<u>J.D. Streett &amp; Company, Inc.v. IEPA</u> (UST-Permit Appeal, 90 day Extension) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Williamson County facility.	4-0
<b>PCB 15-60</b> <b>PCB 15-76</b>	<u>Clinton Landfill, Inc. v. IEPA</u> <u>Clinton Landfill, Inc. v. IEPA</u> (Land-Permit Appeal) – The Board granted petitioner's motion to consolidate these permit appeals.	4-0
<b>PCB 15-66</b>	<u>Death Farms Finishers v. IEPA (Property ID No. 14-06-200-007)</u> (Water-Tax Certification) – The Board denied the petition of Death Farms Finishers (petitioner) located in Ogle County to the extent it claimed that specified portions of buildings above the manure pits at petitioner's swine processing facility 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 15-67</b>	<u>Death Farms Nursery v. IEPA (Property ID No. 07-28-300-002)</u> (Water-Tax Certification) – The Board denied the petition of Death Farms Finishers (petitioner) located in Ogle County to the extent it claimed that specified portions of buildings above the manure pits at petitioner's swine nursery facilities 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 15-68</b>	<u>John and Ross Sword v. IEPA</u> (Water-Tax Certification) – The Board denied the petition of John and Ross Sword relating to an Ogle County swine finishing facility to the extent it claimed that specified portions of buildings above the manure pits 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 15-81</b>	<u>Curt Strode v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Curt Strode located in Fulton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)). The Board made no determination regarding the portions of the buildings above the certified manure pits.	4-0
<b>PCB 15-85</b>	<u>NRG Wholesale Generation LP (Aurora Station) v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion to stay the effectiveness of certain contested conditions within the Clean Air Act Permit Program permit.	4-0
<b>PCB 15-86</b>	<u>NRG Rockford LLC and NRG Rockford II LLC v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion to stay the effectiveness of certain contested conditions within the Clean Air Act Permit Program permit.	4-0
<b>PCB 15-87</b>	<u>NRG Wholesale Generation LP (Shelby County Station) v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion to stay the effectiveness of certain contested conditions within the Clean Air Act Permit Program permit.	4-0
<b>PCB 15-88</b>	<u>Ameren Missouri and Raccoon Creek Energy Center v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion to stay the effectiveness of certain contested conditions within the Clean Air Act Permit Program permit.	4-0
<b>PCB 15-89</b>	<u>Ameren Missouri and Goose Creek Energy Center v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Piatt 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

<b>PCB 15-91</b>	<u>Phillips 66 Company v. IEPA</u> (UST-Permit Appeal) – 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.	4-0
<b>PCB 15-92</b>	<u>Maria Bates v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Marion County facility.	4-0
<b>PCB 15-94</b>	<u>Stock's Underhood Specialists, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
<b>PCB 15-95</b>	<u>Rumaneh &amp; Oweisi, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Cook County facility.	4-0

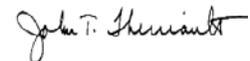
## **OTHER ITEMS**

On behalf of the Board members, Chairman Glosser thanked Chelsea McFadden for her service to the Board and wished her well in her future endeavors. Chairman Glosser presented Ms. McFadden with a certificate in appreciation of her service to the Board.

## **ADJOURNMENT**

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:25 a.m.

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



John T. Therriault, Clerk  
Illinois Pollution Control Board