

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



December 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 November 20, 2014 open meeting and the November 26, 2014 Closed Deliberative Session Under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

PUBLIC REMARKS

None

RULEMAKINGS

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 13-60	<u>IEPA v. James Harris</u> – The Board entered an interim opinion and order finding respondent violated Sections 5/21(p)(1), (p)(3), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4), (p)(7) (2012)) and assessing a penalty of \$12,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by January 5, 2015, 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
AC 14-54	<u>IEPA v. Brian & Tina Page</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Marshall 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 respondents 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 respondent pay a total civil penalty of \$1,500, the Board, on its own motion, dismissed the alleged violation of Section 21(p)(7) of the Act.	4-0
AC 15-1	<u>IEPA v. Dale White and Shawn & Amanda Depew</u> – The Board denied respondent Shawn Depew’s motion for reconsideration of the Board’s September 18, 2014 decision.	4-0
AC 15-14	<u>IEPA v. Russell and Deborah Janssen</u> – The Board accepted respondents’ petition for review involving an Ogle County facility, but directed respondents to file an amended petition to cure deficiencies specified in the order.	4-0
AC 15-15	<u>IEPA v. Henry J. Herbert d/b/a Joe's Auto Salvage & Towing</u> – The Board found that this Franklin County respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1)(2012)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 15-18	<u>IEPA v. Charles Wessel and CL Wessel Heavy Equipment, Inc.</u> – The Board accepted respondents’ petition for review involving a Tazewell County facility.	4-0
AC 15-19	<u>IEPA v. Susan Voris and Mark Pratt</u> – The Board accepted respondent Susan Voris’s petition for review involving a Randolph County facility.	4-0

ADJUDICATORY CASES

PCB 13-12	<u>People of the State of Illinois v. NACME Steel Processing, LLC</u> (Air-Enforcement) – The Board denied complainant’s motion for summary judgment.	4-0
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizen’s) – No action taken.	
PCB 13-49	<u>Akzo Nobel Surface Chemistry LLC v. IEPA</u> (Water, Permit Appeal, NPDES) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0
PCB 14-2	<u>People of the State of Illinois v. Demolition Excavating Group, Inc., Rhonda Fisher, and Edward Fisher</u> (Land-Enforcement) – The Board granted complainant’s motion to deem facts admitted.	4-0
PCB 14-131	<u>Piasa Motor Fuels, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board granted respondent’s motion to file record instanter. The Board affirmed in part and reversed in part the Illinois Environmental Protection Agency’s determinations. Petitioner may file statement of legal costs on or before January 5, 2015.	4-0
PCB 15-14	<u>PAK-AGS, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board granted Illinois Environmental Protection Agency’s (Agency) motions for leave to reply. The Board denied the Agency’s motion to strike. The Board reversed the Agency’s June 23, 2014 determination and ordered the Agency to pay \$16,595.90 in reimbursement for Stage 1 Site Investigation actual costs to petitioner. Petitioner may file statement of legal costs on or before January 5, 2015.	4-0
PCB 15-57	<u>Piasa Motor Fuels, LLC 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 Madison County facility.	4-0

PCB 15-65	<u>Roxana Landfill, Inc. v. Village Board of the Village of Caseyville, Illinois; Village of Caseyville, Illinois; and Caseyville Transfer Station, L.L.C</u>	
PCB 15-69	<u>Village of Fairmont City, Illinois v. Village of Caseyville, Illinois Board of Trustees and Caseyville Transfer Station, L.L.C.</u> (Land, Pollution Control Facility Siting Review, Third Party) – No action taken.	
PCB 15-84	<u>Allen McAfee v. IEPA</u> (UST-Permit Appeal) – The Board denied respondent’s motion to dismiss.	4-0
PCB 15-89	<u>Ameren Missouri and Goose 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
PCB 15-90	<u>Amer Samawi 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
PCB 15-96	<u>J & M Auto Enterprises, Inc., d/b/a Pete's Service Center v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – 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
PCB 15-97	<u>Thomas Renner, Jr. 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
PCB 15-98	<u>Kenneth Clardy v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Hardin County facility.	4-0
PCB 15-99	<u>Mary Jane Bennett v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Union County facility.	4-0
PCB 15-100	<u>P & M Service Center v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this McDonough County facility.	4-0

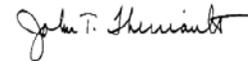
PCB 15-101	<u>Bloom Fuel, Inc. v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Christian County facility.	4-0
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:24 a.m.

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



John T. Therriault, Clerk
Illinois Pollution Control Board