

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



December 18, 2014

11:00 a.m.

Chicago
100 W. Randolph Street
Chicago, IL

Room 9-040

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 December 4, 2014 open meeting and the December 11, 2014 Closed Deliberative Session Under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

PUBLIC REMARKS

None

RULEMAKINGS

R12-23(A)	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u> (Water) – The Board denied the Agricultural Coalition’s application for non-disclosure as moot.	4-0
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R15-1	<u>RCRA Subtitle C 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 amending the Board’s hazardous waste regulations.	4-0
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ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 15-11	<u>IEPA v. Randy Koberczky</u> – The Board found that this Bond County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 15-17	<u>IEPA v. Bernard and Carolyn Carr and Jeffrey Yerk</u> – The Board accepted respondent Jeffrey Yerk’s petition for review involving an Ogle County facility, but directed respondent to file an amended petition to cure deficiencies specified in the order.	4-0
AC 15-19	<u>IEPA v. Susan Voris and Mark Pratt</u> – The Board accepted respondent Mark Pratt’s petition for review involving a Randolph County facility.	4-0
AC 15-20	<u>County of Jackson v. Christopher Will</u> – The Board found that this Jackson County respondent violated Section 21(p)(1), 21(p)(3), 21(p)(5), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), 21(p)(5), and (p)(7) (2012)), and ordered respondent to pay a civil penalty of \$10,500.	4-0

ADJUDICATORY CASES

PCB 06-115	<u>People of the State of Illinois v. National City Environmental, LLC, and National City Recycling, LLC</u> (Land-Enforcement) – In this land enforcement action concerning a St. Clair 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 respondents to pay a total civil penalty of \$75,000.00, and to cease and desist from further violations.	4-0
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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 granted petitioner's motion for reconsideration and modified the Board's September 4, 2014 opinion and order. The Board accepted petitioner's October 7, 2014 motion for authorization of payment of legal fees and accompanying affidavit and exhibit. The Board reserved ruling on whether to exercise its discretion under Section 57.8(1) of the Environmental Protection Act (415 ILCS 5/57.8(1) (2012)) to award legal fees.	4-0
PCB 14-103 PCB 14-104 (cons.)	<u>Metropolitan Water Reclamation District of Greater Chicago (Calumet Plant, NPDES Permit No. IL0028061) v. Illinois Environmental Protection Agency</u> <u>Metropolitan Water Reclamation District of Greater Chicago (O'Brien Plant, NPDES Permit No. IL0028088) v. Illinois Environmental Protection Agency</u> (Water-Permit Appeal, NPDES) – The Board granted summary judgment in part to both parties. The Board affirmed the Agency's imposition of continuous monitoring for dissolved oxygen at petitioner's O'Brien Plant. But the Board found the Agency's decision to require daily sampling for fecal coliform not necessary under the Act or Board regulations.	4-0
PCB 14-106 PCB 14-107 PCB 14-108 (cons.)	<u>Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of Chicago River, and Gulf Restoration Network v. Illinois Environmental Protection Agency and Metropolitan Water Reclamation District of Greater Chicago</u> <u>Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of Chicago River, and Gulf Restoration Network v. Illinois Environmental Protection Agency and Metropolitan Water Reclamation District of Greater Chicago (Calumet Plant, Permit No. 28061)</u> <u>Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of Chicago River, and Gulf Restoration Network v. Illinois Environmental Protection Agency and Metropolitan Water Reclamation District of Greater Chicago (Stickney Plant, Permit No. 28053)</u> (Water-Permit Appeal, NPDES) – The Board granted summary judgment to respondents and against petitioners.	4-0

PCB 15-59	<u>William Ozga 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 Lake County facility.	4-0
PCB 15-65 PCB 15-69 (cons.)	<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> <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) – The Board affirmed the Village of Caseyville’s grant of siting approval for Caseyville Transfer Station, L.L.C.’s proposed transfer station.	4-0
PCB 15-78	<u>People of the State of Illinois v. Sun Ag, Inc.</u> (Water -Enforcement) – In this water enforcement action concerning a Tazewell 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 \$6,000.00, and to cease and desist from further violations.	4-0
PCB 15-102	<u>Green Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Sangamon County facility.	4-0
PCB 15-103	<u>Homegrown Properties, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Piatt County facility.	4-0
PCB 15-105	<u>People of the State of Illinois v. Mexichem Specialty Resins, Inc.</u> (Air -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 water enforcement action involving a Marshall County facility, the Board ordered publication of the required newspaper notice.	4-0

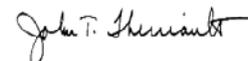
PCB 15-106	<u>People of the State of Illinois v. Clean Harbors Environmental Services, Inc.</u> (Land -Enforcement) – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	3-0 Zalewski abstained
PCB 15-107	<u>People of the State of Illinois v. Capron Mfg. Co.</u> (Land -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 water enforcement action involving a Boone County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 15-108	<u>Distressed Properties, 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 Cook County facility.	4-0
PCB 15-109	<u>People of the State of Illinois v. Gold Standard Baking, Inc.</u> (Air-Enforcement) – The Board accepted for hearing this air enforcement action concerning a facility located in Cook County.	4-0

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:20 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 8, 2015, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board