

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 8, 2015

11:00 a.m.

Videoconference

Chicago

100 W. Randolph Street And
Chicago, IL
Room 11-512

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 December 18, 2014 open meeting were approved by a vote of 4-0.

PUBLIC REMARKS

Bill Spencer and George Wissmiller addressed the Board concerning PCB 15-111 and PCB 15-113.

RULEMAKINGS

R15-11	<u>RCRA Subtitle C Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Land) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	
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R15-12	<p><u>UST Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Land) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	
R15-13	<p><u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Water) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	
R15-14	<p><u>National Ambient Air Quality Standards Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Air) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	
R15-15	<p><u>Definition of VOM Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Air) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	
R15-16	<p><u>SDWA Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Water) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	
R15-17	<p><u>UIC Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Land) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</p>	

R15-18	<u>RCRA Subtitle D Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Land) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	
R15-19	<u>In the Matter of: Management of Used and Waste Tires: Proposed Amendments to 35 Ill. Adm. Code 848</u> (Tires-Land) – The Board accepted for hearing petitioner’s December 22, 2014 proposal to amend the Board’s used and waste tires regulations. The Board granted petitioner’s motion to waive the requirement to submit an original and nine copies of the proposal.	4-0

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 15-16	<u>IEPA v. Roger Kimmel</u> – The Board found that this Bond County respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), and 21(p)(7) (2014)), and ordered respondent to pay a civil penalty of \$4,500.	4-0
AC 15-21	<u>County of Sangamon v. Joe Chernis, Jr. and Midwest Demolition and Scrap, Inc.</u> – The Board found that these Sangamon County respondents violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2014)). Because there were two violations of Section 21(p)—1) one violation of Section 21(p)(1), which is subject to a \$3,000 civil penalty as a second or subsequent adjudicated violation (<u>County of Sangamon v. Joe Chernis, Jr. and Midwest Demolition and Scrap, Inc.</u> , AC 14-44 (June 5, 2014)) and; 2) one violation of Section 21(p)(7), which is subject to \$1,500 as a first violation—the Board ordered respondents to pay a civil penalty of \$4,500.	4-0
AC 15-22	<u>IEPA v. Todd Brashear d/b/a Clark County Roll-Off</u> – The Board found that this Bond County respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2014)) , and ordered respondent to pay a civil penalty of \$3,000.	4-0

AC 15-24	<u>IEPA v. Sean's Tap, Inc.</u> – The Board accepted respondent’s petition for review involving a Fulton County facility.	4-0
AC 15-25	<u>IEPA v. Mark E. Bosecker</u> – No action taken.	

ADJUDICATORY CASES

PCB 07-44 PCB 14-81	<u>Indian Creek Development Company, an Illinois partnership, individually as beneficiary under trust 3291 of the Chicago Title and Trust Company dated December 15, 1981 and the Chicago Title and Trust Company, as trustee under trust 3291, dated December 15, 1981 v. The Burlington Northern Santa Fe Railway Company</u> (Land, Water-Enforcement, Citizens) <u>BNSF Railway Company v. Indian Creek Development Company and JB Industries, Inc.</u> (Land-Enforcement, Citizens) – The Board granted Burlington Northern Santa Fe Railway Company’s motion to consolidate.	4-0
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizen’s) – The Board denied Midwest Generation, LLC’s motion to dismiss the complaint and request to strike or disregard Sierra Club’s notice of supplemental authority. The Board also denied the motion of David C. Bender to appear <i>pro hac vice</i> on behalf of Sierra Club. The Board accepted for hearing Sierra Club’s complaint.	4-0
PCB 15-61	<u>People of the State of Illinois v. Taylor Brothers Welding Service, Inc.</u> (Land -Enforcement) – In this water enforcement action concerning a Perry 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 \$7,839.00 and to cease and desist from further violations.	4-0
PCB 15-71	<u>Hamilton & Grove Properties, Inc. v. IEPA</u> (Land-Permit Appeal) – The Board accepted for hearing this permit appeal on behalf of this Cook County facility.	4-0

PCB 15-74	<u>Calhoun County Rural Water District v. IEPA</u> (Water-Permit Appeal) – The Board accepted for hearing this permit appeal on behalf of this Calhoun County facility, but directed respondent to file an amended petition to cure deficiencies specified in the order.	4-0
PCB 15-81	<u>Curt Strode v. IEPA</u> (Water-Tax Certification) – The Board denied the petition of Curt Strode relating to a Fulton County swine finishing facility to the extent it claimed that “[t]he 135 ft. x 66 ft. portion of the Bed Pack Barn (Barn #1) that does not contain the manure storage area, and the portions of the building above the manure pit in Barn #2” are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
PCB 15-104	<u>Edwards Valley Pork Corporation v. IEPA</u> (Water-Tax Cert.) – The Board found and certified that specified facilities of Edwards Valley Pork Corporation located in Henry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
PCB 15-111	<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.	4-0
PCB 15-112	<u>People of the State of Illinois v. Incobrasa Industries, Ltd.,</u> (Air-Enforcement) – The Board accepted for hearing this air enforcement action concerning a facility located in Iroquois County.	4-0
PCB 15-113	<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.	4-0
PCB 15-114	<u>People of the State of Illinois v. American Steamship Company</u> (Air-Enforcement) – The Board accepted for hearing this air enforcement action concerning a facility located in Cook County.	4-0
PCB 15-115	<u>Knapp Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Saline County facility.	4-0

PCB 15-116	<u>People of the State of Illinois v. Spaeth Welding, 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 Clinton County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 15-117	<u>GBL Properties, 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
PCB 15-118	<u>Mercer County Highway Department v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Mercer County facility.	4-0
PCB 15-119	<u>Attorney Land Trust #1 v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Christian County facility.	4-0
PCB 15-121	<u>Estate of Coy Joe Thomas v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Coles County facility.	4-0
PCB 15-122	<u>Willie McIntosh 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 15-123	<u>Great Lakes Trust 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 15-124	<u>GBL Properties, Inc. (936 East Broadway) 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 15-125	<u>Bland Construction Co. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0

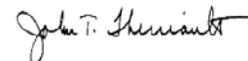
PCB 15-126	<u>GBL Properties, Inc. (South 17th Street) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-127	<u>Granite City School District No. 9 v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-128	<u>Knapp Oil Company 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
PCB 15-129	<u>GBL Properties, Inc. (3000 State Street) 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 15-132	<u>Paradigm Properties, Inc. (Kankakee) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Kankakee County facility.	4-0
PCB 15-133	<u>Larry Kelly, d/b/a River Shannon Recycling v. IEPA</u> (RCRA-Permit Appeal, 90 day Extension) – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	4-0

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:37 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 22, 2015, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board