

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 4, 2015

11:00 am

Videoconference

Chicago
100 W. Randolph Street
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 five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the May 21, 2015 open meeting were approved by a vote of 5-0.

PUBLIC REMARKS

Public remarks regarding R08-9(D) provided by Albert Ettinger representing both the Sierra Club and Prairie Rivers Network; Thomas Dimond, on behalf of Stepan Company; and Stacy Meyers, on behalf of Openlands.

RULEMAKINGS

<p>R08-9(D)</p>	<p><u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> (Water) – In response to public comments received during the extended second notice period, the Board entered an order declining to suggest to the Joint Committee on Administrative Rules (JCAR) any changes in the thermal standards or delayed effective date. But, the Board asked JCAR to consider agreeing to a change proffered by one participant, as discussed in the order..</p>	<p>4-0 Member Keenan present</p>
<p>R12-9(B)</p>	<p><u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> (Land) – No action taken.</p>	
<p>R12-23(A)</p>	<p><u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u> (Water) – No action taken.</p>	
<p>R15-19</p>	<p><u>In the Matter of: Management of Used and Waste Tires: Proposed Amendments to 35 Ill. Adm. Code 848</u> (Land-Tires) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s regulations governing the management of used and waste tires.</p>	<p>5-0</p>
<p>R15-23</p>	<p><u>In the Matter of: Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Code 611</u> (Public Water Supply) – The Board accepted for hearing and sent to first notice without commenting on the merits the Agency’s May 20, 2015 proposal to amend the Board’s public water supply regulations. The Board granted the motion for expedited review but reserved ruling on the motion to adopt an emergency rule.</p>	<p>5-0 Member Burke concurred</p>
<p>R15-24</p>	<p><u>In the Matter of: Water Pollution: Proposed Amendments to 35 Ill. Adm. Code Part 309</u> (Water) – The Board accepted for hearing the Agency’s June 1, 2015 proposal to amend the Board’s water pollution regulations.</p>	<p>5-0</p>

ADJUSTED STANDARDS

AS 15-2	<u>In the Matter of: Petition of Apex Material Technologies, LLC for an Adjusted Standard From Portions of 35 Ill. Adm. Code 807.104 and 810-103 OR in the Alternative, A Finding of Inapplicability</u> (Water) – No action taken.	
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ADMINISTRATIVE CITATIONS

AC 15-34	<u>County of Perry v. Michael and Mary Freund</u> – The Board found that these Perry County respondents violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2014)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
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ADJUDICATORY CASES

PCB 14-2	<u>People of the State of Illinois v. Demolition Excavating Group, Inc. an Illinois corporation, Rhonda Fisher, and Edward Fisher</u> (Land – Enforcement) – The Board denied respondents’ motion to reconsider the Board’s March 19, 2015 opinion and order.	5-0
PCB 15-60 PCB 15-76 PCB 15-111 PCB 15-113 PCB 15-166 PCB 15-194 PCB 15-195 (cons.)	<u>Clinton Landfill, Inc. v. IEPA</u> <u>Clinton Landfill, Inc. v. IEPA</u> <u>Clinton Landfill, Inc. v. IEPA</u> <u>Clinton Landfill, Inc. v. IEPA</u> (Land - Permit Appeal) – The Board granted the parties’ joint motions to consolidate these previously consolidated permit appeals with PCB 15-194 and 15-194, designated the record filed in PCB 15-60, <i>et al.</i> as the record in PCB 15-194 and 15-195, and granted the joint motion to stay the consolidated permit appeals until June 30, 2015.	5-0
PCB 15-77	<u>Tri-Star Petroleum, LLC v. IEPA</u> (UST Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	5-0
PCB 15-119	<u>Attorney Land Trust #1 v. IEPA</u> (UST Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	5-0

PCB 15-139	<u>Susan M. Bruce v. Highland Hills Sanitary District</u> (Water – Enforcement, Citizens) – The Board granted the respondent’s motion to strike or dismiss the complaint. The Board also granted complainant’s request to file an amended complaint addressing the deficiencies specified in the order, which complainant must file on or before July 6, 2015.	5-0
PCB 15-161	<u>Darji Enterprise, Inc. v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – 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 Jackson County facility.	5-0
PCB 15-194	<u>Clinton Landfill, Inc. v. IEPA (Mod. 52)</u> (Land – Permit Appeal) – The Board granted the parties’ joint motions to consolidate this permit appeal with PCB 15-60, 15-76, 15-111, 15-113, 15-166, and 15-195, designated the record filed in PCB 15-60, <i>et al.</i> as the record in PCB 15-194 and 15-195, and granted the joint motion to stay the consolidated permit appeals until June 30, 2015.	5-0
PCB 15-195	<u>Clinton Landfill, Inc. v. IEPA (Mod. 53)</u> (Land – Permit Appeal) – The Board granted the parties’ joint motions to consolidate this permit appeal with PCB 15-60, 15-76, 15-111, 15-113, 15-166, and 15-194, designated the record filed in PCB 15-60, <i>et al.</i> as the record in PCB 15-194 and 15-195, and granted the joint motion to stay the consolidated permit appeals until June 30, 2015.	5-0
PCB 15-200	<u>People of the State of Illinois v. Equity Lifestyle Properties, Inc. d/b/a Willow Lake Estates</u> (Water – Enforcement) – The Board accepted for hearing this water enforcement action concerning a facility located in Kane County.	5-0
PCB 15-201	<u>People of the State of Illinois v. Terry Stahly</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 air enforcement action involving a McLean County facility, the Board ordered publication of the required newspaper notice.	5-0

PCB 15-202	<u>IPH, LLC and Illinois Power Resources Generating, LLC (D.D. Edwards Power Plant) v. IEPA</u> (Water – Permit Appeal, NPDES) – The Board accepted for hearing this permit appeal on behalf of this Peoria County facility. The Board reserved ruling on petitioner’s motion for stay of the contested permit conditions, to allow the time for IEPA to file a response to run.	5-0
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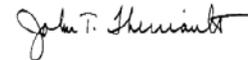
OTHER ITEMS

	The Board granted the Chairman’s Motion under Section 2a of the Open Meetings Act (5 ILCS 100/2a) to hold a Closed Deliberative Session pursuant to Section 2(c)(4) of the Open Meetings Act (5 ILCS 120/2(c)(4)) regarding AS 15-2, <u>Apex Material Technologies, LLC for an Adjusted Standard From Portions of 35 Ill. Adm. Code 807.104 and 810.103 OR in the Alternative, A Finding of Inapplicability</u> (hearing held January 7, 2015) on Thursday, June 11, 2015, at 10:00 am.	5-0
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Glosser adjourned the meeting at 11:29 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 18, 2015, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board