

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

---



**July 9, 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 June 18, 2015 open meeting were approved by a vote of 5-0.

### **PUBLIC REMARKS**

None

## RULEMAKINGS

<b>R12-9(B)</b>	<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.	
<b>R15-23</b>	<u>In the Matter of: Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Code 611</u> (Public Water Supply) – The Board denied the Illinois Environmental Protection Agency’s motion to adopt its proposal to amend the Board’s public water supply rules as an emergency rule.	5-0

## ADJUSTED STANDARDS

### ADMINISTRATIVE CITATIONS

<b>AC 12-18</b>	<u>IEPA v. F.I.M., Inc.</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving an Adams County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2014)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s 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)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(3) and (p)(7) (2014)).	5-0
<b>AC 14-10</b>	<u>IEPA v. Daniel Dawson</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0
<b>AC 14-20</b>	<u>IEPA v. Frank Root</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0
<b>AC 14-22</b>	<u>IEPA v. Roger Ray</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0
<b>AC 14-27</b>	<u>IEPA v. Steven and Anthony Sohn</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0

<b>AC 14-46</b>	<u>IEPA v. Jeanetta and Gary Maddock</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0
<b>AC 15-18</b>	<u>IEPA v. Charles Wessel and CL Wessel Heavy Equipment, Inc.</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0

### ADJUDICATORY CASES

<b>PCB 10-86</b>	<u>People of the State of Illinois v. Illinois Fuel Company, LLC</u> (Water – Enforcement, NPDES) – No action taken.	
<b>PCB 12-135</b>	<u>Dynegy Midwest Generation, LLC v. IEPA</u> (Air – Variance) – No action taken.	
<b>PCB 15-60</b> <b>PCB 15-76</b> <b>PCB 15-111</b> <b>PCB 15-113</b> <b>PCB 15-166</b> <b>PCB 15-194</b> <b>PCB 15-195</b> (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 15-207, designated the record filed in PCB 15-60, <i>et al.</i> as the record in PCB 15-207, and granted the joint motion to stay the consolidated permit appeals until July 31, 2015.	5-0
<b>PCB 15-64</b>	<u>People of the State of Illinois v. Surdyke Cycle of Illinois, Inc., an Illinois Corporation, d/b/a Dale's Harley-Davidson and Waterkotte Harley-Davidson</u> (Land -Enforcement) – In this land enforcement action concerning a Jefferson 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) (2014)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$5,600 civil penalty and to cease and desist from further violations.	5-0
<b>PCB 15-72</b>	<u>People of the State of Illinois v. Starved Rock Adventures, Inc.</u> (Air, Water – Enforcement) – In this air and water enforcement action concerning a LaSalle 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) (2014)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$8,000 civil penalty and to cease and desist from further violations.	5-0

<b>PCB 15-80</b>	<u>People of the State of Illinois v. SSW Development, L.L.C., a dissolved Illinois limited liability corporation, and John Kaup, an individual</u> (Water – Enforcement) – In this water enforcement action concerning a Will 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) (2014)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$11,000 civil penalty and to cease and desist from further violations.	5-0
<b>PCB 15-169</b>	<u>Norm Creveling v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Iroquois County facility.	5-0
<b>PCB 15-173</b>	<u>Chatham BP, LLC v. IEPA</u> (UST-Permit Appeal) – No action taken.	
<b>PCB 15-184</b>	<u>People of the State of Illinois v. City of Bloomington, Illinois</u> (Public Water Supply – Enforcement) – In this public water supply enforcement action concerning a McLean 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) (2014)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$10,260 civil penalty and to cease and desist from further violations.	5-0
<b>PCB 15-185</b>	<u>People of the State of Illinois v. The Village of Volo</u> (Public Water Supply – Enforcement) – In this public water supply enforcement action concerning a Lake 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) (2014)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$8,000 civil penalty and to cease and desist from further violations.	5-0
<b>PCB 15-201</b>	<u>People of the State of Illinois v. Terry Stahly</u> (Air – Enforcement) – In this air enforcement action concerning a McLean 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) (2014)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$15,000 civil penalty and to cease and desist from further violations.	5-0

<b>PCB 15-205</b>	<u>Century Environmental Resources, Inc. v. IEPA</u> (Land, RCRA – Permit Appeal) – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	5-0
<b>PCB 15-206</b>	<u>D &amp; V Pork - Fowler v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of D & V Pork located in Adams County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).	5-0
<b>PCB 15-207</b>	<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. As noted above under PCB 15-60 <i>et al.</i> , the Board also granted the parties’ joint motions to consolidate previously consolidated permit appeals PCB 15-60, <i>et al.</i> with PCB 15-207, designated the record filed in PCB 15-60, <i>et al.</i> as the record in PCB 15-207, and granted the joint motion to stay the consolidated permit appeals until July 31, 2015.	5-0
<b>PCB 15-212</b>	<u>People of the State of Illinois v. Riverton Cabinet Company</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 Will County facility, the Board ordered publication of the required newspaper notice.	5-0
<b>PCB 15-213</b>	<u>People of the State of Illinois v. White Oak Resources, LLC</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 air enforcement action involving a Hamilton County facility, the Board ordered publication of the required newspaper notice.	5-0
<b>PCB 15-217</b>	<u>People of the State of Illinois v. Walsh Construction Company, Terrell Materials Corporation, and Walsh/Terrell Joint Venture</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 Cook County facility, the Board ordered publication of the required newspaper notice.	5-0

**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 PCB 15-173, <u>Chatham BP, LLC v. IEPA</u> (hearing held May 27, 2015) on Thursday, July 16, 2015, at 10:00 am.	5-0
--	---	-----

**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 July 23, 2015, by a vote of 5-0.



John T. Therriault, Clerk  
Illinois Pollution Control Board