

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**August 6, 2015**

**11:00 a.m.**

### **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**

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Chairman Glosser welcomed members of the public and staff.

### **ROLL CALL**

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The Clerk of the Board called the roll. All five Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the July 23, 2015 open meeting were approved by a vote of 5-0. The minutes of the July 23, 2015 Closed Portion of Open Meeting Under 5 ILCS 120/2(c)(11) were approved by a vote of 5-0.

### **PUBLIC REMARKS**

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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) – The Board on its own motion dismissed this docket.	3-0 Burke abstained Zalewski abstained
<b>R15-19</b>	<u>In the Matter of: Management of Used and Waste Tires: Proposed Amendments to 35 Ill. Adm. Code 848</u> (Land, Tires) – No action taken.	

## ADJUSTED STANDARDS

### ADMINISTRATIVE CITATIONS

<b>AC 15-31</b>	<u>IEPA v. George William "Bill" Collins</u> – The Board denied respondent’s motion to reconsider, and ordered respondent to pay a civil penalty of \$6,000.	5-0
<b>AC 15-34</b>	<u>County of Perry v. Michael and Mary Freund</u> – The Board denied respondents’ motion to reconsider, and ordered respondents to pay a civil penalty of \$3,000.	5-0
<b>AC 15-37</b>	<u>County of Ogle v. Keith Kehl</u> – The Board found that this Ogle County respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1),(p)(3) and (p)(7)(2014)), and ordered respondent to pay a civil penalty of \$4,500.	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 13-12</b>	<u>People of the State of Illinois v. NACME Steel Processing, LLC</u> (Air – Enforcement, CAAPP) – Upon receipt of a stipulation and proposed settlement agreement and 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

<p><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>  <b>PCB 15-207</b>  (cons.)</p>	<p><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 stay the consolidated permit appeals until September 30, 2015.</p>	<p>5-0</p>
<p><b>PCB 15-95</b></p>	<p><u>Rumaneh &amp; Oweisi, Inc. v. IEPA</u>  (UST – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.</p>	<p>5-0</p>
<p><b>PCB 15-110</b></p>	<p><u>Village of Carlock v. IEPA</u>  (Public Water Supply, Water Well Setback) – The Board granted petitioner an exception from the water well setback requirements for community water supplies, subject to conditions.</p>	<p>5-0</p>
<p><b>PCB 15-123</b></p>	<p><u>Great Lakes Trust v. IEPA</u>  (UST – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.</p>	<p>5-0</p>
<p><b>PCB 15-163</b></p>	<p><u>GBL Properties, Inc (6020 State Street) v. IEPA</u>  (UST – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.</p>	<p>5-0</p>
<p><b>PCB 15-200</b></p>	<p><u>People of the State of Illinois v. Equity Lifestyle Properties, Inc. doing business as Willow Lake Estates</u>  (Water – Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this air enforcement action involving a Kane County facility, the Board ordered publication of the required newspaper notice.</p>	<p>5-0</p>
<p><b>PCB 16-3</b></p>	<p><u>Frank Hopkins v. IEPA</u>  (Water – Tax Certification) – The Board found and certified that specified facilities of Frank Hopkins located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).</p>	<p>5-0</p>

<b>PCB 16-5</b>	<u>Moss Family Farms, Inc. v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Moss Family Farms, Inc. located in Pike 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 16-6</b>	<u>Naftzger Farms - Erie v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Naftzger Farms - Erie located in Whiteside 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 16-8</b>	<u>Brandon &amp; Jill Hofman Finishing Barn - Aledo v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Brandon & Jill Hofman Finishing Barn located in Mercer 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 16-9</b>	<u>Larry Wernsing v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Larry Wernsing located in Montgomery 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 16-11</b>	<u>Wabash Valley Power Association v. IEPA</u> (Air – Permit Appeal, CAAPP) – The Board granted petitioner’s motion to stay the effectiveness of the contested permit conditions.	5-0
<b>PCB 16-12</b>	<u>Paul B. Findley v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Paul B. Finley located in Jasper 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 16-13</b>	<u>Hopkins Farms v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Hopkins Farms located in Knox 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 16-14</b>	<u>Village of Homewood, Homewood, Illinois v. IEPA</u> (Water – Variance, NPDES) – The Board accepted petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-15</b>	<u>Village of Orland Park, Orland Park, Illinois v. IEPA</u> (Water – Variance, NPDES) – The Board accepted petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-16</b>	<u>Village of Midlothian, Midlothian Illinois v. IEPA</u> (Water – Variance, NPDES) – The Board accepted petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-17</b>	<u>Village of Tinley Park, Tinley Park, Illinois v. IEPA</u> (Water – Variance, NPDES) – The Board accepted petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-18</b>	<u>Exxonmobil Oil Corporation v. IEPA</u> (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0

<b>PCB 16-19</b>	<u>Midwest Generation, LLC v. IEPA</u> (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the thermal water quality standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-20</b>	<u>Village of Wilmette v. IEPA</u> (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-21</b>	<u>City of Country Club Hills, Country Club Hills, Illinois v. IEPA</u> (Water – Variance, NPDES) – The Board accepted petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-22</b>	<u>Noramco-Chicago, Inc. v. IEPA</u> (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-23</b>	<u>Flint Hills Resources Joliet, LLC (Chloride Standard) v. IEPA</u> (Water – Variance, NPDES) – The Board accepted petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0

<p><b>PCB 16-24</b></p>	<p><u>Flint Hills Resources Joliet, LLC (Temperature Standards) v. IEPA</u>  (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the thermal water quality standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).</p>	<p>5-0</p>
<p><b>PCB 16-25</b></p>	<p><u>City of Evanston v. IEPA</u>  (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).</p>	<p>5-0</p>
<p><b>PCB 16-26</b></p>	<p><u>Village of Skokie v. IEPA</u>  (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).</p>	<p>5-0</p>
<p><b>PCB 16-27</b></p>	<p><u>Illinois Department of Transportation v. IEPA</u>  (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).</p>	<p>5-0</p>
<p><b>PCB 16-28</b></p>	<p><u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA (Dissolved Oxygen Standards)</u>  (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the dissolved oxygen (DO) standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).</p>	<p>5-0</p>

<b>PCB 16-29</b>	<u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA (Chloride Standards)</u> (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-30</b>	<u>Village of Richton Park v. IEPA</u> (Water – Variance, NPDES) – The Board accepted petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-31</b>	<u>Village of Lincolnwood v. IEPA</u> (Water – Variance, NPDES) – The Board accepted petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D)</u> (June 18, 2015) (“CAWS”).	5-0
<b>PCB 16-32</b>	<u>Distressed Properties, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Cook County facility. The Board granted the petitioner’s motion to consolidate this appeal with PCB 15-108.	5-0
<b>PCB 16-33</b>	<u>City of Oak Forest, Oak Forest, IL v. IEPA</u> (Water – Variance, NPDES) – No action taken.	
<b>PCB 16-34</b>	<u>Clinton Landfill v. IEPA</u> (Land – Permit Appeal) – The Board accepted for hearing this permit appeal on behalf of this DeWitt County facility.	
<b>PCB 16-35</b>	<u>People of the State of Illinois v. American Wood Recycling, 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 land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0

<b>PCB 16-36</b>	<u>People of the State of Illinois v. Francisco Ramirez and Kim Ramirez, individually and doing business as Elizabeth Used Tires and Fleet Service</u> (Land – Enforcement, Tires) – 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 land enforcement action involving a Jo Daviess County facility, the Board ordered publication of the required newspaper notice.	5-0
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**OTHER ITEMS**

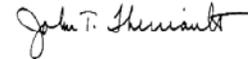
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**ADJOURNMENT**

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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 August 20, 2015, by a vote of 5-0.



John T. Therriault, Clerk  
Illinois Pollution Control Board