

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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### REGULAR BOARD MEETING MINUTES

**November 5, 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 Keenan 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.

#### **PUBLIC REMARKS**

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Public remarks regarding R14-10 were provided by Cindy Skrukrud representing the Sierra Club. A transcript of the remarks is available on the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) under docket number R14-10.

#### **APPROVAL OF MINUTES**

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The minutes of the October 15, 2015 open meeting, Brown Bag Lunch Seminar, and Administrative Meeting were approved by a vote of 5-0.

## RULEMAKINGS

<b>R14-10</b>	<p><u>In the Matter of: Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841</u>  (Water) – The Board denied the Illinois Environmental Protection Agency’s (Agency) Motion for Indefinite Stay, but extended the stay for 120 Days. The Board reserved ruling on the motion to reopen proceeding, but directed the Environmental Groups to pre-file testimony in support of their amended proposal by March 4, 2016. The Board also directed the Agency to file by March 4, 2016 a status report addressing issues specified in the order.</p>	5-0
<b>R15-23</b>	<p><u>In the Matter of: Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Code 611</u>  (Public Drinking Water) – The Board adopted a final opinion and order in in this rulemaking to amend the Board’s public water supply regulations.</p>	5-0
<b>R15-24</b>	<p><u>In the Matter of: Water Pollution: Proposed Amendments to 35 Ill. Adm. Code Part 309</u>  (Water) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s water pollution regulations.</p>	5-0
<b>R16-4</b>	<p><u>SDWA Update, USEPA Amendments (January 1, 2015 through June 30, 2015)</u>  (Water) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.</p>	5-0

## ADJUSTED STANDARDS

## ADMINISTRATIVE CITATIONS

<b>AC 11-22</b>	<p><u>IEPA v. Kyle E. Pritchett</u>  – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2014)) and assessing a penalty of \$1,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by December 7, 2015, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statements within 21 days of service of those statements.</p>	5-0
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<b>AC 15-22</b>	<u>IEPA v. Mark E. Bosecker</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), 55(k)(1) (2014)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by December 7, 2015, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statements within 21 days of service of those statements.	5-0
<b>AC 16-1</b>	<u>County of Vermilion, Illinois v. Henry Nosler, Brandon Bott d/b/a B&amp;B Construction</u> – The Board dismissed the case against respondent Nosler due to the complainant’s failure to timely file the administrative citation with the Board. The Board found that respondent Brandon Bott d/b/a B&B Construction 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.	5-0
<b>AC 16-2</b>	<u>IEPA v. Dan Pitney</u> – The Board accepted respondent’s petition for review involving a Winnebago County facility, but directed respondent to file an amended petition to cure deficiencies specified in the order.	5-0
<b>AC 16-3</b>	<u>County of Jackson v. Lorie Bryant</u> – The Board found that this Jackson 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.	5-0
<b>AC 16-4</b>	<u>County of Perry v. Gere Properties, Inc., Perry Ridge Landfill, Inc., Joe Bartle and Kevin Coughlin</u> – The Board granted complainant’s motions for voluntary dismissal of the administrative citation.	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) – The Board granted complainant’s motion to stay this matter until Monday, December 7, 2015	5-0
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<b>PCB 11-25</b>	<u>Estate of Gerald D. Slightom v. IEPA</u> (UST Appeal) – The Board reversed the Illinois Environmental Protection Agency’s (Agency) October 29, 2010 determination and remanded the determination to the Agency consistent with the Illinois Appellate Court’s July 7, 2015 opinion. The Board directed the Agency to reimburse petitioner \$79,455.26 in legal fees and costs from the UST Fund.	5-0
<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> <b>PCB 16-34</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 accepted the petition for review in PCB 16-59 for hearing, and granted the parties joint motions to: (1) consolidate these previously consolidated permit appeals with PCB 16-59; (2) designate the record filed in PCB 15-60, <i>et al.</i> as the record in PCB 16-59; and (3) extend the stay of the consolidated permit appeals until December 31, 2015.	5-0
<b>PCB 15-173</b>	<u>Chatham BP, LLC v. IEPA</u> (UST Appeal) – The Board denied the respondent’s motion for reconsideration. The Board declined to exercise its discretion to award additional legal fees requested by petitioner in its October 28, 2015 response to respondent’s reconsideration motion. The Board remanded petitioner’s proposed Stage 2 site investigation budget to the Agency for its review.	5-0
<b>PCB 15-186</b>	<u>Sharon Burgess v. IEPA</u> (UST Appeal) – The Board entered an interim opinion and order which reversed the Illinois Environmental Protection Agency’s (Agency) March 19, 2015 determination modifying petitioner’s Corrective Action Plan and Budget. The Board remanded the plan and budget to the Agency to approve the requested amounts. Petitioner was directed to file a statement of legal fees that may be eligible for reimbursement and its arguments why the Board should exercise its discretion to direct the Agency to reimburse those fees from the UST Fund.	5-0
<b>PCB 16-57</b>	<u>Keith Naftzger v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Keith Naftzger 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 16-58</b>	<u>B Petro Corporation v. IEPA</u> (UST Appeal, 90-Day Extension) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Henry County facility.	5-0
<b>PCB 16-59</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: (1) consolidate this appeal with previously consolidated permit appeals PCB 15-60, <i>et al.</i> ;(2) designate the record filed in PCB 15-60, <i>et al.</i> as the record in PCB 16-59; and (3) extend the stay of the consolidated permit appeals until December 31, 2015.	5-0

**OTHER ITEMS**

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**ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the regular meeting at 11:32 a.m.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 19, 2015, by a vote of 5-0.



Don A. Brown, Assistant Clerk  
Illinois Pollution Control Board