

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



August 22, 2013

11:00 a.m.

Chicago

100 W. Randolph Street
Chicago, IL
Room 9-040

ANNOUNCEMENTS

Member Zalewski welcomed members of the public and staff. Member Zalewski reminded that Chairman Thomas Holbrook had resigned from the Board as of July 1, 2013 after his 18 month tenure as Chairman.

ROLL CALL

Member Zalewski conducted the meeting, with consensus of all Members, in the absence of a Chairman designated by the Governor. The Clerk of the Board called the roll. All four Board Members answered present.

APPROVAL OF MINUTES

The minutes of the August 8, 2013 open meeting were approved by a vote of 4-0. The minutes of the August 15, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0. The minutes of the August 21, 2013 closed personnel session under 5 ILCS 120/2(c)(1) were approved by a vote of 4-0.

RULEMAKINGS

R08-18(B)	<u>In the Matter of: Technical Corrections to 35 Ill. Adm. Code 620.420</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s public water supply pollution regulations.	4-0 PWS
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ADJUSTED STANDARDS

AS 09-4	<u>In the Matter of: Petition of Royal Fiberglass Pools, Inc. for an Adjusted Standard from 35 IAC 215.301</u> – No action taken.	Air
AS 13-5	<u>In the Matter of: Petition of Caterpillar, Inc. for an Adjusted Standard From 35 Ill. Admin. Code 620.410(a) and 817.106(a)</u> – No action taken.	Water

ADMINISTRATIVE CITATIONS

AC 13-60	<u>IEPA v. James Harris</u> – No action taken.	
AC 14-1	<u>IEPA v. Wanda L. Clark</u> – The Board found that this Hamilton 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) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 14-2	<u>IEPA v. Robert Johnson</u> – The Board found that this Hamilton County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3) and (p)(7) (2012)), and ordered respondent to pay a civil penalty of \$4,500.	4-0
AC 14-3	<u>IEPA v. Thomas and Heather Farris</u> – No action taken.	
AC 14-4	<u>IEPA v. Mark & Cheryl Rogers</u> – No action taken.	
AC 14-5	<u>IEPA v. Illinois Railway LLC</u> – The Board found that this Winnebago County respondent violated Sections 21(p)(1) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 55(k)(1) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 14-6	<u>IEPA v. Jonathon A. Banks d/b/a AMB Auto Repair & Detailing and John T. & Emily D. Howard</u> – No action taken.	

AC 14-9	<u>County of DuPage v. McKeown Classic Homes, Inc.</u> – The Board accepted an administrative citation against this DuPage County respondent.	
AC 14-10	<u>IEPA v. Daniel Dawson</u> – The Board accepted an administrative citation against this McLean County respondent.	

ADJUDICATORY CASES

PCB 05-196	<u>Kapp, Inc. v. Hartley Carlton, individually and d/b/a One Hour Cleaners</u> – No action taken.	L-E, Citizens
PCB 08-30	<u>E.R. 1, LLC, assignee of Caseyville Sport Choice, LLC v. James A. Seiber, Jr., Executor of the Estate of Erma I. Seiber and James A. Seiber, Deceased, and Fairmount Park, Inc.</u> – No action taken.	L-E, Citizens
PCB 10-61 PCB 11-2 (cons.)	<u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC</u> <u>Environmental Law and Policy Center v Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC</u> – No action taken.	W-E
PCB 10-84	<u>People of the State of Illinois v. Professional Swine Management, LLC, Hilltop View LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., North Fork Pork, LLC, Little Timber, LLC, and Twin Valley Pumping, Inc.</u> – No action taken.	L-E
PCB 12-54	<u>United States Steel Corporation v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
PCB 12-94 (See also PCB 14-4)	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion to stay proceedings until September 12, 2013, noting that a waiver of the decision deadline had been filed in PCB 14-4.	4-0 W-V
PCB 12-135	<u>Dynegy Midwest Generation, LLC v. IEPA</u> – The Board granted petitioner’s motion to stay proceedings until February 20, 2014.	4-0 A-V
PCB 13-15	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation</u> – No action taken.	W-E, Citizens

PCB 13-17	<u>Natural Resources Defense Council, Prairie Rivers Network, and Sierra Club v. Illinois Environmental Protection Agency and Dynegy Midwest Generation, Inc.</u> – No action taken.	W-PA, NPDES, 3d P
PCB 13-22	<u>Mahomet Valley Water Authority, City of Champaign, Illinois, Donald R. Gerard, City of Urbana, Illinois, Laurel Lunt Prussing, City of Bloomington, Illinois, County of Champaign, Illinois, County of Piatt, Illinois, Town of Normal Illinois, Village of Savoy, Illinois and City of Decatur v. Clinton Landfill</u> – No action taken.	L-E, Citizens
PCB 13-28	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – No action taken.	W-E
PCB 13-35 PCB 13-36 (Cons.)	<u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (East Campus)</u> <u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (West Campus)</u> – The Board granted the parties’ joint motion to extend the stay of proceedings until September 19, 2013.	4-0 A-E
PCB 13-51	<u>People of the State of Illinois v. Midwest Environmental Consulting Services, Inc. and Universal Asbestos Removal, Inc.</u> – Upon receipt of two stipulations and proposed settlement agreements and agreed motions to request relief from the hearing requirement in this air enforcement action involving a Bureau County facility, the Board ordered publication of the required newspaper notices.	4-0 A-E
PCB 13-56	<u>Consolidated Ice Company v. IEPA</u> – No action taken.	P-A, Land
PCB 13-65 (See also PCB 13-17)	<u>Natural Resources Defense Council, Prairie Rivers Network, and Sierra Club v. Illinois Environmental Protection Agency and Dynegy Midwest Generation, Inc.</u> – No action taken.	W-PA, NPDES, 3d P
PCB 14-3	<u>Johns Manville v. Illinois Department of Transportation</u> – No action taken.	L-E, Citizens
PCB 14-4 (See also PCB 12-94)	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion to stay proceedings until September 12, 2013, noting that a waiver of the decision deadline had been filed in PCB 14-4.	4-0 W-V

PCB 14-6	<u>Jon Chvalovsky v. Exelon and Commonwealth Edison</u> – No action taken.	N-E, Citizens
PCB 14-15	<u>Borgic Enterprises, Inc. - Newton v. IEPA</u> – The Board found and certified that specified facilities of Borgic Enterprises, Inc. 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 (2012)).	4-0 T-C, W
PCB 14-16	<u>People of the State of Illinois v. C & M Contractors of Missouri, LLC</u> – 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 McDonough County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

CASES PENDING DECISION

R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u> – Proposed Rule; First Notice; Opinion & Order	Water
R13-15	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – Proposed Rule; Second Notice; Opinion & Order	Land
R14-6	<u>National Ambient Air Quality Standards, USEPA Regulations (January 1, 2013 through June 30, 2013)</u> – Proposed Rule; Proposal for Public Comment; Opinion & Order	Air
R14-7	<u>Definition of VOM Update, USEPA Amendments (January 1, 2013 through June 30, 2013)</u> – Proposed Rule; Proposal for Public Comment; Opinion & Order	Air
AC 12-53	<u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd & Tabitha Booten d/b/a C & T Recycling</u> – Opinion & Order	Land

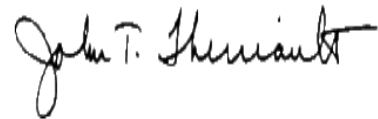
OTHER ITEMS

NONE

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Member Zalewski adjourned the meeting at 11:17 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 5, 2013, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board