

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



August 7, 2014

11:00 a.m.

Videoconference

Chicago

100 W. Randolph Street
Chicago, IL
Room 11-512

And

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 four Board Members answered present.

APPROVAL OF MINUTES

The minutes of the July 24, 2014 open meeting were approved by a vote of 4-0.

PUBLIC REMARKS

None.

RULEMAKINGS

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> (Water) – The Board adopted a final opinion and order in this rulemaking to amend the Board’s agriculture related pollution regulations with changes suggested by JCAR. In addition, the Board directed the Clerk to open Subdocket A to address various matters and stated that the Board is preparing a response to JCAR’s recommendation to consider an additional issue in that subdocket.	4-0
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R13-19	<u>In the Matter of: Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B</u> (Land-Site Specific) – The Board granted petitioner’s motion to stay this rulemaking for one year.	4-0
R15-2	<u>UST Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u> (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 2014 through June 30, 2014.	4-0
R15-3	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u> (Water) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of January 1, 2014 through June 30, 2014.	4-0
R15-7	<u>UIC Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u> (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2014 through June 30, 2014.	4-0

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 12-48	<u>IEPA v. Ruth White</u> – The Board denied respondent’s motion for reconsideration of the Board’s order of April 3, 2014, and assessed \$417.13 in hearing costs along with the \$4,500 statutory civil penalty in this matter. The Board adjusted the due date for payment of these amounts, which were previously imposed in the Board’s June 5, 2014 order in this matter.	4-0
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AC 14-45	<u>IEPA v. Benjamin Raleigh & Rose Mary Raleigh</u> – The Board denied respondents’ motion for reconsideration of the Board’s order of June 5, 2014, and ordered respondents to pay a civil penalty of \$4,500.	4-0
AC 14-47	<u>IEPA v. Robert Frazier</u> – The Board denied respondent’s motion for reconsideration of the Board’s order of June 5, 2014, and . ordered respondent to pay a civil penalty of \$4,500.	4-0

ADJUDICATORY CASES

PCB 09-101	<u>Ameren Energy Generating Company and Grand Tower Power Plant v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion to amend the petition for review.	4-0
PCB 11-41	<u>KB Sullivan, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	4-0
PCB 11-60	<u>American Disposal Services of Illinois, Inc. v. County Board of McLean County, Illinois, Henson Disposal, Inc. and TKNTK, LLC</u> (Land-Siting Appeal, 3 rd Party) – The Board denied respondents’ motion for a stay. The Board granted petitioner’s motion for summary judgment on jurisdiction, vacating the McLean County Board’s February 15, 2011 decision granting an application filed by Henson Disposal, Inc. for approval of the site of a pollution control facility.	4-0
PCB 12-14	<u>Center Point Energy, Mississippi River Transmission, LLC v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for name change and denied petitioner’s motion for <i>pro hac vice</i> admission.	4-0
PCB 12-42	<u>Bernie's Wood River Gas v. IEPA</u> (UST-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	4-0
PCB 12-103	<u>Maribeth, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	4-0

PCB 12-105	<u>KB Sullivan, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	4-0
PCB 13-12	<u>People of the State of Illinois v. NACME Steel Processing, LLC</u> (Air-Enforcement) – The Board denied respondent’s motion to strike an affidavit submitted by the People with their motion for summary judgment. The Board gave respondent additional time to respond to the motion for summary judgment.	4-0
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizens) – No action taken.	
PCB 13-41	<u>People of the State of Illinois v. AmerenEnergy Resources Generating Company, Inc.,</u> (Land-Enforcement) – The Board denied the motion to substitute AmerenEnergy Medina Valley Cogen, L.L.C. as respondent.	4-0
PCB 14-23	<u>J & A Investors, LLC v. IEPA</u> (Water-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0
PCB 14-41	<u>Amerenenergy Resources Generating Company v. IEPA</u> (Land-Permit Appeal) – The Board granted the motion to substitute AmerenEnergy Medina Valley Cogen, L.L.C. as petitioner.	4-0
PCB 14-113	<u>City of Nashville, IL v. Sisco Corporation, d/b/a Sisco Box Corporation</u> (Noise-Enforcement) – The Board, having previously found the complaint was frivolous in this citizens enforcement action involving a Washington County facility (<u>City of Nashville, IL, a municipal corporation v. Sisco Corporation, d/b/a Sisco Box Corp., PCB 14-113, slip op. at 2 (June 5, 2014)</u>), dismissed this case due to complainant’s failure to file an amended complaint to cure certain deficiencies.	4-0
PCB 15-10	<u>People of the State of Illinois v. Belleville Shoe Manufacturing Company</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 St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0

PCB 15-14	<u>PAK-AGS, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-18	<u>Granite City School District No. 9 v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-19	<u>Lujeans Dodd v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Pulaski County facility.	4-0
PCB 15-20	<u>Golightly & Long, LLC (Marion)</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Williamson County facility.	4-0
PCB 15-21	<u>Biggs Brothers Service Co. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-22	<u>Golightly & Long, LLC (Murphysboro) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jackson County facility.	4-0
PCB 15-23	<u>Paradigm Properties, Inc. (St. Francisville) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Lawrence County facility.	4-0
PCB 15-24	<u>Amer Samawi v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Cook County facility.	4-0
PCB 15-25	<u>V. W. Bowman Oil Co. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jackson County facility.	4-0

PCB 15-26	<u>James Carter v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Morgan County facility.	4-0
PCB 15-27	<u>Lake Bluff Petroleum, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Lake County facility.	4-0
PCB 15-28	<u>Arlyn Fisk v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Randolph County facility.	4-0
PCB 15-29	<u>GBL Properties, Inc. (3617 State Street) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-30	<u>Allen McAfee v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Macoupin County facility.	4-0
PCB 15-31	<u>F.A. Stein Oil Co. (Belleville) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-32	<u>Homegrown Properties, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Piatt County facility.	4-0
PCB 15-33	<u>GBL Properties, Inc. (923 South 15th Street) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-34	<u>Ron Steele v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this McDonough County facility.	4-0

PCB 15-35	<u>Piasa Commercial Interiors, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-36	<u>GBL Properties, Inc. (2600 Missouri Avenue) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-37	<u>Estate of Lloyd Wiemann v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-38	<u>Yoder Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Tazewell County facility.	4-0
PCB 15-39	<u>Barnhill's Service Station v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Pulaski County facility.	4-0
PCB 15-40	<u>Ronald Boyer v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-41	<u>Randolph Hudson v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-42	<u>NuDeal Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Monroe County facility.	4-0
PCB 15-43	<u>Paradigm Properties, Inc. (Kankakee) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this <u>Kankakee</u> County facility.	4-0

PCB 15-44	<u>J.D. Streett & Company, Inc.v. IEPA</u> (UST-Permit Appeal) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Williamson County facility.	4-0
PCB 15-45	<u>Danny Schwendeman v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-46	<u>F.A. Stein Oil (East St. Louis) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-47	<u>GBL Properties, Inc. (South 17th Street) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-48	<u>Granite City School District No. 9 (Neidringus School) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-49	<u>Kings 66 Service Station v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-50	<u>Latco, LLC. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-51	<u>Mercer County Highway Department v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Mercer County facility.	4-0
PCB 15-52	<u>Robbe Brashear v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Wayne County facility.	4-0

PCB 15-53	<u>Robert Smith v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Mercer County facility.	4-0
PCB 15-54	<u>Knapp Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Saline County facility.	4-0

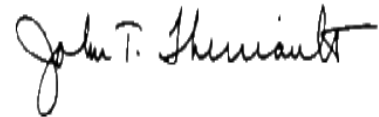
OTHER ITEMS

	The Board granted the Chairman’s Motion to add a location to already scheduled Board meeting at 11:00 am on September 4, 2014. This Board meeting will be a Videoconference Meeting Between the Board’s Chicago Office (Room 11-512) and the Board’s Springfield Office (Room 1244N, First Floor).	4-0
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ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:20 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 21, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board