

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 21, 2016

- Regular Board Meeting: 11:00 a.m.
 - Brown Bag Lunch Seminar: 12:00 p.m.
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REGULAR BOARD MEETING MINUTES

January 21, 2016

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

Chairman Keenan welcomed members of the public and staff.

ROLL CALL

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

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the December 22, 2015 open meeting were approved by a vote of 5-0.

RULEMAKINGS

R15-22	<u>In the Matter of: Public Water Supplies: Proposed Amendments to 35 Ill. Adm. Code Parts 601, 602, and 603 (Public Water Supply)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s public water supply regulations.	5-0
R15-24	<u>In the Matter of: Water Pollution: Proposed Amendments to 35 Ill. Adm. Code Part 309 (Water)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water pollution regulations.	5-0

ADJUSTED STANDARDS

AS 15-3	<u>In the Matter of: Petition of the City Of Collinsville for an Adjusted Standard from 35 Ill. Adm. Code 620.410 for Certain Constituents (Water)</u> – Member Glosser stated that a draft order would be circulated the week after today’s Board meeting. The Board took no action on this matter.	5-0
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ADMINISTRATIVE CITATIONS

AC 11-22	<u>IEPA v. Kyle E. Pritchett</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$420.91 and a civil penalty of \$1,500. This order follows the Board's interim order of November 5, 2015, which found that this respondent had violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2014)).	5-0
AC 13-20	<u>IEPA v. Thomas E. Barker and John H. & Debra L. Barker</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0
AC 14-16	<u>IEPA v. Thomas Gibbs</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0

<p>AC 15-9</p>	<p><u>IEPA v. Ponderosa Land Trust</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Williamson 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 violations of Section 21(p)(5) and (55)(k)(1) of the Act (415 ILCS 5/21(p)(5) and (55)(k)(1) (2014)).</p>	<p>5-0</p>
<p>AC 15-17</p>	<p><u>IEPA v. Bernard and Carolyn Carr and Jeffrey Yerk</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Fulton County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2014)) and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents 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)).</p>	<p>5-0</p>
<p>AC 15-25</p>	<p><u>IEPA v. Mark E. Bosecker</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$449.66 and a civil penalty of \$3,000. This order follows the Board's interim order of November 5, 2015, which found that this respondent had violated Section 21(p)(1) and (55)(k)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (55)(k)(1) (2014)).</p>	<p>5-0</p>
<p>AC 16-6</p>	<p><u>County of DuPage v. Thomas Schmerold</u> – The Board found that this DuPage County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (2014)), and ordered respondent to pay a civil penalty of \$3,000.</p>	<p>5-0</p>

ADJUDICATORY CASES

PCB 04-110	<u>Board of Trustees of Eastern Illinois University v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board directed petitioner to provide a status report updating the Board on petitioner’s progress on this case by February 18, 2016. The Board directed the Agency to respond to petitioner’s status report by March 17, 2016. The Board also directed IEPA to obtain attorney representation for this case, and to ensure appearances at future status conferences.	5-0
PCB 06-69	<u>Ameren Energy Generating Company, Meredosia Power Station v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
PCB 06-73	<u>Dynegy Midwest Generation, LLC (Vermilion Power Station) v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
PCB 06-194	<u>Dynegy Midwest Generation, LLC (Vermilion Power Station)v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
PCB 10-20	<u>People of the State of Illinois v. Montalbano Builders, Inc., MBC XIV, LLC, Cortland I-88, LLC, RB Resolutions Properties, LLC, and Douglas J. Johnson</u> (Water-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement as to RB Resolution Properties only, in this land enforcement action involving a DeKalb County facility, the Board ordered publication of the required newspaper notice.	5-0
PCB 13-62	<u>United States Steel Corp. v. IEPA</u> (Water-Variance) – The Board directed petitioner to provide additional information in support of its motion to extend the stay in this proceeding, which expired on January 1, 2016.	5-0

PCB 14-111	<u>Sanitary District of Decatur v. IEPA</u> (Water-Variance) – The Board granted petitioner’s motion to extend the stay in this case to June 30, 2016.	5-0
PCB 15-137	<u>D&L Landfill, Inc. v. IEPA</u> (Land-Permit Appeal) – The Board granted IEPA’s motion for summary judgment and affirmed IEPA’s denial of a certification of completion of post-closure care. Petitioner’s motion for summary judgment was denied.	5-0
PCB 15-153	<u>NACME Steel Processing, LLC v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
PCB 15-186	<u>Sharon Burgess v. IEPA</u> (UST Appeal) – Member Glosser stated that a draft order would be circulated the week after today’s Board meeting, for consideration at the next Board meeting. The Board took no action on this matter.	5-0
PCB 16-52	<u>Robert Villanueva v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Jackson County facility.	5-0
PCB 16-55	<u>David C. Miller, Mark G. Miller, Lisa E. Miller, Michelle A Page, Anthony L. Page, Richard A. Kinter, Stacy L. Kinter, Walter G. Fleser, and Tammy Johnson v. Sugar Camp Energy, LLC</u> (Noise, Citizens – Enforcement) – The Board found that the complaint was neither duplicative nor frivolous and accepted for hearing this citizen’s noise enforcement action involving a facility located in Hamilton County.	5-0
PCB 16-65	<u>People of the State of Illinois v. Terminal Railroad Association of St. Louis</u> (Water-Enforcement) – In this water enforcement action concerning a St. Clair 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 \$47,000 civil penalty and to cease and desist from further violations.	5-0

PCB 16-68	<u>Matt Gill v. CHS Inc. - Carrollton Farmers Elevator</u> (Noise, Citizens – Enforcement) – The Board found that this citizen’s noise enforcement complaint regarding a Greene County facility was neither duplicative nor frivolous, except to the extent it requested stipulated civil penalties for any future violations; the Board struck that request for relief. The Board accepted the complaint, as so modified, for hearing.	5-0
PCB 16-69	<u>Adam Kieta (Corrective Action Plan) 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 Cook County facility.	5-0
PCB 16-70	<u>Adam Kieta (Corrective Action Plan Budget) 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 Cook County facility.	5-0
PCB 16-71	<u>People of the State of Illinois v. H & H Oil, 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 land enforcement action involving an Alexander County facility, the Board ordered publication of the required newspaper notice.	5-0
PCB 16-72	<u>People of the State of Illinois v. Bunge North America, 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 an Alexander County facility, the Board ordered publication of the required newspaper notice.	5-0
PCB 16-73	<u>Avis Budget Car Rental 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 Cook County facility.	5-0

OTHER ITEMS

	The Board granted the Chairman's motion to add a location to the Board meetings scheduled at 11:00 am on February 18, March 17, April 7, April 21, May 5, 19, June 2, 16, July 7, July 21, August 4, August 18, September 1, September 15, October 6, October 20; November 3, November 17, and December 15, 2016. These meetings will now be Videoconference Meetings between the Board's Chicago Office (Room 11-512) and the Board's Springfield Office (Room 1244 N, First Floor).	5-0
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the regular meeting.

BROWN BAG LUNCH SEMINAR MINUTES

January 21, 2016

12:00 p.m.

Videoconference

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

AND

1021 N. Grand Avenue East
Springfield, IL
Conference Rm 1244 N, 1st Floor

ROLL CALL

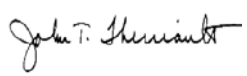
The Clerk of the Board called the roll. Four Board Members answered present.

<p><u>Mix It Up: The ins and outs of allowed mixing under Part 302 of the Board's regulations –</u> Mr. Kruse and Ms. Liu provided a PowerPoint presentation on the regulatory and physical aspects of mixing in receiving streams under the Board's water pollution regulations. First, Mr. Kruse reviewed the requirements for and limits on mixing under Section 302.102 of the regulations for allowed mixing, mixing zones, and zones of initial dilution. Mr. Kruse explained the rule that compliance with the applicable water quality standard must be achieved at the edge of any permitted or allowed mixing. Ms. Liu then discussed the physical parameters and layout of mixing zones, including the 26-acre limit on such zones and the areas in which acute and chronic standards must be met. Ms. Liu also described various outfall designs that are used to achieve optimal mixing and rapid and immediate dispersion. Mr. Kruse concluded the presentation with an overview of mixing conditions in NPDES permits, which define the scope of mixing, and compliance-related matters. A copy of Mr. Kruse and Mrs. Liu's PowerPoint presentation is available upon request. The Board took no action on this matter.</p>	<p>Chad Kruse, Attorney Assistant Alisa Liu, Technical Unit</p>
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ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Keenan adjourned the brown bag lunch seminar.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 4, 2016, by a vote of 5-0.


John T. Therriault, Clerk
Illinois Pollution Control Board