

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



July 11, 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 announced that Chairman Thomas Holbrook had resigned from the Board as of July 1, 2013 after his 18 month tenure as Chairman. On behalf of the Board members, Member Zalewski thanked Chairman Holbrook for his many years of service to the State as well as his service at the Board. Member Zalewski wished him well on his new appointment as Clerk of the St. Clair County following the incumbent's abrupt resignation.

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 June 20, 2013 open meeting were approved by a vote of 4-0. The minutes of the June 27, 2013 and July 3, 2013 closed deliberative sessions under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

RULEMAKINGS

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 – No action taken.</u>	Land
R13-20	<u>In the Matter of: Procedural Rules for Alternative Thermal Effluent Limitations Under Section 316(a) of the Clean Water Act: Proposed New 35 Ill. Adm. Code Part 106, Subpart K and Amended Section 304.141(c) – The Board accepted the Illinois Environmental Protection Agency’s June 20, 2013 proposal for hearing and adopted a first notice opinion and order without comment on the merits.</u>	4-0 Water, Proc.
R14-1	<u>UIC Update, USEPA Amendments (January 1, 2013 through June 30, 2013) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</u>	Land
R14-2	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) USEPA Amendments (January 1, 2013 through June 30, 2013) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</u>	Land
R14-3	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2013 through June 30, 2013) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</u>	Land
R14-4	<u>UST Update, USEPA Amendments (January 1, 2013 through June 30, 2013) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</u>	Land
R14-5	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2013 through June 30, 2013) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.</u>	Water

R14-6	<u>National Ambient Air Quality Standards, USEPA Regulations (January 1, 2013 through June 30, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air
R14-7	<u>Definition of VOM Update, USEPA Amendments (January 1, 2013 through June 30, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air
R14-8	<u>SDWA Update, USEPA Amendments (January 1, 2013 through June 30, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Water

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 13-4	<u>In the Matter of: Petition of Brickyard Disposal & Recycling, Inc. Pursuant to 35 Ill. Adm. Code 814.402(b)(3)</u> – No action taken.	Land
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 13-44	<u>IEPA v. Raymond Burns</u> – The Board found that this Marion County respondent violated Sections 21(p)(1) of the Environmental Protection Act (415 ILCS 21(p)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 13-46	<u>EPA v. Best Kept Lawn, Inc. and David Klauser</u> – The Board found that these Adams County respondents violated Sections 21(p)(1) of the Environmental Protection Act (415 ILCS 21(p)(1) (2010)), and ordered respondents to pay a civil penalty of \$1,500.	4-0

AC 13-47	<u>County of Perry v. Indiana Properties, Inc.</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 13-48	<u>IEPA v. Nico Development Group, Inc.</u> – The Board found that this Rock Island County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)). Because there is one violation of Section 55(k)(1) and this violation is a subsequent offense, respondent was ordered to pay a civil penalty of \$3,000.	4-0
AC 13-49	<u>IEPA v. John P. Dunbar</u> – The Board found that this Rock Island 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) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 13-50	<u>IEPA v. R. F. Stewart Family Ltd. Partnership</u> – The Board found that this Edwards 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) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 13-51	<u>County of Vermilion, Illinois v. Marian and Russell Herbold</u> – The Board on its own motion dismissed the administrative citation and closed the docket, due to the County’s failure to timely serve the administrative citation on respondents.	4-0
AC 13-52	<u>County of Vermilion, Illinois v. Charles Long</u> – The Board on its own motion dismissed the administrative citation and closed the docket, due to the County’s failure to timely serve the administrative citation on respondent.	4-0
AC 13-56	<u>County of Perry v. Union Pacific Railroad</u> – The Board accepted an administrative citation against this Perry County respondent.	
AC 13-57	<u>County of Perry v. Donald and Pam Keene (Site Code: 1450155055)</u> – The Board accepted an administrative citation against these Perry County respondents.	
AC 13-58	<u>County of Perry v. Donald and Pam Keene (Site Code: 1450155057)</u> – The Board accepted an administrative citation against these Perry County respondents.	

AC 13-59	<u>IEPA v. Donna Cockerill and Mark Johnson</u> – The Board accepted an administrative citation against these Scott County respondents.	
AC 13-60	<u>IEPA v. James Harris</u> – The Board accepted an administrative citation against this Knox County respondent.	
AC 14-1	<u>IEPA v. Wanda L. Clark</u> – The Board accepted an administrative citation against this Hamilton County respondent.	
AC 14-2	<u>IEPA v. Robert Johnson</u> – The Board accepted an administrative citation against this Fulton County respondent.	
AC 14-3	<u>IEPA v. Thomas and Heather Farris</u> – The Board accepted an administrative citation against these Hancock County respondents.	
AC 14-4	<u>IEPA v. Mark & Cheryl Rogers</u> – The Board accepted an administrative citation against these Fulton County respondents.	
AC 14-5	<u>IEPA v. Illinois Railway LLC</u> – The Board accepted an administrative citation against this Winnebago County respondent.	
AC 14-6	<u>IEPA v. Jonathan A. Banks d/b/a AMB Auto Repair & Detailing and John T. and Emily D. Howard</u> – The Board accepted an administrative citation against these Lawrence County respondents.	

ADJUDICATORY CASES

PCB 06-189 PCB 06-190	<u>L. Keller Oil Properties / Farina (Incident No. 20060153) v. IEPA</u> <u>L. Keller Oil Properties / Farina (Incident No. 20051539) v. IEPA</u> – No action taken.	UST Appeal
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 10-75	<u>Chicago Coke Co., Inc. v. IEPA; Natural Resource Defense Council and Sierra Club as Intervenors</u> – No action taken.	P-A, Air
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 11-24	<u>People of the State of Illinois v. U. S. Chrome Corporation of Illinois, Inc.</u> – The Board granted Chase A. Horne’s motion to appear <i>pro hac vice</i> on behalf of U. S. Chrome Corporation of Illinois, Inc.	4-0 A-E
PCB 11-88	<u>People of the State of Illinois v. Super Mix, Inc.</u> – In this water enforcement action concerning a McHenry 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000.00, and to cease and desist from further violations. The Board found the pending motion for summary judgment moot and closed the docket.	4-0 W-E
PCB 12-21	<u>People of the State of Illinois v. Altivity Packaging, LLC, Intra-Plant Maintenance Corporation, Ironhustler Excavating, Inc., and Ron Bright, d/b/a Quarter Construction</u> – No action taken.	L-E
PCB 12-92	<u>People of the State of Illinois v. S. A. Lewis Construction, Inc</u> – In this water enforcement action concerning a Macon 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,500.00, and to cease and desist from further violations.	4-0 W-E
PCB 12-94	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-V
PCB 12-101	<u>Phillips 66 Company (f/k/a ConocoPhillips Company) v. IEPA</u> – No action taken.	W-PA, NPDES
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 13-19	<u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, and Sheridan Sand & Gravel Co. (4201 Road Site)</u> – No action taken.	L-E
PCB 13-20	<u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, and Sheridan Sand & Gravel Co. (Wiensland Site)</u> – No action taken.	L-E
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 13-48	<u>City of O'Fallon v. IEPA</u> – 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 St. Clair County facility.	4-0 UST Appeal
PCB 13-50	<u>Mildred Loepker Trust v. IEPA</u> – 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 St. Clair County facility.	4-0 UST Appeal
PCB 13-54	<u>Jay Bell's 66 v. IEPA</u> – The Board denied respondent's motion to dismiss this appeal.	4-0 UST Appeal
PCB 13-56	<u>Consolidated Ice Company v. IEPA</u> – The Board accepted petitioner's petition for review involving a St. Clair County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0 P-A, Land
PCB 13-57	<u>Congress Development Company v. IEPA</u> – The Board granted petitioner's motion for withdrawal of this permit appeal and closed the docket.	4-0 P-A, Land

PCB 13-60	<u>People of the State of Illinois v. Village of Atkinson</u> – No action taken.	W-E
PCB 13-61	<u>People of the State of Illinois v. City of Galva</u> – No action taken.	W-E
PCB 13-63	<u>Spectrum Preferred Meats, Inc. v. IEPA</u> – The Board granted petitioner’s motion for partial stay of the contested conditions within the revised National Pollutant Discharge Elimination System permit.	3-0 Burke abstained P-A, NPDES
PCB 13-64	<u>People of the State of Illinois v. Southern Illinois Regional Landfill, Inc.</u> – In this water enforcement action concerning a Jackson 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$28,733.00, and to cease and desist from further violations.	4-0 W-E
PCB 13-65	<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 13-67	<u>Prairie Rivers Network and Sierra Club v. Illinois Environmental Protection Agency and Springfield Coal Company, LLC</u> – The Board granted in part the Illinois Environmental Protection Agency’s motion to file a reduced number of copies of the record of its determination. The Board granted Dale A. Guariglia’s motion to appear <i>pro hac vice</i> on behalf of Springfield Coal.	3-0 Burke abstained W-PA, NPDES, 3d P
PCB 13-70	<u>Grainco FS, Inc. - Newark v. IEPA (Property ID No. 07-06-451-003)</u> – The Board found and certified that specified facilities of Grainco FS, Inc. located in Kendall County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 T-C, W
PCB 13-71	<u>Grainco FS, Inc. - Newark v. IEPA (Property ID No. 02-07-100-006)</u> – The Board found and certified that specified facilities of Grainco FS, Inc. located in Kendall County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 T-C, W

PCB 13-72	<u>People of the State of Illinois v. Petco Petroleum Corporation</u> – The Board accepted for hearing this 61 count water enforcement action concerning various facilities in and near Fayette County.	4-0 W-E
PCB 13-73	<u>Johnson-Pate Pork, Inc. - Afton Township v. IEPA</u> – No action taken.	T-C, W
PCB 14-1	<u>Chatham BP, LLC v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Sangamon County facility.	4-0 UST Appeal
PCB 14-2	<u>People of the State of Illinois v. Demolition Excavating Group, Inc., Rhonda Fisher, and Edward Fisher</u> – The Board accepted for hearing this water enforcement action concerning a Tazewell County facility.	4-0 L-E
PCB 14-3	<u>Johns Manville v. Illinois Department of Transportation</u> – No action	L-E, Citizens

CASES PENDING DECISION

R13-11	<u>National Ambient Air Quality Standards, USEPA Regulations (July 1, 2012 through December 31, 2012)</u> <ul style="list-style-type: none"> • Adopted Rule; Final Opinion & Order 	Burke Air
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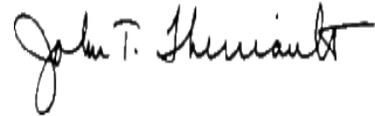
OTHER ITEMS

	The Board granted Member Zalewski’s motion under Section 2-06 (c) of the Open Meeting Act (5 ILCS 120/2.06(c)) to continue to preserve only written minutes of Board closed deliberative sessions occurring July 1, 2011, through December 30, 2011, and to approve destruction of verbatim tape recordings of meetings held: July 14, and 28, August 11 and 25, September 1, 15, and 29, October 13 and 27, November 10 and 23, and December 8, 22, and 29, 2011.	4-0
	The Board granted Member Zalewski’s motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential minutes of Board closed deliberative sessions occurring between January 1, 2013 through June 30, 2013.	4-0

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Member Zalewski adjourned the meeting at 11:28 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 25, 2013, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board