

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



September 19, 2013

11:00 a.m.

Chicago

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

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 September 5, 2013 open meeting were approved by a vote of 4-0. The minutes of the September 12, 2013 closed deliberative session under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0. The minutes of the September 18, 2013 closed personnel session under 5 ILCS 120/2(c)(1) were approved by a vote of 4-0.

RULEMAKINGS

R12-24	<u>In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219</u> – The Board adopted a final opinion and order in this rulemaking for expedited corrections to correct a non-substantive error in the rulemaking. <u>Gasoline Volatility Standards and Motor Vehicle Refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219, R12-24, (March 19, 2013).</u>	4-0 Air
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ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 13-42	<u>IEPA v. James & Pam Green</u> – The Board accepted for hearing respondents’ second amended petition for review of this administrative citation involving a Whiteside County facility.	4-0
AC 13-59	<u>IEPA v. Donna Cockerill and Mark Johnson</u> – The Board found that respondents defaulted by failing to timely to file an amended petition for review as directed by September 9, 2013. The Board also found that respondents violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1)(2012)).	4-0
AC 14-11	<u>IEPA v. Lois and Virgil Melvin</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 14-14	<u>IEPA v. Flossie E. Hayes and Kevin E. Stine</u> – The Board accepted an administrative citation against these Clay County respondents.	
AC 14-15	<u>IEPA v. Union National Bank Land Trust 1516</u> – The Board accepted an administrative citation against this DeKalb County respondent.	
AC 14-16	<u>IEPA v. Thomas Gibbs</u> – The Board accepted an administrative citation against this Saline County respondent.	
AC 14-17	<u>County of Vermilion, Illinois v. Marian and Russell Herbold</u> – The Board accepted an administrative citation against these Vermilion County respondents.	

AC 14-18	<u>County of Jackson v. John Kenneth Lewis</u> – The Board accepted an administrative citation against this Jackson County respondent.	
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ADJUDICATORY CASES

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 10-84	<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 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST Appeal
PCB 12-21	<u>People of the State of Illinois v. Ironhustler Excavating, Inc. and Ron Bright, d/b/a Quarter Construction</u> – The Board denied respondents’ joint motion to reconsider its July 25, 2013 opinion and order.	4-0 L-E
PCB 12-94 (See also PCB 14-4)	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-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 13-22	<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> – The Board granted Clinton Landfill, Inc.’s motion to dismiss and closed this docket.	4-0 L-E, Citizens
PCB 13-28	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – No action taken.	W-E

PCB 13-51	<u>People of the State of Illinois v. Midwest Environmental Consulting Services, Inc. and Universal Asbestos Removal, Inc.</u> , – No action taken.	A-E
PCB 14-1	<u>Chatham BP, LLC v. IEPA</u> – No action taken.	UST Appeal
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> – No action taken.	W-V
PCB 14-5	<u>People of the State of Illinois v. A. C. Pavement Striping Co.</u> – In this water enforcement action concerning a Kane 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 \$15,000.00, and to cease and desist from further violations.	4-0 W-E
PCB 14-6	<u>Jon Chvalovsky v. Exelon and Commonwealth Edison</u> – No action taken.	N-E, Citizens
PCB 14-8	<u>People of the State of Illinois v. Isaac Capps</u> – In this land enforcement action concerning a Effingham 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 \$2,000.00, and to cease and desist from further violations.	4-0 L-E
PCB 14-16	<u>People of the State of Illinois v. C & M Contractors of Missouri, LLC</u> – No action taken.	W-E
PCB 14-20	<u>Johnson-Pate Pork, Inc. - Afton Township [McGirr Road] v. IEPA</u> – The Board found and certified that specified facilities of Johnson-Pate Pork, Inc. located in DeKalb 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 14-21	<u>People of the State of Illinois v. T. S. Banze Construction, Inc</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 Pike County facility, the Board ordered publication of the required newspaper notice.	4-0 A,L -E
PCB 14-22	<u>People of the State of Illinois v. R. R. Donnelley & Sons Company</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 Livingston County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E, CAAPP

CASES PENDING DECISION

R08-9(C)	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – Proposed Rule; Second Notice; Opinion & Order	Water
R08-18(B)	<u>In the Matter of: Technical Corrections to 35 Ill. Adm. Code 620.420</u> • JCAR Second Notice Review Scheduled for September 17, 2013 – Adopted Rule; Final Opinion & Order	PWS
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

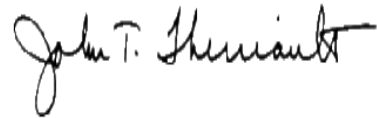
OTHER ITEMS

	The Board granted the Chairman’s Motion to hold two videoconference, Closed Board Meetings, on Wednesday, October 2, 2013 and November 20, 2013, at 2:00 PM. Both meetings will be held in both Room 11-512 of James R. Thompson Center, Chicago, and in IPCB Conference Room 1244, 1021 N. Grand Avenue East, Springfield, as authorized by the exception in Section 2(c)(1) of the Open Meetings Act (5 ILCS 120/2(c)(1)) concerning personnel matters.	4-0
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ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:18 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 3, 2013, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board