

ILLINOIS POLLUTION CONTROL BOARD

~~MEETING MINUTES~~



April 17, 2014

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 April 3, 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 second notice opinion and order in this rulemaking to amend the Board’s agriculture related water pollution control regulations.	4-0
R14-9	<u>In the Matter of: Proposed Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Code 611.490</u> (Water) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s primary drinking water regulations.	4-0
R14-13	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> (Land) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations.	4-0
R14-19	<u>In the Matter of: Standards and Limitations for Certain Sources of Lead: Proposed 35 Ill. Adm. Code 226</u> (Air) – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	4-0

ADJUSTED STANDARDS

AS 14-2	<u>In the Matter of: Petition of Kramer Tree Specialists, Inc. for an Adjusted Standard from Provisions of 35 Ill. Adm. Code 830</u> (Land) – No action taken.	
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ADMINISTRATIVE CITATIONS

AC 14-37	<u>IEPA v. Gerald Cain and Reynolds Service Co., Inc.</u> – The Board granted complainant’s motions for voluntary dismissal of this administrative citation and closed the docket.	4-0
AC 14-38	<u>IEPA v. Lone Oak Enterprises, Inc. and Lomax & Sons Constructions</u> – The Board accepted respondent’s petition for review involving a Jefferson County facility.	4-0

AC 14-39	<u>County of Jackson v. Jackie Bentancourt</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) and (7) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (7) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
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ADJUDICATORY CASES

PCB 03-94	<u>Lone Star Industries, Inc. v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0
PCB 10-23	<u>United States Steel Corporation v. IEPA; American Bottom Conservancy as Intervenor</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0
PCB 13-15	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation, LLC</u> (Water-Enforcement, Citizens) – The Board denied respondent’s motion to stay this proceeding.	4-0
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizens) – No action taken.	
PCB 14-34	<u>Maurice Whisenhunt v. Jeff Moore</u> (Noise-Enforcement, Citizens) – The Board, having previously found the complaint was frivolous in this citizens enforcement action involving a Jefferson County facility (<u>Maurice Whisenhunt v. Jeff Moore</u> , PCB 14-34 (January 9, 2014)), dismissed this case due to complainant’s failure to file an amended complaint to cure certain deficiencies.	4-0
PCB 14-84	<u>WRB Refining, LLC, Storage Tank Upgrades v. IEPA</u> (Air-Tax Certification) – The Board denied the petition of WRB Refining, LLC (WRB) located in Madison County to the extent it sought certification of fire protection systems. The Board previously found and certified <u>WRB Refining, LLC, Storage Tank Upgrades v. IEPA</u> , PCB 14-84 (Jan. 23, 2014) that specified Storage Tank Upgrades of WRB are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0

PCB 14-99	<u>Timber Creek Homes, Inc. v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc.</u> (Land-Siting Appeal, 3 rd Party) – The Board sustained the hearing officer’s interpretation of the Board’s April 3, 2014 order and denied Groot Industries, Inc. motion for expedited review of the hearing officer’s April 7, 2014 order, affirming the order.	4-0
PCB 14-110	<u>KCBX Terminals Company v. IEPA</u> (Air, Permit Appeal) – The Board affirmed the hearing officer’s April 8, 2014 order. The Board granted the Illinois Environmental Protection Agency’s (Agency) motion for leave to file a reply in support of its motion to strike. The Board granted the Agency’s uncontested motion to strike paragraph 51 and Exhibit 30 of KCBX Terminals Company’s (KCBX) petition for review. The Board denied the Agency’s motion to strike paragraphs 56 and 57 of the petition. The Board granted KCBX’s motion for leave to amend its motion to supplement the record and to file a reply in support of that motion. The Board granted in part and denied in part KCBX’s motion to supplement the record. The Board granted KCBX’s motion to the extent it sought to supplement the record with Petition for Review (Petition) Exhibit 2, Petition Exhibit 10, Petition Exhibit 12, and Petition Exhibit 32. The Board denied KCBX’s motion to the extent it sought to supplement the record with Petition Exhibit 9, Petition Exhibit 11, Petition Exhibit 13, and a purported Agency policy. The Board partially granted and partially denied KCBX’s motion to supplement the record with Petition Exhibit 31. The Board directed the Agency to include in the record the documents listed in its privilege log. The Board also directed the Agency to include in the record any documents or other materials described in paragraphs 15 -19 of KCBX’s motion to supplement and in Deposition Riders filed with its Notices of Deposition.	4-0
PCB 14-112	<u>Mr. Gary L. Polchow v. Aaron Warren and Sean McAllister</u> ((Air, Water-Enforcement) – The Board directed complainant to file proof of service of the complaint on the respondents (the signed and dated green mail receipt cards from both respondents) by May 8, 2014.	4-0

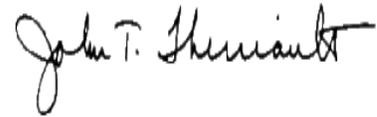
OTHER ITEMS

Chairman Glosser announced that Kathleen Crowley, the Board’s General Counsel, would be retiring from the Board effective April 29, 2014. On behalf of the Board members, Chairman Glosser thanked Ms. Crowley for her many years of service to the State as well as her service at the Board. Chairman Glosser presented Ms. Crowley with a lapel pin and certificate in appreciation of her 34-plus years of service to the Board.

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser 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 May 1, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board