

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**May 15, 2014**

**11:00 a.m.**

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

### **ANNOUNCEMENTS**

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Chairman Glosser welcomed members of the public and staff.

### **ROLL CALL**

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The Clerk of the Board called the roll. Three Board Members answered present. The Board granted the Chairman's motion pursuant to 5 ILCS 120/7(a)(1) and 2 Ill. Adm. Code 2175.120(d)(2) to allow Member Zalewski to participate via telephone by a vote of 3-0.

### **APPROVAL OF MINUTES**

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The minutes of the May 1, 2014 open meeting were approved by a vote of 4-0.

### **PUBLIC REMARKS**

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None.

### **RULEMAKINGS**

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### **ADJUSTED STANDARDS**

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**ADMINISTRATIVE CITATIONS**

<b>AC 13-7</b>	<u>IEPA v. Robert Manker</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2012)) and assessing a penalty of \$4,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by May 29, 2014, a statement of hearing costs, supported by affidavit, with service on respondents. Respondent may respond to the cost statements by June 12, 2014.	4-0
<b>AC 14-42</b>	<u>IEPA v. Ghent B. Holman, Jr. (IEPA File No. 54-14-AC)</u> – The Board found that this Jefferson County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
<b>AC 14-43</b>	<u>IEPA v. David R. &amp; Beth W. Moser</u> – The Board accepted respondent David Moser’s petition for review involving a Jackson County facility, but directed respondents to file an amended petition to cure deficiencies specified in the order.	4-0

**ADJUDICATORY CASES**

<b>PCB 11-42</b>	<u>People of the State of Illinois v. Joel A. Moske, d/b/a U. S. Scrap (Air, Land-Enforcement)</u> – The Board granted complainant’s motions for penalty determination and for voluntary dismissal of count III of the complaint. The Board entered a final opinion and order requiring respondent to pay a civil penalty of \$8,000. This order follows the Board’s order of February 20, 2014, which found that respondent had violated Sections 9(a), 9(c), 21(a), 21(e), 21(p)(3), and 21(p)(7)(i) of the Environmental Protection Act (415 ILCS 5/9(a), 9(c), 21(a), 21(e), 21(p)(3), 21(p)(7)(i) (2012)).	4-0
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<p><b>PCB 13-19</b></p> <p><b>PCB 13-20</b> (cons.)</p>	<p><u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, an Illinois limited-liability company and Sheridan Sand &amp; Gravel Co., an Illinois corporation (4201 Road Site)</u></p> <p><u>People of the State of Illinois v. Sheridan-Joliet Land Development, LLC, an Illinois limited-liability company and Sheridan Sand &amp; Gravel Co., an Illinois corporation (Wiensland Site)</u></p> <p>(Land-Enforcement) – In this consolidated land enforcement action concerning two LaSalle County facilities, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$17,500.00 and to cease and desist from further violations.</p>	<p>4-0</p>
<p><b>PCB 13-27</b></p>	<p><u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizens) – No action taken.</p>	
<p><b>PCB 13-28</b></p>	<p><u>People of the State of Illinois v. Atkinson Landfill Company</u> (Water-Enforcement) – In this water enforcement action concerning a Henry 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$5,000.00 and to cease and desist from further violations.</p>	<p>4-0</p>
<p><b>PCB 14-39</b></p>	<p><u>People of the State of Illinois v. Bradley Property, LLC, Bradley Auto Spa, LLC, and A-K Underground, Inc.</u> (Water-Enforcement) – In this water enforcement action concerning a Kankakee 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) (2012)), accepted a stipulation and settlement agreement as to Bradley Property, LLC and Bradley Auto Spa, LLC only, and ordered respondents to pay a total civil penalty of \$5,300.00 and to cease and desist from further violations.</p>	<p>4-0</p>
<p><b>PCB 14-41</b></p>	<p><u>AmerenEnergy Resources Generating Company v. IEPA</u> (Land-Permit Appeal) – The Board denied petitioner’s motion to reconsider the Board’s March 20, 2014 order denying petitioner’s motion to strike a portion of the administrative record.</p>	<p>4-0</p>

<b>PCB 14-81</b>	<u>BNSF Railway Company v. Indian Creek Development Company and JB Industries, Inc.</u> (Land-Enforcement) – The Board denied respondents’ motion to reconsider the Board’s March 20, 2014 order denying respondents’ motion to dismiss.	4-0
<b>PCB 14-100</b>	<u>People of the State of Illinois v. Wess Whittaker, d/b/a Whittaker Auto Salvage</u> (Water-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this water enforcement action involving a LaSalle County facility, the Board ordered publication of the required newspaper notice.	4-0
<b>PCB 14-119</b>	<u>People of the State of Illinois v. Lake City Cleaners, LLC</u> (Air-Enforcement) – In this air enforcement action concerning a Cook 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$2,000.00 and to cease and desist from further violations.	4-0
<b>PCB 14-120</b>	<u>People of the State of Illinois v. TBR ENT of Illinois, LLC</u> (Water-Enforcement) – In this water enforcement action concerning a Champaign 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$3,000.00, and to cease and desist from further violations.	4-0
<b>PCB 14-121</b>	<u>People of the State of Illinois v. Village of Hammond</u> (Water-Enforcement) – In this water enforcement action concerning a Piatt 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$15,980.00, and to cease and desist from further violations.	4-0

<b>PCB 14-123</b>	<u>Exelon Generation LLC (Quad Cities Nuclear Generating Station) v. IEPA</u> (Thermal Demonstration-Other) – The Board acknowledged receipt of this petition for alternative thermal effluent limitations concerning a facility located in Rock Island County and found notice of the petition sufficient.	4-0
<b>PCB 14-128</b>	<u>Filiberto Quiles v. IEPA</u> (UST-Permit 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.	4-0

**OTHER ITEMS**

	The Board granted the Chairman’s Motion for Approval of Proposed Schedule of Regular Board Meetings for Calendar Year 2015 (Attached as Page 5). These Open Meetings Will Be Held at the Times and Locations Listed in the Attachment.	4-0
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**BOARD MEETINGS  
SCHEDULED FOR CALENDAR YEAR 2015**

(unless otherwise noted, meetings begin at 11:00 am)

January 8 *	July 9
January 22	July 23
February 5 *	August 6
February 19	August 20
March 5 *	September 3
March 19	September 17
April 2	October 1
April 16	October 15
May 7	November 5
May 21	November 19
June 4	December 3 *
June 18	December 17

Unless otherwise noted below, Board meetings will be at the James R. Thompson Center, 100 W. Randolph Street, Chicago, IL

\* These Board meetings will be via videoconference between Chicago, 100 W. Randolph Street, Videoconference Room 11-512, and Springfield, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor

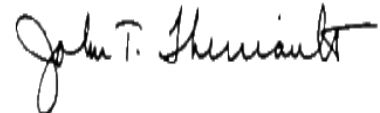
\*\* These Board meetings will be in the Board's Springfield Office, 1021 N. Grand Avenue East, North Entrance, Conference Room 1244 N, First Floor

## ADJOURNMENT

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Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:15 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 5, 2014, by a vote of 4-0.



John T. Therriault, Clerk  
Illinois Pollution Control Board