

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



February 5, 2015

11:00 a.m.

Videoconference

Chicago

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

And

Springfield

1021 N. Grand Avenue East
Springfield, IL
Conference Room 1244 N,

First Floor

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 January 22, 2015 open meeting were approved by a vote of 4-0. The minutes of the January 29, 2015 Closed Deliberative Session Under 5 ILCS 120/2(c)(4) were approved by a vote of 3-0, Member Zalewski abstained.

PUBLIC REMARKS

None

RULEMAKINGS

R15-9	<u>In the Matter of: Procedural Rule Amendments to Requirements for Out-of-State Attorneys and Service of Filings: Proposed Amendments to 35 Ill. Adm. Code 101</u> (Procedural) – The Board on its own motion closed this docket because the proposed amendments are part of subsequent Board rulemaking R15-20.	4-0
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R15-12	<u>UST Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 2014 through December 31, 2014.	4-0
R15-14	<u>National Ambient Air Quality Standards Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Air) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its ambient air quality standards during the update period of July 1, 2014 through December 31, 2014.	4-0
R15-15	<u>Definition of VOM Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Air) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic material regulations during the update period of July 1, 2014 through December 31, 2014.	4-0
R15-16	<u>SDWA Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Water) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its drinking water regulations during the update period of July 1, 2014 through December 31, 2014.	4-0
R15-17	<u>UIC Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2014 through December 31, 2014.	4-0
R15-18	<u>RCRA Subtitle D Update, USEPA Amendments (July 1, 2014 through December 31, 2014)</u> (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of July 1, 2014 through December 31, 2014.	4-0

R15-19	<u>In the Matter of: Management of Used and Waste Tires: Proposed Amendments to 35 Ill. Adm. Code 848</u> (Tires-Land) – The Board adopted a non-substantive first notice opinion and order in this rulemaking to amend the Board’s used and waste tire regulations.	4-0
R15-20	<u>In the Matter of: Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101, 108</u> (Procedural) – No action taken.	

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 11-16	<u>IEPA v. Phillip Newell</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) (2012)) 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)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(3), 21(p)(7) (2012)).	4-0
AC 13-60	<u>IEPA v. James Harris</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 \$672.04 and a civil penalty of \$12,000. This order follows the Board's interim order of December 4, 2014, which found that this respondent had violated Sections 21(p)(1), 21(p)(3), 21(p)(4), and 21(p)(7) of the Environmental Protection Act (Act). 415 ILCS 5/21(p)(1), (p)(3), (p)(4), (p)(7) (2012).	4-0

<p>AC 14-38</p>	<p><u>IEPA v. Lone Oak Enterprises, Inc. and Lomax & Sons Construction</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Jefferson County facility, the Board found that respondents had 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. 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 violations of Sections 21(p)(3), (p)(7) and 55(k)(1) of the Act (415 ILCS 5/21(p)(3), (p)(7), 55(k)(1) (2012)).</p>	<p>4-0</p>
<p>AC 14-51</p>	<p><u>IEPA v. Charles H. Schafer, Jr. d/b/a Chucks Auto Sales</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Peoria County facility, the Board found that respondent had 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. 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 Sections 21(p)(3) and 55(k)(1) of the Act (415 ILCS 5/21(p)(3), 55(k)(1) (2012)).</p>	<p>4-0</p>
<p>AC 15-17</p>	<p><u>IEPA v. Bernard and Carolyn Carr and Jeffrey Yerk</u> – The Board accepted respondents’ amended petition for review involving a Fulton County facility.</p>	<p>4-0</p>
<p>AC 15-23</p>	<p><u>IEPA v. Marcus Bishop d/b/a B's Tires</u> – The Board found that this Cook 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) (2012)), and ordered respondent to pay a civil penalty of \$3,000.</p>	<p>4-0</p>

ADJUDICATORY CASES

<p>PCB 06-62</p>	<p><u>Kincaid Generation, L.L.C. v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted the parties’ joint motion to lift the stay of the uncontested permit conditions, remanded the permit to the Illinois Environmental Protection Agency, and retained jurisdiction.</p>	<p>4-0</p>
<p>PCB 14-1</p>	<p><u>Chatham BP, LLC v. IEPA</u> (UST-Permit Appeal) – On Chatham BP, LLC’s (Chatham) motion for authorization of legal fees, the Board directed the Illinois Environmental Protection Agency (Agency) to reimburse Chatham \$21,314.70 in legal fees and costs from the UST Fund. The Board remanded Chatham’s proposed Stage 2 site investigation budget to the Agency for review.</p>	<p>4-0</p>
<p>PCB 15-105</p>	<p><u>People of the State of Illinois v. Mexichem Specialty Resins, Inc.</u> (Air -Enforcement) – In this water enforcement action concerning a Marshall 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 \$10,000.00, and to cease and desist from further violations.</p>	<p>4-0</p>
<p>PCB 15-106</p>	<p><u>People of the State of Illinois v. Clean Harbors Environmental Services, Inc.</u> (Land -Enforcement) – No action taken.</p>	
<p>PCB 15-107</p>	<p><u>People of the State of Illinois v. Capron Mfg. Co.</u> (Land -Enforcement) – In this land enforcement action concerning a Boone 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 \$12,000.00, and to cease and desist from further violations.</p>	<p>4-0</p>
<p>PCB 15-130</p>	<p><u>Waste Management Illinois Renewable Energy, LLC v. IEPA</u> (Air-Tax Certification) – The Board found and certified that specified facilities of Waste Management Illinois Renewable Energy, LLC located in Kane County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)). The Board made no determination regarding the facilities’ reciprocating engines.</p>	<p>4-0</p>

PCB 15-131	<u>Marathon Petroleum Company, LP, Diesel Oxidation Catalyst System v. IEPA</u> (Air-Tax Certification) – The Board found and certified that specified facilities of Marathon Petroleum Company, LP located in Crawford 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
PCB 15-134	<u>Ameren Missouri and Pinckneyville Energy Center v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for stay of the challenged conditions of the permit.	4-0
PCB 15-138	<u>Dynegy Midwest Generation, LLC v. IEPA</u> (Water-Permit Appeal, NPDES) – The Board granted petitioner’s motion for stay of the challenged conditions of the permit.	4-0
PCB 15-140	<u>Charlesetta Owens v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-141	<u>Wessel's Enterprises, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Effingham County facility.	4-0
PCB 15-142	<u>Nu Deal Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-143	<u>Baker Brothers II, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Randolph County facility.	4-0
PCB 15-144	<u>Donald Koch v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Alexander County facility.	4-0
PCB 15-145	<u>King's 66 Service Station v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0

PCB 15-146	<u>PAK-AGS, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-147	<u>GBL Properties, Inc. (1801 Old Missouri Avenue) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-148	<u>Clinton County Oil Co. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Clinton County facility.	4-0
PCB 15-149	<u>Wayne Edwards, Jr. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Morgan County facility.	4-0
PCB 15-150	<u>Leon Rothe v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Marion County facility.	4-0
PCB 15-151	<u>Tom Klukaczynski v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Bureau County facility.	4-0
PCB 15-152	<u>Quick Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Fulton County facility.	4-0
PCB 15-153	<u>NACME Steel Processing, LLC v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this FESOP permit appeal on behalf of this Cook County facility.	4-0

PCB 15-154	<u>People of the State of Illinois v. Fitness International, LLC, and C. E. Gleeson Constructors, Inc.</u> (Water -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 water enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 15-155	<u>People of the State of Illinois v. Illinois American Water Company</u> (Water -Enforcement) – The Board accepted for hearing this water enforcement action concerning two facilities in Cook and DuPage Counties.	4-0

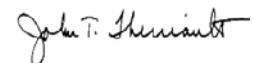
OTHER ITEMS

	The Board granted the Chairman’s Motion under Section 2.06 (d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential written minutes of Board closed deliberative sessions occurring July 1, 2014 through December 31, 2014.	4-0
	The Board granted Chairman’s motion approving a proclamation commemorating Anand Rao and Marie Tipsords’ 25 th anniversary with the Board.	

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:29 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 19, 2015, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board