



IPCB

Illinois Pollution Control Board

REGULAR BOARD MEETING MINUTES

December 15, 2016

11:00 a.m.

Videoconference

Chicago

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

Springfield

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

ANNOUNCEMENTS

Chairman Keenan welcomed members of the public and staff. Chairman Keenan then introduced recently appointed Board Member Cynthia M. Santos, and noted that Member Santos would be voting present on all matters.

ROLL CALL

The Clerk of the Board called the roll. All five Board Members answered present.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the December 1, 2016 Regular Board Meeting and Brown Bag Lunch Seminar were approved by a vote of 4-0. The Board held approval of the minutes of the December 12, 2016 Closed Deliberative Session to the next Board meeting. Member Santos voted present.

RULEMAKINGS

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ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

AC 12-16	<u>IEPA v. Julie Webber</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2014)) and assessing a penalty of \$3,000. The Board also granted in part and denied in part IEPA’s motion to strike respondent’s post-hearing brief. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by January 16, 2017, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statements by February 15, 2017.	4-0 Santos present
AC 15-19	<u>IEPA v. Susan Voris and Mark Pratt</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Randolph County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2014)) and ordered respondents 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 respondents pay a total civil penalty of \$1,500, the Board dismissed the alleged violation of Section 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(7) (2014)).	4-0 Santos present
AC 16-2	<u>IEPA v. Dan Pitney</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Randolph County facility, the Board found that respondent had violated Section 55(k) of the Environmental Protection Act (415 ILCS 5/55(k) (2014)) 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 dismissed the alleged violation of Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2014)).	4-0 Santos present

AC 16-5	<u>IEPA v. Ronald W. & Susan A. Falmier</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 respondents had violated Section 55(k) of the Environmental Protection Act (415 ILCS 5/55(k) (2014)) and ordered respondents 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 respondents pay a total civil penalty of \$1,500, the Board dismissed the alleged violations of Sections 21(p)(1), 21(p)(3), and 21(p)(5), of the Environmental Protection Act (415 ILCS 5/ Sections 21(p)(1), 21(p)(3), 21(p)(5), (2014)).	4-0 Santos present
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ADJUDICATORY CASES

PCB 05-22	<u>L. Keller Oil Properties (Downtown Shell) v. IEPA</u> (UST Appeal) – The Board denied IEPA’s motion for waiver of the requirement under the Board’s procedural rules to certify the record of its decision in this underground storage tank appeal on behalf of an Effingham County facility. The Board ordered IEPA to file a certification of the record within 14 days.	4-0 Santos present
PCB 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C.,</u> (Water – Enforcement) – Upon receipt of a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this water enforcement action involving a McHenry County facility, the Board ordered publication of the required newspaper notice.	4-0 Santos present
PCB 13-43	<u>People of the State of Illinois v. Blick's Construction Co., Inc. and Ron Bricker</u> (Water – Enforcement) – Upon receipt of a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this air enforcement action involving an Adams County facility, the Board ordered publication of the required newspaper notice.	4-0 Santos present

PCB 14-3	<u>Johns Manville v. Illinois Department of Transportation</u> (Land – Enforcement, Citizens) – The Board found that that the Illinois Department of Transportation (IDOT) violated Sections 21(a), (d), and (e) of the Environmental Protection Act (415 ILCS 21(a), (d), (e) (2014) by dispersing and burying asbestos waste in fill material during road construction, and by controlling a parcel running through the Lake County site where asbestos waste is also located. The Board directed the hearing officer to conduct a hearing on appropriate relief, to determine complainant’s reasonably incurred cleanup costs attributable to IDOT’s actions. The Board also denied complainant’s request for sanctions against IDOT.	4-0 Santos present
PCB 16-76	<u>Environmental Recycling and Disposal Services, Inc. v. Will County, Illinois, Will County Board, Waste Management of Illinois, Inc.</u> (Landfill Siting Review) – The Board granted the motion of Waste Management of Illinois, Inc. to modify the Board’s October 6, 2016 opinion. The Board accordingly modified pages 4, 5 and 43 of its opinion <i>nunc pro tunc</i> , as reflected in the corrected opinion and order dated October 6, 2016 accompanying today’s order.	4-0 Santos present
PCB 17-18	<u>John C. Frieders v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of John C. Frieders 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 (2014)).	4-0 Santos present
PCB 17-20	<u>Davis & Sons Oil Co., v. IEPA</u> (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Wayne County.	4-0 Santos present
PCB 17-21	<u>Tri-County Electric Cooperative, Inc., v. IEPA</u> (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Jefferson County.	4-0 Santos present

NEW BUSINESS

	Chairman Keenan noted the pending retirement of John T. Therriault, Clerk of the Board. Chairman Keenan thanked him for his service to the Board and the State of Illinois. Member Johnson read the Board Resolution of Appreciation for John Therriault on his retirement on behalf of the Board. The Board adopted the Resolution by a vote of 5-0.	
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the Regular Board Meeting.

I, Don Anthony Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 19, 2016, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The letters are cursive and fluid, with a large initial "D" and "B".

Don Anthony Brown, Assistant Clerk
Illinois Pollution Control Board