

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



June 5, 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 May 15, 2014 open meeting were approved by a vote of 4-0.

PUBLIC REMARKS

None.

RULEMAKINGS

R14-16	<u>Definition of VOM Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> (Air) – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	4-0
R14-17	<u>National Ambient Air Quality Standards, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> (Air) – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	4-0

R14-21	<u>In the Matter of: Procedural Rule to Implement Electronic Filing and Allow for Public Remarks at Board Meetings</u> – The Board on its own motion adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	4-0
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ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 12-48	<u>IEPA v. Ruth White</u> – The Board denied respondent’s motion for reconsideration of the Board’s interim order of April 3, 2014, and assessed hearing costs along with the statutory civil penalty in this matter. 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 \$417.13 and a civil penalty of \$4,500. This order follows the Board’s interim order of April 3, 2014 (<u>IEPA v. Ruth White</u> , AC 12-48 (April 3, 2014)), which found that this respondent had violated Section 21(p)(1), 21(p)(3), and 55(k)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3), 55(k)(1) (2012)).	4-0
AC 12-51	<u>IEPA v. Northern Illinois Service Company</u> – The Board denied complainant’s motion for summary judgment.	4-0
AC 13-33	<u>IEPA v. Industrial Demolition</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Macoupin 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 violation of Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2012)).	4-0

AC 14-44	<u>County of Sangamon v. Joe Chernis, Jr., and Midwest Demolition and Scrap, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Sangamon County facility, the Board found that respondents had violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and 21(p)(3) (2012)), and ordered respondents to pay a civil penalty of \$3,000. 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 \$3,000, the Board, on its own motion, dismissed the alleged violations of Section 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(7) (2012)).	4-0
AC 14-45	<u>IEPA v. Benjamin Raleigh & Rose Mary Raleigh</u> – The Board found that these McDonough County respondents violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3), and (7) (2012)), and ordered respondents to pay a civil penalty of \$4,500.	4-0
AC 14-46	<u>IEPA v. Jeanetta and Gary Maddock</u> – The Board accepted respondents’ petition for review involving a Massac County facility, but directed respondents to file an amended petition to cure deficiencies specified in the order.	4-0
AC 14-47	<u>IEPA v. Robert Frazier</u> – The Board found that this Champaign County respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3), and (7) (2012)), and ordered respondent to pay a civil penalty of \$4,500.	4-0

ADJUDICATORY CASES

PCB 06-189 PCB 06-190 (cons.)	<u>L. Keller Oil Properties / Farina (Incident No. 20060153) v. IEPA</u> <u>L. Keller Oil Properties / Farina (Incident No. 20051539) v. IEPA (UST-Permit Appeal)</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated underground storage tank appeals.	4-0
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PCB 10-52	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal (IEPA Log No. 2007-300)</u>	4-0
PCB 10-69	<u>Catherine Thomas d/b/a Thomas 12th Street Disposal (IEPA Log No. 2007-497) v. IEPA</u>	
PCB 10-80	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal (IEPA Log No. 2009-460) v. IEPA</u>	
PCB 10-85 (cons.)	<u>Catherine Thomas d/b/a Thomas 12th Street Disposal (IEPA Log No. 2009-595) v. IEPA</u> (Land-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of these consolidated permit appeals.	
PCB 13-17	<u>Natural Resources Defense Council, Prairie Rivers Network, and Sierra Club v. Illinois Environmental Protection Agency and Dynegy Midwest Generation, Inc.</u> (Water, Permit Appeal, NPDES) – The Board granted in part and denied in part the parties’ cross-motions for summary judgment. The Board also remanded Dynegy Midwest Generation, Inc.’s NPDES Permit No. IL0001571 issued for its Havana Power Station to the Illinois Environmental Protection Agency to amend Special Condition 8 to require monthly monitoring for mercury, and closed the docket.	4-0
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizens) – No action taken.	
PCB 14-109	<u>Greenfield & Greenfield Gold Dust, LLC v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Coles County facility.	4-0
PCB 14-110	<u>KCBX Terminals Company v. IEPA</u> (Air, Permit Appeal) – No action taken.	
PCB 14-113	<u>City of Nashville, IL, a municipal corporation v. Sisco Corporation, d/b/a Sisco Box Corporation</u> (Noise-Enforcement) – The Board found the complaint frivolous in this citizens enforcement action involving a Washington County facility, but allowed complainant to file an amended complaint to cure the deficiencies noted in the order.	4-0

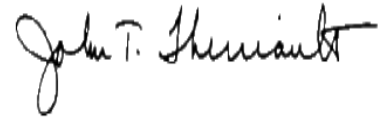
PCB 14-114	<u>People of the State of Illinois v. Hendrickson USA, L.L.C. (f/k/a Hendrickson Bumper & Trim)</u> (Air-Enforcement) – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Will County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 14-126	<u>People of the State of Illinois v. 400 Condominium Association</u> (Water-Enforcement) – In this water 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 \$5,000.00, and to cease and desist from further violations.	4-0
PCB 14-130	<u>The Premcor Refining Group, Inc. 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 Macon County facility.	4-0
PCB 14-131	<u>Piasa Motor Fuels, 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 14-132	<u>People of the State of Illinois v. Solvay USA, Inc.</u> (Air-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 air enforcement action involving a Will County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 14-133	<u>People of the State of Illinois v. Muhammad S. Ansari, individually, and Lake Bluff Petroleum, Inc.</u> (Water-Enforcement) – The Board accepted for hearing this water enforcement action concerning a facility located in Lake County.	4-0

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:21 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 19, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board