

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



March 20, 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 March 6, 2014 open meeting were approved by a vote of 4-0.

PUBLIC REMARKS

Michael Jacobson, Arnstein and Lehr LLP, addressed the Board on behalf of Indian Creek Development Company regarding BNSF Railway Company v. Indian Creek Development Company and JB Industries, Inc., PCB 14-81.

RULEMAKINGS

R14-16	<u>Definition of VOM Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> (Air) – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s air pollution control regulations. A hearing will be held by videoconference simultaneously in Chicago and Springfield on April 30, 2014.	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 proposal for public comment in this rulemaking to amend the Board’s air pollution control regulations. A hearing will be held by videoconference simultaneously in Chicago and Springfield on April 30, 2014.	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 second notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	4-0
R14-20	<u>In the Matter of: Emergency Rulemaking Regarding Regulation of Coke/Coal Bulk Terminals; 35 Ill. Adm. Code Part 213</u> (Air) – The Board granted the Illinois Environmental Protection Agency’s motion to stay proceedings until June 23, 2014.	4-0

ADJUSTED STANDARDS

None

ADMINISTRATIVE CITATIONS

AC 09-41	<u>IEPA v. Mark A. Lewis</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p) (1) of the Illinois Environmental Protection Act (415 ILCS 5/21(p) (1), (2012)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by April 3, 2014, a statement of hearing costs, supported by affidavit, with service on respondents. Respondent may respond to the cost statement within 21 days after service.	4-0
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AC 13-34	<u>IEPA v. Colonial Brick Co. Inc. and Rodney N. Brown d/b/a Brown Trucking & Ready Mix</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Knox 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 respondents 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 dismissed the alleged violations Section 21(p)(7) and Section 55(k)(1) of the Act (415 ILCS 5/21(p)(7) and 55(k)(1) (2012)).	4-0
AC 14-7	<u>IEPA v. John Croslow d/b/a Croslow's Auto Repair</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Lawrence County facility, the Board found that respondent had violated Section 55(k)(2) of the Environmental Protection Act (415 ILCS 5/55(k)(2) (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 respondents pay a total civil penalty of \$1,500, the Board dismissed the alleged violations Section 55(k)(3) of the Act (415 ILCS 55(k)(3) (2012)).	4-0
AC 14-20	<u>IEPA v. Frank Root</u> – The Board accepted respondent’s second amended petition for review involving a Macoupin County facility.	4-0
AC 14-31	<u>Illinois EPA v. Ponderosa Land Trust and Dennis R. Crites, Jr.</u> – The Board found that these Williamson County respondents 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 respondents to pay a civil penalty of \$3,000.	4-0
AC 14-32	<u>Illinois EPA v. Maria L. Tilley</u> – The Board found that this Perry County respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0

AC 14-33	<u>Illinois EPA v. County of Whiteside and Waste Management of Illinois, Inc.</u> – The Board found that these Whiteside County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2012)), and ordered respondents to pay a civil penalty of \$500.	4-0
AC 14-35	<u>County of Jackson v. Kimberly Hunziker</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0

ADJUDICATORY CASES

PCB 06-70	<u>Ameren Energy Generating Company, Hutsonville Power Station v. IEPA</u> (Air-Permit Appeal, CAAP) – 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</u> (Water-Enforcement, Citizens) – No action taken.	
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizens) – No action taken.	
PCB 13-35 PCB 13-36 (cons.)	<u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (East Campus)</u> <u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (West Campus)</u> (Air-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this air enforcement consolidated action involving two Cook County facilities, the Board ordered publication of the required newspaper notice.	4-0

PCB 13-66	<u>People of the State of Illinois v. Union Pacific Railroad Company, a Delaware Corporation, and Walsh Construction Company</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 consolidated action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 14-39	<u>People of the State of Illinois v. Bradley Property, LLC, Bradley Auto Spa, LLC, and A-K Underground, Inc.</u> (Water-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement between the People and A-K Underground, Inc. only and their agreed motion to request relief from the hearing requirement in this water enforcement consolidated action involving a Kankakee County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 14-41	<u>Amerenenergy Resources Generating Company v. IEPA</u> (Land-Permit Appeal) – The Board denied petitioner’s motion to strike a portion of the administrative record.	4-0
PCB 14-81	<u>BNSF Railway Company v. Indian Creek Development Company and JB Industries, Inc.</u> (Land-Enforcement, Citizens) – The Board denied respondents’ motion to dismiss and accepted the complaint for hearing.	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 denied respondents’ motions to dismiss.	4-0
PCB 14-102	<u>Metropolitan Water Reclamation District of Greater Chicago (Stickney Plant, NPDES Permit No. IL0028053) v. Illinois Environmental Protection Agency</u> (Water-Permit Appeal, NPDES) – Having previously granted a request for a 30-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Cook County facility.	4-0
PCB 14-110	<u>KCBX Terminals Company v. IEPA</u> (Air, Permit Appeal) – The Board granted petitioner’s unopposed motion to supplement and admitted Mr. Terry Steinert’s signed affidavit into the record.	4-0

PCB 14-111	<u>Sanitary District of Decatur v. IEPA</u> (Water-Variance) – The Board granted petitioner’s motion to supplement and admitted the December 29, 2010 interim report into the record.	4-0
PCB 14-114	<u>People of the State of Illinois v. Hendrickson Bumper & Trim</u> (Air-Enforcement) – The Board accepted for hearing this air enforcement action concerning a facility located in Will County.	4-0
PCB 14-115	<u>People of the State of Illinois v. Heritage-Crystal Clean, L.L.C</u> (Land-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 land enforcement action involving a Marion County facility, the Board ordered publication of the required newspaper notice.	4-0

CASES PENDING DECISION

None

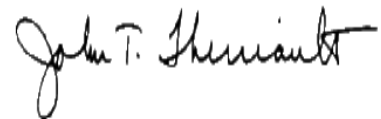
OTHER ITEMS

None

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 April 3, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board