

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



August 21, 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 August 7, 2014 open meeting and the August 14, 2014 Closed Deliberative Session Under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

PUBLIC REMARKS

None.

RULEMAKINGS

R15-8	<u>RCRA Subtitle D Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u> (Land) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s municipal solid waste landfill regulations.	4-0
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> (Land-) – No action taken.	

ADJUSTED STANDARDS

AS 14-2	<u>In the Matter of: Petition of Kramer Tree Specialists, Inc. for an Adjusted Standard from Provisions of 35 Ill. Adm. Code 830 (Land)</u> – The Board denied Kramer Tree Specialists, Inc.’s petition for adjusted standard.	4-0
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ADMINISTRATIVE CITATIONS

AC 15-2	<u>IEPA v. Jim Barnes d/b/a Barnes Trucking & Excavation</u> – The Board accepted respondent’s petition for review involving a LaSalle County facility.	4-0
AC 15-3	<u>IEPA v. Jamie & Angela Hollon</u> – The Board found that these Hardin County respondents 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 respondents to pay a civil penalty of \$3,000.	4-0
AC 15-4	<u>Perry County v. Edward Burgess</u> – The Board found that this Perry 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
AC 15-5	<u>County of Jackson v. Deana Ardrey and Paul Smith</u> – The Board found that these Jackson 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

ADJUDICATORY CASES

PCB 07-83	<u>People of the State of Illinois v. Edelstein Waterworks Co-Op (Public Water Supply-Enforcement)</u> – The Board directed the parties to provide additional information regarding the parties’ intent regarding counts of the complaint not included in the proposed settlement.	4-0
PCB 09-101	<u>Ameren Energy Generating Company and Grand Tower Power Plant v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioners’ motion for voluntary dismissal of this permit appeal.	4-0

<p>PCB 12-52</p>	<p><u>People of the State of Illinois v. Reliable Materials, LLC, GSG Consultants, Inc., O.C.A. Construction, Inc., Speedy Gonzalez Landscaping, Inc., Public Building Commission of Chicago, Board of Education of the City of Chicago</u> (Land-Enforcement) – In this land 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 between the People and Reliable Materials Lyons, LLC (Reliable), and ordered Reliable to pay a total civil penalty of \$39,300.00. Under the settlement, Reliable also agreed to perform various measures including sampling the existing dewatering well discharge and submitting sampling results to the Illinois Environmental Protection Agency. Additionally, Reliable agreed to a supplemental environmental project consisting of a \$55,000 payment to the Illinois Department of Natural Resources’ Illinois Wildlife Preservation Fund “for the restoration of the Bluff Spring Fen Nature Preserve.” The Board ordered Reliable to cease and desist from further violations.</p>	<p>3-0 Burke abstained</p>
<p>PCB 12-124</p>	<p><u>Broadus Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board affirmed the Illinois Environmental Protection Agency’s March 20, 2012 determination rejecting petitioner’s November 9, 2011 corrective action plan budget amendment.</p>	<p>4-0</p>
<p>PCB 13-15</p>	<p><u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation</u> (Water-Enforcement) – The Board granted complainants’ motion to withdraw the request by Whitney C. Ferrell to appear <i>pro hac vice</i> and her appearance on behalf of the Sierra Club. The Board denied the pending requests of Jennifer S. Duggan and Abel Russ to appear <i>pro hac vice</i> on behalf of the Sierra Club for failure to comply with Supreme Court Rule 707.</p>	<p>4-0</p>
<p>PCB 13-27</p>	<p><u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizen’s) – No action taken.</p>	<p>4-0</p>
<p>PCB 14-14</p>	<p><u>People of the State of Illinois v. Donley Trucking, Inc.</u> (Land, Water-Enforcement) – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a Sangamon County facility, the Board ordered publication of the required newspaper notice.</p>	<p>4-0</p>

PCB 14-99	<u>Timber Creek Homes, Inc. v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc.</u> (Pollution Control Facility Siting Review, Third Party) – The Board affirmed the decision of the Village of Round Lake approving the siting application of Groot Industries, Inc. for a waste transfer station to	4-0
PCB 14-101	<u>People of the State of Illinois v. Norwood Marking & Equipment Co., Inc.</u> (Air-Enforcement) – In this air enforcement action concerning a Will 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 14-128	<u>Filiberto Quiles 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 Cook County facility.	4-0
PCB 14-130	<u>The Premcor Refining Group, Inc. 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 Macon County facility.	4-0
PCB 14-135	<u>People of the State of Illinois v. Sanitary District of Decatur</u> (Water-Enforcement) – In this water enforcement action concerning a Macon 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 15-1	<u>People of the State of Illinois v. Carmeuse Lime, Inc.</u> (Water-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 \$8,000.00, and to cease and desist from further violations.	4-0

PCB 15-11	<u>Wayne A. and Susan E. Bergbower v. IEPA</u> (<u>Water-Tax Certification</u>) – The Board found and certified that specified facilities of Wayne A. and Susan E. Bergbower located in Jasper 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 15-12	<u>Wabash Valley Service Co. v. IEPA</u> (<u>Water-Tax Certification</u>) – The Board found and certified that specified facilities of Wabash Valley Service Co. located in Gallatin 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 15-13	<u>Bell Pat Brad Walk v. IEPA</u> (<u>Water-Tax Certification</u>) – The Board found and certified that specified facilities of Bell Pat Brad Walk located in Cumberland 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 15-15	<u>Charles Leary - Little York (Property ID No. 05-022-004-00) v. IEPA</u> (<u>Water-Tax Certification</u>) – The Board found and certified that specified facilities of Charles Leary located in Warren 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 15-16	<u>Charles Leary - Little York (Property ID No. 05-024-004-00) v. IEPA</u> (<u>Water-Tax Certification</u>) – The Board found and certified that specified facilities of Charles Leary located in Warren 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 15-17	<u>Weber Beef v. IEPA</u> (<u>Water-Tax Certification</u>) – The Board found and certified that specified facilities of Weber Beef located in Henry 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

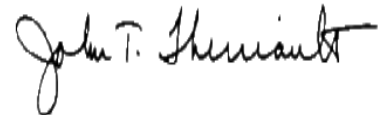
PCB 15-57	<u>Piasa Motor Fuels, LLC v. IEPA (LPC# 1190305016)</u> (UST-Permit Appeal, 90-Day Ext.) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-58	<u>Cedar Concepts Corporation v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Cook County facility.	4-0
PCB 15-59	<u>William Ozga v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.	4-0

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:20 a.m.

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



John T. Therriault, Clerk
Illinois Pollution Control Board