



IPCB

Illinois Pollution Control Board

REGULAR BOARD MEETING MINUTES

January 17, 2019

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 Papadimitriu welcomed members of the public and staff.

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 20, 2018 Regular Meeting were approved by a vote of 5-0.

RULEMAKINGS

<u>R19-6</u>	<u>National Ambient Air Quality Standards, USEPA Regulations (January 1, 2018 through June 30, 2018) (Air)</u> – The Board extended the deadline for completion of this identical-in-substance rulemaking to March 1, 2019.	5-0
<u>R19-18</u>	<u>In the Matter of: Amendments to Manifesting Requirements: Special Waste Hauling 35 Ill. Adm. Code 809 (Land)</u> – The Board accepted the Illinois Environmental Protection Agency’s proposal for hearing in this rulemaking to amend the Board’s special waste hauling regulations.	5-0

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

<u>AC 19-11</u>	<u>IEPA v. Dean Kibler (Land)</u> – The Board found that respondent had violated Sections 21(p)(1), 21(p)(3), 21(p)(4), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(4), and 55(k)(1) (2016)). Because there were four violations of Section 21(p), the Board ordered respondent to pay a civil penalty of \$6,000.	5-0
<u>AC 19-12</u>	<u>IEPA v. Darryl and Shanna Noe (Land)</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.	5-0
<u>AC 19-13</u>	<u>IEPA v. Brian O’Neil and Tammy O’Neil (Land)</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.	5-0

ADJUDICATORY CASES

<u>PCB 14-3</u>	<u>Johns Manville v. Illinois Department of Transportation (Citizens Enforcement - Land)</u> – The Board denied complainant’s motion for sanctions in this action concerning a site in Lake County.	5-0
<u>PCB 17-65</u>	<u>Webb & Sons, Inc. v. IEPA (UST Appeal)</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	5-0

<u>PCB 19-62</u>	<u>People of the State of Illinois v. JCC Service, Inc. f/k/a Johnson Painting and Sandblasting, an Iowa corporation</u> (Land – Enforcement, RCRA) – Upon receipt of a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this land enforcement action involving a facility located in Rock Island County, the Board ordered publication of the required newspaper notice.	5-0
<u>PCB 19-64</u>	<u>Weglarz Hotel III, L.L.C., Weglarz Hotel IV, L.L.C., and Weglarz Hotel V, L.L.C., v. The Belt Railway Company of Chicago</u> (Noise – Enforcement, Citizens) – The Board granted respondent’s motion to stay this enforcement case pending resolution of respondent’s federal court action against complainants and the Board Members in their official capacities.	5-0
<u>PCB 19-68</u>	<u>Steven Brison v. Flood Brothers Disposal Co. d/b/a Flood Brothers Disposal & Recycling Services; Flood Brothers Disposal/Recycling Services, an Illinois Corporation</u> (Noise – Enforcement, Citizens) – The Board granted the parties’ agreed motion for dismissal.	4-0 Zalewski abstained
<u>PCB 19-77</u>	<u>People of the State of Illinois v. Peoria Disposal Company, a Nevada corporation</u> (Land, RCRA – Enforcement) – In this land enforcement action concerning a Peoria 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$30,000, and to cease and desist from further violations. Respondent also agreed to perform a supplemental environmental project of providing the Illinois Environmental Protection Agency with 2,000 tons of non-hazardous waste disposal, free of charge, with a market value of \$60,000.	5-0
<u>PCB 19-79</u>	<u>Parker’s Gas & More, Inc. v. IEPA</u> (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Adams County.	5-0
<u>PCB 19-80</u>	<u>Crestview Farms v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Crestview Farms located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0

<u>PCB 19-81</u>	<u>JMTR-Beswick v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of JMTR-Beswick located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-82</u>	<u>D & A Hog Partnership v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of D & A Hog Partnership located in Clark County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-83</u>	<u>Meier Land and Cattle LLC v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Meier Land and Cattle, LLC located in Stephenson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0

OTHER ITEMS

	<p>The Board granted the Chairman’s Motion under Section 2a of the Open Meetings Act (5 ILCS 120/2a (2016)) to close a portion of this open meeting pursuant to Section 2(c)(11) of the Open Meetings Act (5 ILCS 120/2(c)(11)) to discuss pending litigation against the Board Members in <u>The Belt Railway Co. v. Weglarz Hotel III, LLC et al.</u>, No. 1:18-cv-7361 (N.D. Ill.).</p> <p>The Board went into closed session. The Board took no action on the matter discussed. After concluding the closed portion of the meeting, the Board returned to adjourn the open meeting.</p>	
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ADJOURNMENT

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

I, Don Anthony Brown, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 14, 2019, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don a. Brown". The signature is written in black ink and is positioned above the printed name and title.

Don Anthony Brown, Clerk
Illinois Pollution Control Board