

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



May 1, 2014

11:00 a.m.

Videoconference

Chicago

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

And

Springfield

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

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 April 17, 2014 open meeting were approved by a vote of 4-0.

PUBLIC REMARKS

None.

RULEMAKINGS

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> – Upon receipt of publication of notice of a petition for adjusted standard, the Board found notice proper, but directed the parties to brief the applicability of Part 830 of the Board’s regulations (standards for compost facilities) to petitioner’s leaf mulching operation.	4-0
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ADMINISTRATIVE CITATIONS

AC 09-41	<u>IEPA v. Mark A. Lewis</u> – 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 \$443.98 and a civil penalty of \$3,000. This order follows the Board's interim order of March 20, 2014, which found that this respondent had violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2012)).	4-0
AC 14-40	<u>IEPA v. Timothy Lewis and William Lewis</u> – The Board found that these White County respondents violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) 2012)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
AC 14-41	<u>IEPA v. Ghent B. Holman, Jr. (IEPA File No. 53-14-AC)</u> – The Board found that this Jefferson 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

ADJUDICATORY CASES

PCB 11-42	<u>People of the State of Illinois v. Joel A. Moske, d/b/a U. S. Scrap (Air, Land-Enforcement)</u> – No action taken.	
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC (Air-Enforcement, Citizens)</u> – No action taken.	

<p>PCB 13-35</p> <p>PCB 13-36</p>	<p><u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (East Campus)</u></p> <p><u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (West Campus)</u></p> <p>(Air-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 \$10,000.00, and to cease and desist from further violations. In addition, the respondent agreed to perform a supplemental environmental project with a settlement value of \$101,000, consisting of replacement of at least one of two chillers that currently use ozone depleting refrigerant R-11 with one that uses a non-ozone depleting refrigerant at the University’s Administrative Office Building, located at 1737 West Polk Street, Chicago, Illinois.</p>	<p>4-0</p>
<p>PCB 13-66</p>	<p><u>People of the State of Illinois v. Union Pacific Railroad Company, a Delaware Corporation, and Walsh Construction Company</u></p> <p>(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 \$25,000.00, and to cease and desist from further violations.</p>	<p>4-0</p>
<p>PCB 14-1</p>	<p><u>Chatham BP, LLC v. IEPA</u></p> <p>(UST-Permit Appeal) – The Board denied the parties’ joint motion for entry of judgment and directed the parties to proceed to hearing on petitioner’s drum disposal costs.</p>	<p>4-0</p>
<p>PCB 14-39</p>	<p><u>People of the State of Illinois v. Bradley Property, LLC, Bradley Auto Spa, LLC, and A-K Underground, Inc.</u></p> <p>(Water-Enforcement) – In this water enforcement action concerning a Kankakee 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 as to A-K Underground, Inc. only, and ordered respondent to pay a total civil penalty of \$10,000.00, and to cease and desist from further violations.</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> (Land-Siting Appeal, 3 rd Party) – The Board sustained the hearing officer’s April 17, 2014 order quashing the subpoena for Derke J. Price.	4-0
PCB 14-110	<u>KCBX Terminals Company v. IEPA</u> (Air, Permit Appeal) – The Board denied respondent’s motion to reconsider the Board’s April 17, 2014 order and granted petitioner’s second motion to supplement the record.	4-0
PCB 14-111	<u>Sanitary District of Decatur v. IEPA</u> (Water-Variance) – The Board granted petitioner’s motion to stay the proceeding, but only until October 1, 2014.	4-0
PCB 14-115	<u>People of the State of Illinois v. Heritage-Crystal Clean, L.L.C</u> (Land-Enforcement) – In this land enforcement action concerning a Marion 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 14-116	<u>WRB Refining, LLC, Maintenance Upgrades of Existing Product Tanks v. IEPA</u> (Water-Tax Certification) – The Board denied the petition of WRB Refining, LLC located in Madison County that specified maintenance, upgrades, and or replacement of existing product tanks, including improvements to tank level instrumentation, installation of cathodic protection equipment, and replacement of tank floors, internal and external coatings, gaskets, isolation valves and piping 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 14-117	<u>WRB Refining, LLC, Hot Line Softening System v. IEPA</u> (Water-Tax Certification) – The Board denied the petition of WRB Refining, LLC located in Madison County that specified the replacement of a hot lime softening system used for demineralizing boiler feed water with a reverse osmosis system is a pollution control facility for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0

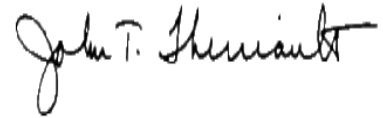
PCB 14-118	<u>WRB Refining, LLC, Upgrading Air to Soil Interfaces for Buried Pipe v. IEPA</u> (Water-Tax Certification) – The Board denied the petition of WRB Refining, LLC located in Madison County that specified upgrading air to soil interfaces for buried pipe, which involves relocating underground lines to above ground lines, installing linings in existing underground lines, installing cathodic protection systems with remote monitoring on storage tanks and associated lines, and installing protective coatings on lines 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 14-122	<u>Ascend R. L. B., Inc. v. IEPA, John Tierney and Vera Tierney</u> (Water-Water Well Setback) – The Board accepted for hearing petitioner’s request from the water well setback requirement at Section 415 ILCS 5/14.2(a), (c) (2012) of the Environmental Protection Act, for a facility located in Lake County. The Board directed petitioner to file an appearance by an attorney licensed and registered to practice law.	4-0
PCB 14-125	<u>Ginger L. Deavers 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 McLean County facility.	4-0
PCB 14-126	<u>People of the State of Illinois v. 400 Condominium Association</u> (Water-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 Cook County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 14-127	<u>People of the State of Illinois v. Remediation and Management Services Corporation</u> (Air-Enforcement) – The Board accepted for hearing this air enforcement action concerning a facility located in Carroll County.	4-0

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:18 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 15, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board