

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



November 6, 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 October 16, 2014 open meeting were approved by a vote of 4-0.

PUBLIC REMARKS

None

RULEMAKINGS

R12-23(A)	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504 (Water)</u> – The Board granted the Illinois Environmental Protection Agency’s (Agency) request to extend to December 3, 2014 the deadline to submit written comments in response to the Board’s questions. The Board directed any participant wishing to respond to the Agency’s comments to submit their comments on or before February 3, 2015.	4-0
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R14-21	<u>In the Matter of: Procedural Rule to Implement Electronic Filing and Allow for Public Remarks at Board Meetings</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	4-0
R15-6	<u>SDWA Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u> (Water) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.	4-0

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 12-51	<u>IEPA v. Northern Illinois Service Company</u> – No action taken.	
AC 15-6	<u>County of Macon v. Kevin E. Woodruff</u> – The Board accepted respondent’s amended petition for review involving a Macon County facility.	4-0
AC 15-10	<u>IEPA v. Angela Trost</u> – The Board found that this Livingston County respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1)(2012)), and ordered respondent to pay a civil penalty of \$1,500.	4-0

ADJUDICATORY CASES

PCB 03-138	<u>National City Environmental, LLC, and National City Recycling, LLC (Log No. 1999-134) v. IEPA</u> <u>National City Environmental, LLC, and National City Recycling, LLC (Log No. 1999-146) v. IEPA</u> <u>National City Environmental, LLC, and National City Recycling, LLC (Log No. 1999-134) v. IEPA</u> (Land-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of these consolidated permit appeals.	4-0
PCB 03-139		
PCB 03-140 (Cons.)		
PCB 06-115	<u>People of the State of Illinois v. National City Environmental, LLC, and National City Recycling, LLC</u> (Land-Enforcement) – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0

PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizen's) – No action taken.	
PCB 14-110	<u>KCBX Terminals Company v. IEPA</u> (Air - Permit Appeal) – The Board granted petitioner's motion for voluntary dismissal of this permit appeal.	4-0
PCB 14-129	<u>Southern Illinois Power, Cooperative v. IEPA</u> (Land-Thermal Demonstration) – No action taken.	
PCB 14-134	<u>Sierra Club v. Ameren Energy Medina Valley Cogen, LLC and Futuregen Industrial Alliance, Inc.</u> (Air-Enforcement, Citizens) – The Board denied petitioner's request for oral argument and motions for continuance and to strike. The Board granted respondents' motion for summary judgment and dismissed this action. The Board granted respondents' motion for leave to file a reply and found respondents' motion for expedited review moot.	4-0
PCB 15-6	<u>Aurora Blacktop, Inc. v. IEPA</u> (UST-Permit Appeal, 90 day Extension) – 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 Kane County facility.	4-0
PCB 15-8	<u>Ron Parmele v. IEPA</u> (UST-Permit Appeal, 90 day Extension) – 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 Tazewell County facility.	4-0
PCB 15-62	<u>People of the State of Illinois v. CNH Industrial America, LLC</u> (Air-Enforcement) – In this air enforcement action concerning a Woodford 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 \$11,000.00, and to cease and desist from further violations.	4-0
PCB 15-63	<u>William Spencer v. Clinton Landfill, Inc. and Illinois Environmental Protection Agency</u> (Land-Enforcement, Citizen's) – The Board granted respondents' motions to dismiss.	4-0

PCB 15-70	<u>People of the State of Illinois v. Macy's Retail Holdings, Inc.</u> (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 \$5,000.00, and to cease and desist from further violations.	4-0
PCB 15-73	<u>People of the State of Illinois v. Sigma-Aldrich Manufacturing, LLC</u> (Land -Enforcement) – In this land enforcement action concerning a Madison 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 \$12,500.00, and to cease and desist from further violations.	4-0
PCB 15-77	<u>Tri-Star Petroleum, LLC v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Perry County facility.	4-0
PCB 15-78	<u>People of the State of Illinois v. Sun Ag, Inc.</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 water enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 15-79	<u>Brandon Blasa v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jersey County facility.	4-0
PCB 15-80	<u>People of the State of Illinois v. SSW Development, L.L.C. and John Kaup</u> (Water-Enforcement) – The Board accepted for hearing this water enforcement action concerning a facility located in Will County.	4-0

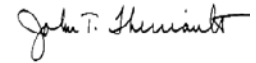
PCB 15-82	<u>GBL Properties, Inc. (1801 Old Missouri Avenue) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0 .
PCB 15-83	<u>Goben Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Clark County facility.	4-0 .
PCB 15-84	<u>Allen McAfee v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Macoupin County facility.	4-0 .
PCB 15-85	<u>NRG Wholesale Generation LP (Aurora Station) v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this DuPage County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.	4-0
PCB 15-86	<u>NRG Rockford LLC and NRG Rockford II LLC v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Winnebago County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.	4-0
PCB 15-87	<u>NRG Wholesale Generation LP (Shelby County Station) v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Shelby County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.	4-0
PCB 15-88	<u>Ameren Missouri and Raccoon Creek Energy Center v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Clay County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.	4-0

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:25 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 20, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board