

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



April 7, 2016

- Regular Board Meeting: 11:00 a.m.
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REGULAR BOARD MEETING MINUTES

April 7, 2016

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 Keenan 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 March 17, 2016 Regular Meeting were approved by a vote of 5-0.

RULEMAKINGS

R15-22	<u>In the Matter of: Public Water Supplies: Proposed Amendments to 35 Ill. Adm. Code Parts 601, 602, and 603 (Public Water Supply)</u> – The Board adopted final amendments to its rules governing public water supplies.	5-0
R16-17	<u>Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125</u> (Procedural) – Member Burke reported that a draft second-notice opinion and order would be circulated for consideration at the next Board meeting. No action taken.	

ADJUSTED STANDARD

AS 16-1	<u>In the Matter of: Petition of Saline County Landfill, Inc. for an Adjusted Standard; 35 Il. Adm. Code Part 811(C) (Land)</u> – The Board granted petitioner an adjusted standard, with conditions, from groundwater requirements in the Board’s landfill regulations.	5-0
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ADMINISTRATIVE CITATIONS

AC 14-50	<u>IEPA v. Craig S. Walker and Walker & Sons Enterprises, Ltd.</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Fulton County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2014)) and ordered respondents 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 of Sections 21(p)(7) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(7) and 5/55(k)(1) (2014)).	5-0
AC 16-13	<u>IEPA v. George W. Woodcock, Jr. and George W. Woodcock III d/b/a West Drilling Company</u> – The Board accepted respondents’ petition for review involving a Wabash County facility.	5-0

ADJUDICATORY CASES

<p>PCB 99-134</p>	<p><u>People of the State of Illinois v. Virginia Conservation Legacy Fund, Inc.(f/k/a/ Heritage Coal Company, LLC, f/k/a/ Peabody Coal Company, LLC)</u> (Water – Enforcement) – In this water enforcement action concerning a Gallatin 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) (2014)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$5,400 civil penalty and to cease and desist from further violations.</p>	<p style="text-align: right;">5-0</p>
<p>PCB 15-112</p>	<p><u>People of the State of Illinois v. Incobrasa Industries, Ltd.,</u> (Air - Enforcement) – The Board granted the People’s motion to strike respondent’s affirmative defenses.</p>	<p style="text-align: right;">5-0</p>
<p>PCB 15-189</p>	<p><u>Sierra Club, Natural Resources Defense Council, Prairie Rivers Network, and Environmental Law & Policy Center v. Illinois EPA and Midwest Generation, LLC</u> (Water – Permit Appeal, NPDES) – The Board granted in part and denied in part petitioners’ and respondents’ motions for summary judgment and directed the hearing officer to proceed expeditiously to hearing on the disputed issues of material fact identified in the opinion.</p>	<p style="text-align: right;">5-0</p>
<p>PCB 16-37</p>	<p><u>James Potts v. IEPA</u> (Public Water Supply) – The Board granted petitioner’s motion for dismissal of this permit appeal.</p>	<p style="text-align: right;">5-0</p>
<p>PCB 16-54 PCB 16-56</p>	<p><u>Will County, Illinois v. Village of Rockdale, Board of Trustees of Village of Rockdale and Environmental Recycling and Disposal Services, Inc.</u> <u>Waste Management of Illinois, Inc. v. Village of Rockdale, Illinois Board of Trustees and Environmental Recycling and Disposal Services, Inc.</u> (Pollution Control Facility Siting Appeal) – Member Glosser noted that a draft decision had been circulated and would be discussed at the closed deliberative session scheduled for April 14 at 10 a.m. in these consolidated cases, which must be decided at the April 21 meeting. No action taken.</p>	
<p>PCB 16-61</p>	<p><u>People of the State of Illinois v. Amsted Rail Company, Inc.,</u> (Air – Enforcement, CAAPP) – The Board granted in part and denied in part the People’s motion to strike respondent’s affirmative defenses, striking respondent’s third, fourth, and fifth defenses, but allowing the first and second defenses to stand.</p>	<p style="text-align: right;">5-0</p>

PCB 16-66	<u>Brickyard Disposal & Recycling, Inc. v. IEPA</u> (Land – Permit Appeal) – The Board accepted for hearing this permit appeal involving a facility in Vermilion County.	5-0
PCB 16-67	<u>Lloyd Brown v. IEPA</u> (UST 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 Randolph County facility.	5-0
PCB 16-69	<u>Adam Kieta (Corrective Action Plan) v. IEPA</u> (UST 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.	5-0
PCB 16-70	<u>Adam Kieta (Corrective Action Plan Budget) v. IEPA</u> (UST 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.	5-0
PCB 16-89	<u>People of the State of Illinois v. Fiberbasin, Inc.,</u> (Air – Enforcement) – In this air enforcement action concerning a Kane 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) (2014)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$4,000 civil penalty and to cease and desist from further violations.	5-0
PCB 16-95	<u>People of the State of Illinois v. Sugar Camp Energy, LLC</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 Franklin County facility, the Board accepted the complaint for hearing and ordered publication of the required newspaper notice.	5-0

PCB 16-96	<u>People of the State of Illinois v. Cherokee Well Service</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 White County facility, the Board accepted the complaint for hearing and ordered publication of the required newspaper notice.	5-0
PCB 16-97	<u>Arnold Magnetic Technologies v. IEPA</u> (Water- Permit Appeal, 90-Day Extension) – The Board granted this joint request for a 90-day extension of time to file an appeal on behalf of this McHenry County facility.	5-0
PCB 16-98	<u>Logan Fertilizer v. IEPA</u> (Water - Tax Certification) – The Board found and certified that specified facilities of Logan Fertilizer located in Pike County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).	5-0
PCB 16-99	<u>Vos Farms v. IEPA</u> (Water - Tax Certification) – The Board found and certified that specified facilities of Vos Farms 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 (2014)). Consistent with the Agency’s recommendation, the Board did not certify the portion of the proposed facilities that contains no manure storage area.	5-0
PCB 16-101	<u>Darren Brown Farm v. IEPA</u> (Water - Tax Certification) – The Board found and certified that specified facilities of Darren Brown Farm located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).	5-0

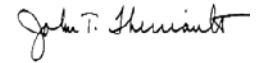
OTHER ITEMS

	Chairman Keenan noted that the April 21, 2016 regular Board meeting may be held at 1:00 pm because the Board’s appropriations hearing is currently scheduled for 9 am on April 21, but that the Brown Bag Seminar scheduled for that day will still be held at noon.	
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the regular meeting.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on April 21, 2016, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board