

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



May 7, 2015

11:00 am

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

Member Zalewski welcomed members of the public and staff.

ROLL CALL

The Clerk of the Board called the roll. All four Board Members answered present. The Board granted 4-0 Member Zalewski's Motion to allow Chairman Glosser to participate via telephone pursuant to Section 7(a)(i) of the Open Meetings Act (5 ILCS 120/7(a)(i) (2012)).

APPROVAL OF MINUTES

The minutes of the April 16, 2015 open meeting were approved by a vote of 5-0.

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</u> (Water) – The Board entered an order directing the Illinois Environmental Protection Agency to submit the requested information and response to comments.	5-0
R14-10	<u>In the Matter of: Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841</u> (Water) – The Board granted the Illinois Environmental Protection Agency’s (Agency) motion for a 90-day stay and directed the Agency to file a status report on or before Wednesday, August 5, 2015.	5-0
R15-19	<u>In the Matter of: Management of Used and Waste Tires: Proposed Amendments to 35 Ill. Adm. Code 848</u> (Land-Tires) – No action taken.	
R15-20	<u>In the Matter of: Procedural Rules Amendments: Proposed Amendments to 35 Ill. Adm. Code 101, 103, 106, and 108</u> (Procedural) – The Board adopted a second first-notice opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0
R15-21	<u>In the Matter of: Amendments to 35 Ill. Adm. Code Part 214, Sulfur Limitations, Part 217, Nitrogen Oxide Emissions, and Part 225, Control of Emissions from Large Combustion Sources</u> (Air) – The Board accepted for hearing the Agency’s April 28, 2015 proposal to amend the Board’s air regulations and proceeded to first-notice publication of the proposed amendments without review of the merits. The Board also granted the Agency’s motions to amend its proposal, for waiver of copy requirements, and for expedited review.	5-0

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

AC 13-31	<u>County of Jackson v. Christopher Will</u> – The Board denied respondent’s motion for reconsideration.	5-0
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AC 13-42	<u>IEPA v. James & Pam Green</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Whiteside County facility, the Board found that respondents had 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. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion dismissed the alleged violation of Section 55(k)(1) of the Act (415 ILCS 5/55(k)(1) (2012)).	5-0
AC 15-33	<u>IEPA v. Gerald Cain and Eddie Jones</u> – The Board accepted respondent Eddie Jones’ petition for review involving a Union County facility.	5-0

ADJUDICATORY CASES

PCB 12-135	<u>Dynegy Midwest Generation, LLC v. IEPA</u> (Air – Variance) – The Board granted petitioner’s motion to amend the petition.	5-0
PCB 14-28	<u>Peoria Disposal Company v. IEPA</u> (Water – Permit Appeal, NPDES) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
PCB 15-64	<u>People of the State of Illinois v. Surdyke Cycle of Illinois, Inc., an Illinois Corporation, d/b/a Dale's Harley-Davidson and Waterkotte Harley-Davidson</u> (Land -Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this land enforcement action involving a Jefferson County facility, the Board ordered publication of the required newspaper notice.	5-0
PCB 15-72	<u>People of the State of Illinois v. Starved Rock Adventures, Inc.</u> (Air, Water – Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this air and water enforcement action involving a LaSalle County facility, the Board ordered publication of the required newspaper notice.	5-0

PCB 15-74	<u>Calhoun County Rural Water District v. IEPA</u> (Water – Permit Appeal) – The Board dismissed this permit appeal for petitioner’s failure to file an amended appeal correcting deficiencies specified in the Board’s January 8, 2015 opinion and order.	5-0
PCB 15-84	<u>Allen McAfee v. IEPA</u> (Land – Permit Appeal) – No action taken.	5-0
PCB 15-114	<u>People of the State of Illinois v. American Steamship Company</u> (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 \$5,400 civil penalty and to cease and desist from further violations.	5-0
PCB 15-136	<u>Piasa Motor Fuels, Inc. v. IEPA</u> (UST Appeal, 90-Day Extension) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Madison County facility.	5-0
PCB 15-137	<u>D&L Landfill, Inc. v. IEPA</u> (Land -Permit Appeal) – The Board accepted for hearing this permit appeal on behalf of this Bond County facility.	5-0
PCB 15-165	<u>People of the State of Illinois v. Tank's Auto Body, L.L.C.</u> (Land -Enforcement) – In this land enforcement action concerning a Henry 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 \$6,000 civil penalty and to cease and desist from further violations.	5-0
PCB 15-172	<u>People of the State of Illinois v. Quality Sand Products, LLC</u> (Air -Enforcement) – In this air enforcement action concerning a LaSalle 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 \$38,400 civil penalty and to cease and desist from further violations.	5-0

PCB 15-174	<u>Philip and Kelly Diekemper v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Philip and Kelly Diekemper located in Clinton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	5-0
PCB 15-177	<u>GBL Properties, Inc. (3000 State Street) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	5-0
PCB 15-178	<u>Kathy Bellemey v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Logan County facility.	5-0
PCB 15-179	<u>KM Corporation v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Williamson County facility.	5-0
PCB 15-180	<u>Steve Shank v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Bond County facility.	5-0
PCB 15-181	<u>Golightly & Long, LLC (Murphysboro) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jackson County facility.	5-0
PCB 15-182	<u>William Senger v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jersey County facility.	5-0
PCB 15-183	<u>Mary Jane Bennett v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Union County facility.	5-0

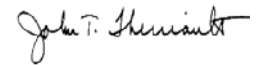
PCB 15-184	<u>People of the State of Illinois v. City of Bloomington, Illinois</u> (Public Water Supply – Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a McLean County facility, the Board ordered publication of the required newspaper notice.	5-0
PCB 15-185	<u>People of the State of Illinois v. The Village of Volo</u> (Public Water Supply – Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	5-0
PCB 15-186	<u>Sharon Burgess v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Kankakee County facility.	5-0
PCB 15-189	<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, 3 RD party) – The Board accepted petitioners’ petition for review involving a facility located in Lake County.	5-0
PCB 15-190	<u>Paradigm Properties, Inc. (St. Francisville) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Lawrence County facility.	5-0
PCB 15-191	<u>Barnhill's Service Station v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Pulaski County facility.	5-0
PCB 15-192	<u>Baker Brothers II, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Randolph County facility.	5-0

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Member Zalewski adjourned the meeting at 11:32 p.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 21, 2015, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board