

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**September 3, 2015**

**11:00 a.m.**

**Chicago**  
100 W. Randolph Street  
Chicago, IL

**Room 9-040**

### **ANNOUNCEMENTS**

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Chairman Glosser welcomed members of the public and staff.

### **ROLL CALL**

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The Clerk of the Board called the roll. All five Board Members answered present.

### **APPROVAL OF MINUTES**

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The minutes of the August 20, 2015 open meeting were approved by a vote of 5-0.

### **PUBLIC REMARKS**

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None

## RULEMAKINGS

<b>R15-19</b>	<p><u>In the Matter of: Management of Used and Waste Tires: Proposed Amendments to 35 Ill. Adm. Code 848</u> (Land, Tires) – The Board adopted a final opinion and order in this rulemaking to amend the Board’s regulations governing the management of used and waste tires.</p>	5-0
<b>R15-20</b>	<p><u>In the Matter of: Procedural Rules Amendments: Proposed Amendments to 35 Ill. Adm. Code 101, 103, 104, 106, and 108</u> (Procedural) – The Board adopted a final opinion and order in this rulemaking to amend the Board’s procedural rules.</p>	5-0

## ADJUSTED STANDARDS

## ADMINISTRATIVE CITATIONS

<b>AC 12-21</b>	<p><u>IEPA v. Katherine Blunk</u> (Land) – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Iroquois County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2014)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review.</p>	5-0
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## ADJUDICATORY CASES

<b>PCB 10-20</b>	<p><u>People of the State of Illinois v. Montalbano Builders, Inc., MBC XIV, LLC, Cortland I-88, LLC, RB Resolutions Properties, LLC, and Douglas J Johnson</u> (Water – Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement, as to Cortland I-88 only, in this land enforcement action involving a DeKalb County facility, the Board ordered publication of the required newspaper notice.</p>	5-0
<b>PCB 11-25</b>	<p><u>Estate of Gerald D. Slightom v. IEPA</u> (UST Appeal) – In response to the Illinois Appellate Court remand in this matter, the Board directed petitioner to submit its request for reimbursement of legal defense costs pursuant to Section 57.8(1) of the Environmental Protection Act (Act) (415 ILCS 5/57.8(1) (2014)) of the Act by September 28, 2015.</p>	5-0

<b>PCB 14-127</b>	<u>People of the State of Illinois v. Remediation and Management Services Corporation</u> (Air – Enforcement) – In this air enforcement action concerning a Carroll 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 \$12,000 civil penalty and to cease and desist from further violations.	5-0
<b>PCB 15-139</b>	<u>Susan M. Bruce v. Highland Hills Sanitary District</u> (Water – Enforcement, Citizen’s) – The Board denied respondent’s motions for reconsideration and to dismiss. Finding complainant’s amended complaint neither frivolous nor duplicative, the Board accepted the amended complaint for hearing.	5-0
<b>PCB 15-173</b>	<u>Chatham BP, LLC v. IEPA</u> (UST Appeal) – The Board directed the Illinois Environmental Protection Agency (Agency) to reimburse petitioner \$11,485.08 in legal fees. The Board remanded petitioner’s proposed Stage 2 site investigation budget to the Agency for its review.	5-0
<b>PCB 16-4</b>	<u>People of the State of Illinois v. City of Toulon</u> (Water – Enforcement, NPDES) – In this water enforcement action concerning a Stark 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 \$3,888 civil penalty and to cease and desist from further violations.	5-0
<b>PCB 16-7</b>	<u>People of the State of Illinois v. Fleischmann's Vinegar Company, Inc.</u> (Air – Enforcement, CAAPP) – 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 \$5,000 civil penalty and to cease and desist from further violations. In addition to the civil penalty, respondent agreed to perform a supplemental environmental project with a settlement value of \$5,000.	5-0

<b>PCB 16-10</b>	<u>People of the State of Illinois v. KJMM Partnership</u> (Water – Enforcement) – In this water enforcement action concerning a St. Clair 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 \$2,500 civil penalty and to cease and desist from further violations. In addition to the civil penalty, respondent agrees to perform a supplemental environmental project with a settlement value of \$51,000.	5-0
<b>PCB 16-14</b>	<u>Village of Homewood, Homewood, Illinois v. IEPA</u> (Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u>	5-0
<b>PCB 16-15</b>	<u>Village of Orland Park, Orland Park, Illinois v. IEPA</u> (Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u>	5-0
<b>PCB 16-16</b>	<u>Village of Midlothian, Midlothian Illinois v. IEPA</u> (Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u>	5-0

<b>PCB 16-17</b>	<u>Village of Tinley Park, Tinley Park, Illinois v. IEPA</u> (Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u>	5-0
<b>PCB 16-19</b>	<u>Midwest Generation, LLC v. IEPA</u> (Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u>	5-0
<b>PCB 16-20</b>	<u>Village of Wilmette v. IEPA</u> (Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u>	5-0
<b>PCB 16-21</b>	<u>City of Country Club Hills, Country Club Hills, Illinois v. IEPA</u> (Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u>	5-0
<b>PCB 16-24</b>	<u>Flint Hills Resources Joliet, LLC (Temperature Standards) v. IEPA</u> (Water – Variance, NPDES) – The Board granted the Illinois Environmental Protection Agency’s August 20, 2015 motion to extend the time to file its recommendation until November 3, 2015.	5-0

<p><b>PCB 16-25</b></p>	<p><u>City of Evanston v. IEPA</u> (Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u></p>	<p>5-0</p>
<p><b>PCB 16-27</b></p>	<p><u>Illinois Department of Transportation v. IEPA</u> (Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u></p>	<p>5-0</p>
<p><b>PCB 16-29</b></p>	<p><u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA (Chloride Standards)</u> (Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u></p>	<p>5-0</p>
<p><b>PCB 16-33</b></p>	<p><u>City of Oak Forest, Oak Forest, IL v. IEPA</u> (Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted in <u>Water Quality Standards And Effluent Limitations For The Chicago Area Waterway System And Lower Des Plaines River Proposed Amendments To 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(D) (June 18, 2015) (“CAWS”)</u>. In addition, the Board found that petitioner’s petition does not statutorily stay those standards. The Board also found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. <i>See</i> <u>Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-9(D) (Aug. 20, 2015).</u></p>	<p>5-0</p>

<b>PCB 16-39</b>	<u>People of the State of Illinois v. Village of Percy</u> (Public Water Supply – 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 public water supply enforcement action involving a Randolph County facility, the Board ordered publication of the required newspaper notice.	5-0
<b>PCB 16-41</b>	<u>State Oil Company v. IEPA</u> (UST 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 McHenry County facility.	5-0
<b>PCB 16-42</b>	<u>People of the State of Illinois v. Hueber, LLC</u> (Air – 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 air enforcement action involving a Ogle County facility, the Board ordered publication of the required newspaper notice.	5-0
<b>PCB 16-43</b>	<u>People of the State of Illinois v. Perfect Mulch Products, Inc.</u> (Water, Air – Enforcement) – The Board accepted for hearing this water and air enforcement action concerning a Cook County facility.	5-0

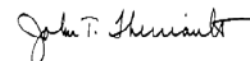
### **OTHER ITEMS**

	The Board granted the Chairman’s Motion to add a location to the already scheduled Board meetings at 11:00 am on 11:00 am on October 1, 2015, October 15, 2015, November 5, 2015, and December 17, 2015. These meetings will now be Videoconference Meetings between the Board’s Chicago Office (Room 11-512) and the Board’s Springfield Office (Room 1244 N, First Floor).	5-0
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### **ADJOURNMENT**

Moved and seconded, by a vote of 5-0, Chairman Glosser adjourned the meeting at 11:23 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 17, 2015, by a vote of 5-0.



John T. Therriault, Clerk  
Illinois Pollution Control Board