



IPCB

Illinois Pollution Control Board

BOARD MEETING MINUTES

July 25, 2019

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**

ROLL CALL

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

ANNOUNCEMENTS

Chairman Papadimitriou welcomed members of the public and staff.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the June 20, 2019 Board Meeting were approved by a vote of 5-0.

RULEMAKINGS

<u>R18-17</u>	<u>Public Water Supplies: Proposed New 35 Ill. Adm. Code 604 and Amendments to 35 Ill. Adm. Code Parts 601, 602, 607, and 611</u> – The Board adopted a final opinion and order amending the Board’s public water supplies regulations.	5-0
<u>R18-24</u>	<u>Amendments to 35 Ill. Adm. Code Subtitle D: Mine Related Water Pollution</u> – The Board adopted a second-notice opinion and order proposing to amend the Board’s mine-related water pollution rules.	5-0
<u>R18-32</u>	<u>Amendments to General Use Water Quality Standards for Chloride</u> – The Board granted proponent, Huff & Huff, an extension to May 1, 2020 for filing responses to the Board’s and participants’ questions. Huff & Huff was directed to file status reports on October 1, 2019, December 3, 2019, and February 3, 2020.	5-0
<u>R19-19</u>	<u>Proposed Amendments to General Procedural Rules (35 Ill. Adm. Code 101)</u> – The Board adopted a second-notice opinion and order proposing to amend the Board’s procedural rules.	5-0

ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

<u>AC 19-20</u>	<u>IEPA v. Bruce Bontz, Nannette Bontz, and D. Brooks Excavating, Inc.</u> – The Board accepted respondents’ petition for review involving a Peoria County facility.	5-0
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ADJUDICATORY CASES

<u>PCB 10-86</u>	<u>People of the State of Illinois v. Illinois Fuel Company, LLC and Cheyenne Resources, Inc. (Water, NPDES – Enforcement)</u> – The Board granted the People’s unopposed motion for summary judgment on counts III and V of the amended complaint and therefore found that Illinois Fuel violated Sections 12(a) and 12(f) of the Environmental Protection Act at the #4 mine in Gallatin County as alleged by the People. In addition, the Board determined that a civil penalty of \$100,000 against Illinois Fuel is appropriate. The Board directed its hearing officer to proceed to hearing on count IV of the	4-0 Carter abstained
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	amended complaint and to set filing deadlines on the issue of the People's costs.	
<u>PCB 16-19</u>	<u>Midwest Generation, LLC v. IEPA</u> (Time-Limited WQS) – The Board found that this amended petition contains the required components for a TLWQS petition and is therefore in “substantial compliance” as defined by the Board’s rules governing TLWQS proceedings. The Board directed IEPA to file its recommendation by September 9, 2019. The Board on its own motion consolidated this case with another TLWQS proceeding, <u>INEOS Joliet, LLC v. IEPA</u> , PCB 16-24.	5-0
<u>PCB 16-24</u>	<u>INEOS Joliet, LLC v. IEPA</u> – (Time-Limited WQS) – The Board found that this amended petition contains the required components for a TLWQS petition and is therefore in “substantial compliance” as defined by the Board’s rules governing TLWQS proceedings. The Board directed IEPA to file its recommendation by September 9, 2019. The Board on its own motion consolidated this case with another TLWQS proceeding, <u>Midwest Generation, LLC v. IEPA</u> , PCB 16-19.	5-0
<u>PCB 17-84</u>	<u>Illico Independent Oil Company v. IEPA</u> (UST Appeal) – The Board denied petitioner’s motion to reconsider the Board’s December 20, 2018 order.	5-0
<u>PCB 18-75</u>	<u>Southern Illinois Power Cooperative v. IEPA</u> (Thermal Demonstration) – The Board granted alternative thermal effluent limitations to petitioner.	4-0 Carter abstained
<u>PCB 19-32</u>	<u>Ingredion Incorporated v. IEPA</u> (Time-Limited WQS) – The Board found that this amended petition contains the required components for a TLWQS petition and is therefore in “substantial compliance” as defined by the Board’s rules governing TLWQS proceedings. The Board directed IEPA to file its recommendation by September 9, 2019.	5-0
<u>PCB 19-73</u>	<u>People of the State of Illinois v. Dressler Truck Service, Inc.</u> (Air – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment against Dressler Truck. The Board therefore found that Dressler Truck violated specified sections of the Environmental Protection Act and the air pollution rules as alleged in the People’s complaint. The Board also assessed a \$15,000 civil penalty against Dressler Truck.	5-0

<u>PCB 19-90</u>	<u>People of the State of Illinois v. One Earth Energy, LLC</u> (Water – Enforcement) – In this water enforcement action concerning a Ford County facility, the Board granted the parties’ request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (Act). The Board also accepted the parties’ stipulation and proposed settlement agreement, and therefore ordered respondent to pay a total civil penalty of \$25,000 and to cease and desist from future violations of the Act and regulations that were the subject of the complaint.	5-0
<u>PCB 19-98</u>	<u>Jeff & Sheila Koester v. IEPA</u> (Water – Tax Certification) – Under the Property Tax Code, the Board partially granted and partially denied “pollution control facility” certification for Jeff & Sheila Koester’s specified facilities located in Jo Daviess County.	5-0
<u>PCB 19-113</u>	<u>People of the State of Illinois v. Builders Sand & Cement Company, Inc.</u> (Air – Enforcement) – In this air enforcement action concerning a Rock Island County facility, the Board granted the parties’ request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (Act). The Board also accepted the parties’ stipulation and proposed settlement agreement, and therefore ordered respondent to pay a total civil penalty of \$5,000 and to cease and desist from future violations of the Act and regulations that were the subject of the complaint.	5-0
<u>PCB 20-1</u>	<u>People of the State of Illinois v. Pitchford Elevator Company</u> (Land – Enforcement) – The Board accepted for hearing this enforcement action involving a site in Washington County.	5-0
<u>PCB 20-2</u>	<u>Janssen Farm—Lanark v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Janssen Farm located in Stephenson County are pollution control facilities for preferential tax treatment under the Property Tax Code.	5-0
<u>PCB 20-3</u>	<u>People of the State of Illinois v. Signcraft Screenprint, Inc.</u> (Air – Enforcement) – The Board accepted for hearing this enforcement action involving a site in Jo Daviess County.	5-0

OTHER ITEMS

	The Board granted Chairman's Motion under Section 2.06(c) of the Open Meetings Act (5 ILCS 120/2.06(c) (2016)) to continue preserving only written minutes of Board closed meetings held during the timeframe of January 1, 2017 through December 31, 2017, and to approve destroying the verbatim tape recording of the closed meeting held on October 19, 2017.	5-0
	The Board granted Chairman's Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d) (2016)) to continue keeping confidential the minutes of Board closed meetings held during the timeframe of January 1, 2019 through June 30, 2019, specifically, on January 17, 2019 and June 6, 2019.	5-0
	The Board granted Chairman's motion approving a proclamation commemorating Alisa Liu, Environmental Scientist, on her 19 years of service with the Board. The Board wished her well in her new position with the United States Environmental Protection Agency.	5-0

ADJOURNMENT

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

I, Don Anthony Brown, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 22, 2019, by a vote of 5-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board



IPCB

Illinois Pollution Control Board

July 25, 2019
12:00 p.m.
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100 W. Randolph Street
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Room 11-512

AND

1021 N. Grand Avenue East
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Conference Rm 1244 N, 1st Floor

<u>Illinois Environmental Legislative Spring Session Recap</u>	Jen Walling, Executive Director Illinois Environmental Council
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The IEC's Executive Director gave an overview of environment-related bills passed in the Spring 2019 session of the Illinois General Assembly, including in the areas of clean energy, conservation, sustainable agriculture, water, waste, and toxics. A copy of her PowerPoint presentation will be posted to the Board's website (pcb.illinois.gov). The Board took no action on this matter.

ADJOURNMENT

I, Don Anthony Brown, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 22, 2019, by a vote of 5-0.

Don Anthony Brown, Clerk
Illinois Pollution Control Board