



IPC

Illinois Pollution Control Board

REGULAR BOARD MEETING MINUTES

January 19, 2017
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. Chairman Keenan noted the retirement of Member Tom Johnson. Chairman Keenan thanked him for his service to the Board and the State of Illinois.

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 December 12, 2016 Closed Deliberative Session were approved by a vote of 4-0. Member Santos voted present. The minutes of the December 15, 2016 Regular Board Meeting were approved by a vote of 5-0.

RULEMAKINGS

R16-9	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2015, through December 31, 2015) (Water)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	5-0
R17-1	<u>National Ambient Air Quality Standards, USEPA Amendments (January 1, 2016 through June 30, 2016) (Air)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.	5-0
R17-2	<u>Definition of VOM Update, USEPA Amendments (January 1, 2016 through June 30, 2016) (Air)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.	5-0
R17-5	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA amendments (January 1, 2016 through June 30, 2016) (Land)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s municipal solid waste landfill regulations.	5-0
R17-8	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2016 through June 30, 2016 and December 7, 2016) (Water)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	5-0
R17-9	<u>In The Matter of: Permit by Rule for Boilers: Amendments to 35 Ill. Adm. Code Parts 201 and 211 (Air)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	5-0
R17-18	<u>In The Matter Of: Procedural Rule Amendments: Proposed Amendments To 35 Ill. Adm. Code 101 Through 130 (Procedural)</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0

ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

AC 17-3	<u>County of Jackson v. Gary Clover</u> – The Board granted complainant’s motion to withdraw the administrative citation and closed the docket.	5-0
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ADJUDICATORY CASES

PCB 04-137	<u>People of the State of Illinois v. Rain CII Carbon LLC, (formerly known as Robinson Carbon, Inc.)</u> (Enforcement – Air) – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this air enforcement action involving a Crawford County facility, the Board ordered publication of the required newspaper notice.	5-0
PCB 10-84	<u>People of the State of Illinois v. Professional Swine Management, LLC, Hilltop View LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., North Fork Pork, LLC, Little Timber, LLC, and Twin Valley Pumping, Inc.</u> (Land – Enforcement) – In this land enforcement action concerning eight facilities located in Adams, Fulton, Hancock and Schuyler Counties, 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 stipulations and settlement agreements, ordered respondents to pay a total civil penalty of \$116,500 and cease and desist from further violations, and closed the docket.	5-0
PCB 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C.,</u> (Water – Enforcement) – In this water enforcement action concerning a McHenry 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 \$500 civil penalty and cease and desist from further violations.	5-0
PCB 13-15	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation</u> (Water – Enforcement, Citizens) – The Board denied complainants' motion for summary judgment and directed the hearing officer to proceed to hearing.	5-0

<p>PCB 13-43</p>	<p><u>People of the State of Illinois v. Blick's Construction Co., Inc. and Ron Bricker</u> (Air – Enforcement) – In this air enforcement action concerning an Adams 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 respondents to pay a total civil penalty of \$15,500 and cease and desist from further violations.</p>	<p>5-0</p>
<p>PCB 14-111</p> <p>R14-24 (not consolidated)</p>	<p><u>Sanitary District of Decatur v. IEPA</u> (Variance – Water)</p> <p><u>In the Matter of: Proposed Site Specific Rule for Sanitary District of Decatur From 35 Ill. Adm. Code Section 302.208(E)</u> (Water) – The Board granted petitioner’s motion to extend the stay of these proceedings to June 30, 2017 and ordered petitioner to file a new status report by June 30, 2017.</p>	<p>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 affirmed the Agency’s March 25, 2015 permit decision.</p>	<p>5-0</p>
<p>PCB 16-66</p>	<p><u>Brickyard Disposal & Recycling, Inc. v. IEPA</u> (Land – Permit Appeal) – The Board denied respondent’s motion for reconsideration of the Board’s November 17, 2016 order.</p>	<p>5-0</p>
<p>PCB 16-68</p>	<p><u>Matt Gill v. CHS Inc.</u> (Air – Enforcement, Citizens) – The Board granted complainant’s motion for voluntary dismissal without prejudice.</p>	<p>5-0</p>
<p>PCB 17-13</p>	<p><u>Emerald Polymer Additives, LLC v. IEPA</u> (Water – Permit Appeal, NPDES) – 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 Marshall County facility.</p>	<p>5-0</p>

PCB 17-16	<u>People of the State of Illinois v. Richard Sutton and David Sutton, d/b/a Sutton Farms</u> (Water – Enforcement) – In this water enforcement action concerning a White 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 \$7,500 civil penalty and cease and desist from further violations.	5-0
PCB 17-22	<u>Pearl Valley Farms, Inc. v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Pearl Valley Farms located in Stephenson 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 17-23	<u>O’Leary Farms v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of O’Leary Farms located in Rock Island 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 17-24	<u>Gruel Holdings, LLC v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Gruel Holdings located in McDonough 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 17-25	<u>Tim Leman v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Tim Leman located in Woodford 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 17-26	<u>Brian Jackson V. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Brian Jackson located in LaSalle 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 17-27	<u>Frank Hopkins v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Frank Hopkins located in Knox 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 17-28	<u>Brandon LaFever v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Brandon LaFever located in Mercer 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 17-29	<u>Duewer Farms v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Duewer Farms located in Morgan 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 17-30	<u>Ragan Peter and Cassandra Peter (Property ID No. 06-0-0012-001-00) v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Ragan Peter and Cassandra Peter located in Adams 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 17-31	<u>Ragan Peter and Cassandra Peter (Property ID No. 06-0-0006-003-00) v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Ragan Peter and Cassandra Peter located in Adams 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 17-32	<u>iMac Hog Farm - Reynolds v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of iMac Hog Farm-Reynolds located in Mercer 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 17-33	<u>Steve Sturtevant v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Steve Sturtevant located in Carroll 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
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NEW BUSINESS

	The Board granted the Chairman’s Motion under Section 2.06 (c) of the Open Meetings Act (5 ILCS 120/2.06(c) (2014)) to continue to preserve only written minutes of Board closed deliberative sessions occurring January 1, 2015 through June 30, 2015, and to approve destruction of verbatim tape recordings of meetings held: January 29, 2015, February 26, 2015, and June 11, 2015.	5-0
	The Board granted the Chairman’s Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d) (2014)) to continue to keep confidential minutes of Board closed deliberative sessions occurring July 1, 2016 through December 31, 2016.	5-0

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the Regular Board Meeting.

I, Don Anthony Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 2, 2017, by a vote of 5-0.



Don Anthony Brown, Assistant Clerk
Illinois Pollution Control Board