

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



September 22, 2016

- Regular Board Meeting: 11:00 a.m.
 - Brown Bag Lunch Seminar: 12:00 p.m.
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REGULAR BOARD MEETING MINUTES

September 22, 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 four Board Members answered present.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the September 8, 2016 Regular Board Meeting were approved by a vote of 4-0.

ADMINISTRATIVE CITATIONS

AC 16-7	<u>IEPA v. James Reichert Limited Family Partnership</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2014)) and assessing a penalty of \$4,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by October 24, 2016, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statements by November 21, 2016.	4-0
AC 17-2	<u>County of Jackson v. John W. Hudson</u> – The Board dismissed this case due to the complainant’s failure to timely file the administrative citation with the Board.	4-0

ADJUDICATORY CASES

PCB 12-57	<u>City of Taylorville/ Taylorville Municipal Airport v. IEPA (UST Appeal)</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	4-0
PCB 14-41	<u>AmerenEnergy Medina Valley Cogen, L.L.C. v. IEPA (Land – Permit Appeal)</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0
PCB 15-155	<u>People of the State of Illinois v. Illinois American Water Company</u> (Water – Enforcement) – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this water enforcement action involving two community sanitary sewer systems, one in Mount Prospect, Cook County, and one in Lisle, DuPage County, the Board ordered publication of the required newspaper notice.	4-0

PCB 16-103	<u>Knapp Oil Company v. IEPA</u> (UST Appeal) – The Board reversed the Illinois Environmental Protection Agency’s (IEPA) March 8, 2016 determination to modify petitioner’s site investigation budget for costs related to a camera. The Board also found that IEPA did not properly modify the budget for costs of specified other equipment. The Board directed petitioner to submit a statement of legal fees by October 24, and permitted the Agency to file a response within 14 days after service of the statement.	4-0
PCB 17-6	<u>People of the State of Illinois v. Langman Construction, Inc. and Richard Langman</u> (Land – Enforcement) – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this land enforcement action involving a Rock Island County facility, the Board accepted the complaint and ordered publication of the required newspaper notice.	4-0
PCB 17-7	<u>Martin & Bayley, Inc. v. IEPA</u> (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Coles County.	3-0 Zalewski abstained

OTHER ITEMS

	The Board granted the Chairman’s Motion to Schedule a Closed Deliberative Session under Section 2(c)(4) of the Open Meetings Act (5 ILCS 120/2(c)(4) (2014)) for September 29, 2016 at 10:00 am regarding <u>Environmental Recycling and Disposal Services v. Will County, Will County Board and Waste Management of Ill., PCB 16-76</u> (hearing held July 27, 2016).	4-0
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ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Keenan adjourned the Regular Board Meeting.

BROWN BAG LUNCH SEMINAR MINUTES

September 22, 2016

12:00 p.m.

Videoconference

100 W. Randolph Street
Chicago, IL
Room 11-512

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

ROLL CALL

The Chairman called the roll. Three Board Members answered present.

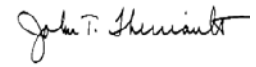
Nutrients, Algae Blooms, Dead Zones... Water Quality Trading to the Rescue?— Chairman Keenan, Messrs James and Rao, and Ms. Liu provided a PowerPoint presentation on the fundamentals of water quality trading and how trading might work in Illinois. The presenters first reviewed command-and-control regulation of domestic and industrial dischargers (*i.e.*, point sources of water pollution) and the escalation of compliance costs for these sources under increasingly stringent standards. Beyond driving up costs, existing regulation does not address non-point dischargers, the presenters added; these sources are, however, the primary cause of nutrient loading that leads to waterway impairment. Noting that USEPA policy allows water quality trading and that some watersheds (*e.g.*, Chesapeake Bay) have trading programs in place, the presenters cited trading as a cost-effective way to foster point/non-point source alliances to control nutrient pollution in a particular watershed or within a TMDL (total maximum daily load) boundary. Under a trading program, non-point sources (*e.g.*, farmers) could generate tradable credits by adopting BMPs such as conservation tillage and constructed wetlands and then sell the credits to point sources. Aside from improving water quality, the presenters stated, adopting trading would create habitat, jobs, and a new tradable commodity, and would promote investment in rural Illinois and opportunities to meet corporate sustainability goals. The presenters also emphasized that with a flexible definition of “watershed,” trading can leverage economies of scale and scope, making it feasible, for example, for a number of small treatment works to meet effluent limits affecting water quality for downstream public water supplies. A copy of the PowerPoint presentation is available on the Board’s website (www.ipcb.state.il.us). The Board took no action on this matter.

Chairman Keenan; Jason James, Chairman’s Attorney Advisor; Anand Rao and Alisa Liu, Technical Unit

ADJOURNMENT

Moved and seconded, by a vote of 3-0, Chairman Keenan adjourned the Brown Bag Lunch Seminar.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on October 6, 2016, by a vote of 4-0. Member Johnson abstained.



John T. Therriault, Clerk
Illinois Pollution Control Board