

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



October 15, 2015

- Regular Board Meeting: 11:00 a.m.
 - Brown Bag Lunch Seminar: 12:00 p.m.
 - Administrative Meeting: 1:30 p.m.
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REGULAR BOARD MEETING MINUTES

October 15, 2015

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 five Board Members answered present.

PUBLIC REMARKS

Public remarks regarding R14-10 provided by Terri Treacy representing the Sierra Club. A transcript of the remarks is available on the Board's website (www.ipcb.state.il.us) under docket number R14-10.

APPROVAL OF MINUTES

The minutes of the October 1, 2015 open meeting were approved by a vote of 5-0.

RULEMAKINGS

R14-10	<p><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) – Member O’Leary reported numerous responses to the September 15, 2015 motion to re-open this proceeding and an October 9, 2015 reply from the Environmental Groups. He indicated that a draft order would be prepared and circulated for consideration at the next Board meeting. The Board took no action on this matter. The Board took no action on this matter.</p>	
R14-22	<p><u>Proposal of Clifford-Jacobs Forging Co. for an Amendment to the Site-Specific Rule at 35 Ill. Adm. Code 901.119</u> (Noise) – The Board adopted a second notice opinion and order in this site-specific rulemaking to amend the Board’s noise regulations.</p>	5-0
R15-22	<p><u>In The Matter Of: Public Water Supplies: Proposed Amendments To 35 Ill. Adm. Code Parts 601, 602, And 603</u> (Public Water Supply) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s public water supply regulations.</p>	5-0
R15-23	<p><u>In the Matter of: Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Parties Code 611</u> (Public Water Supply) – Member Glosser reported that the Joint Committee on Administrative Rules considered this rulemaking on Tuesday, October 13, 2015. A draft final order is in preparation for consideration at the November 5, 2015 meeting. The Board took no action on this matter.</p>	

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

ADJUDICATORY CASES

PCB 06-59	<p><u>Midwest Generation, LLC Powerton Generating Station v. IEPA</u> (Air – Permit Appeal, CAAPP) – The Board granted the parties’ joint motion to lift the stay of the uncontested conditions and remand the permit to the IEPA.</p>	5-0
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<p>PCB 10-20</p>	<p><u>People of the State of Illinois v. Montalbano Builders, Inc., MBC XIV, LLC, RB Resolutions Properties, LLC, and Douglas J. Johnson</u> (Water – Enforcement) – In this water enforcement action concerning a DeKalb 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)), as to Cortland I-88 only, accepted a stipulation and settlement agreement, and ordered Cortland I-88 to cease and desist from further violations. Cortland I-88, under the stipulation and proposal for settlement, must establish and certify that it has established ground cover at the Mission Oaks site.</p>	<p>5-0</p>
<p>PCB 10-86</p>	<p><u>People of the State of Illinois v. Illinois Fuel Company, LLC</u> (Water – Enforcement, NPDES) – Member O’Leary indicated that the Board was preparing a draft order, which is expected to be circulated for consideration at the Board meeting on November 5, 2015. The Board took no action on this matter.</p>	
<p>PCB 11-24</p>	<p><u>People of the State of Illinois v. U. S. Chrome Corporation of Illinois, Inc.</u> (Air – Enforcement) – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Boone County facility, the Board ordered publication of the required newspaper notice.</p>	<p>5-0</p>
<p>PCB 12-23</p>	<p><u>Beneficial Reuse Management, LLC and Southern Illinois Power Cooperative v. IEPA</u> (Water - Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.</p>	<p>5-0</p>
<p>PCB 15-186</p>	<p><u>Sharon Burgess v. IEPA</u> (UST Appeal) – Member Glosser indicated that in order to meet the November 5, 2015 deadline this case must be acted upon at the November 5, 2015 meeting, and that a draft opinion and order would be circulated on Friday, October 16, 2015 for consideration at the November meeting. The Board took no action on this matter.</p>	

PCB 16-39	<u>People of the State of Illinois v. Village of Percy</u> (Public Water Supply – Enforcement) – In this public water supply enforcement action concerning a Randolph 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 \$2,380 civil penalty and to cease and desist from further violations.	5-0
PCB 16-42	<u>People of the State of Illinois v. Hueber, LLC</u> (Air – Enforcement) – In this air enforcement action concerning a Ogle 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 \$3,100 civil penalty and to cease and desist from further violations.	5-0
PCB 16-49	<u>Dan Carroll v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Dan Carroll located in Hancock 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 16-50	<u>George A. Chandler v. IEPA (Property ID No. 05-022-002-01)</u> (Water – Tax Certification) – The Board found and certified that specified facilities of George A. Chandler located in Henderson 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 16-51	<u>Mark E. Chandler v. IEPA (Property ID No. 05-022-002-02)</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Mark E. Chandler located in Henderson 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 16-54	<u>Will County, Illinois v. Village of Rockdale, Board of Trustees of Village of Rockdale and Environmental Recycling and Disposal Services, Inc.</u> (Pollution Control Facility Siting Review) – The Board accepted for hearing this third party pollution control facility siting appeal involving a Will County facility.	5-0

PCB 16-56	<u>Waste Management of Illinois, Inc. v. Village of Rockdale, Illinois Board of Trustees and Environmental Recycling and Disposal Services, Inc.</u> (Pollution Control Facility Siting Review) – The Board accepted for hearing this third party pollution control facility siting appeal involving a Will County facility.	5-0
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OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the regular meeting at 11:25 a.m.

BROWN BAG LUNCH SEMINAR MINUTES

October 15, 2015

12:00 p.m.

Videoconference

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

AND

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

ROLL CALL

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

Introduction to RCRA Hazardous Waste Regulation – Mr. McGill provided a PowerPoint presentation to introduce attendees to RCRA hazardous waste regulation, focusing on how to identify “hazardous waste.” First, Mr. McGill briefly gave background information on RCRA, including its history, its objectives, and the manner in which Subtitle C regulations apply in Illinois. He then concentrated the bulk of the seminar on the four basic steps to determining whether a material is a hazardous waste: solid waste (discarded); excluded; listed; and characteristic. Mr. McGill concluded with a short discussion of case-by-case relief from hazardous waste regulation. Throughout his presentation, he highlighted recent USEPA amendments to the regulatory definition of “solid waste.” A copy of Mr. McGill’s PowerPoint presentation is available upon request. The Board took no action on this matter.	Richard McGill, Senior Attorney for Research and Writing
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the brown bag lunch seminar at 1:10 p.m.

ADMINISTRATIVE MEETING MINUTES

October 15, 2015

1:30 p.m.

Videoconference

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ROLL CALL

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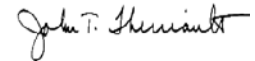
<p>Briefing on Proposed Board Budget — Ms. Griffin updated attendees on the Board’s proposed budget for FY2016. She explained the appropriated and non-appropriated sources of the Board’s funding and identified the components of the budget, <i>e.g.</i>, personnel. Ms. Griffin also indicated that the proposed budget sought no increase above the Board’s FY2015 budget. The Board took no action on this matter.</p>	<p>Kathy Griffin</p>
<p>Update on FOIA — Ms. Tipsord explained the FOIA implications of using personal communication devices—<i>e.g.</i>, cell phones—for State business. She clarified that such communications are not exempt under FOIA, even if the device has been registered under the State’s new “bring your own device” (BYOD) policy. Chairman Keenan indicated that additional information about FOIA and the use of State and personal devices would be discussed at a future Board meeting. The Board took no action on this matter.</p>	<p>Marie Tipsord and Mark Powell</p>

<p>Use of Personal Devices — Mr. Wilson introduced attendees to the State’s new BYOD policy. He indicated that he would provide Board Members and staff with a link to a CMS video explaining the new policy. The Board took no action on this matter.</p>	<p>Bill Wilson</p>
<p>Chicago Office Space — Chairman Keenan advised that the Board is considering available options for new office space, given the recent press release about the intended sale of the Thompson Center. Chairman Keenan also explained that the Board does not need the full square footage it currently occupies and could save substantial Board funds by moving to smaller offices. The Board took no action on this matter.</p>	

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the administrative meeting at 2:00 p.m.

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



John T. Therriault, Clerk
 Illinois Pollution Control Board