



IPC

Illinois Pollution Control Board

BOARD MEETING MINUTES

January 21, 2021

11:00 a.m.

Teleconference

Consistent with the Governor's Disaster Proclamation of January 8, 2021, issued in response to the Coronavirus Disease 2019 (COVID-19) pandemic, as well as Public Act 101-0640, effective June 12, 2020, the Board conducted this regular open meeting by teleconference.

The agenda provided dial-in information for members of the public and explained how they could use their telephones to participate in the meeting—whether by listening, speaking during Public Remarks, or both. Further, the agenda stated that the operator would ask for the name of each member of the public calling in and explain what to do for those who wished to speak. Finally, as noted in the agenda, the meeting was audio recorded.

ROLL CALL

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

ANNOUNCEMENTS

Chair Currie welcomed members of the public and staff.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The respective minutes of the Board's January 7, 2021 regular open meeting and January 14, 2021 Closed Deliberative Session were approved by a roll call vote of 4-0.

RULEMAKINGS

<p><u>R20-18</u></p>	<p><u>Proposed New 35 Ill. Adm. Code 249 Ethylene Oxide Ambient Air Monitoring (Air)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution regulations.</p>	<p>4-0 roll call vote</p>
<p><u>R20-19</u></p>	<p><u>Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845 (Land)</u> – Held</p>	
<p><u>R21-18</u></p>	<p><u>Amendments to 35 Ill. Adm. Code 219, Organic Material Emission Standards for the Metro-East Area, and 35 Ill. Adm. Code 211, Definitions and General Provisions (Air)</u> – The Board adopted a second-notice proposal in this rulemaking to amend the Board’s air pollution regulations.</p>	<p>4-0 roll call vote</p>

ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

<p><u>AC 18-10</u></p>	<p><u>IEPA v. DG Partners LLC (Land)</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Hancock County site, the Board found that DG Partners violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3) (2018)) and ordered DG Partners to pay a civil penalty of \$3,000. The Board also dismissed the alleged violations of Sections 21(p)(7) and 55(k)(1) of the Act (415 ILCS 5/21(p)(7), 55(k)(1)(2018)) and granted the parties’ joint motion to dismiss DG Partner’s petition for review.</p>	<p>4-0 roll call vote</p>
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ADJUDICATORY CASES

<p><u>PCB 18-84</u></p>	<p><u>James Fiser v. Henry’s Double K, LLC, and James L. Meador (Noise – Enforcement, Citizen)</u> – In an interim opinion and order, the Board addressed James Fiser’s enforcement complaint alleging that noise from a neighboring bar and live music venue—Henry’s Double K—unreasonably interfered with the enjoyment of life at his residence in Mount Carroll. The Board found that Henry’s Double K, LLC and James L. Meador, the owner and operator of Henry’s Double K, violated the nuisance noise prohibition of Section 24 of the Environmental Protection Act (Act) (415 ILCS 5/24 (2018)) and Section 900.102 of the Board’s noise pollution regulations</p>	<p>4-0 roll call vote</p>
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	(35 Ill. Adm. Code 900.102). The Board also directed the hearing officer to schedule a remedy hearing.	
<u>PCB 21-49</u>	<u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA</u> (Water, NPDES – Permit Appeal) – The Board granted this request for a 90-day extension to file a permit appeal on behalf of this Cook County facility.	4-0 roll call vote
<u>PCB 21-50</u>	<u>C & W Farms LLC v. IEPA</u> (Water – Tax Certification) – The Board found and certified that C & W Farms’ specified facilities located in Adams County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0 roll call vote
<u>PCB 21-51</u>	<u>Mills Farms–New Boston v. IEPA</u> (Water – Tax Certification) – The Board found and certified that Mills Farms’ specified facilities located in Mercer County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0 roll call vote
<u>PCB 21-52</u>	<u>Probst Grain & Livestock v. IEPA</u> (Water – Tax Certification) – The Board found and certified that Probst Grain & Livestock’s specified facilities located in Jasper County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0 roll call vote
<u>PCB 21-53</u>	<u>Tyler Niemerg v. IEPA</u> (Water – Tax Certification) – The Board found and certified that Tyler Niemerg’s specified facilities located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0 roll call vote
<u>PCB 21-54</u>	<u>West Central FS, Inc.–Adair v. IEPA</u> (Water – Tax Certification) – The Board found and certified that West Central FS’ specified facilities located in McDonough County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0 roll call vote
<u>PCB 21-55</u>	<u>West Central FS, Inc.–Monmouth v. IEPA</u> , (Water – Tax Certification) – The Board found and certified that West Central FS’specified facilities located in Warren County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0 roll call vote
<u>PCB 21-56</u>	<u>People of the State of Illinois v. Village of Robbins</u> (Water, NPDES – Enforcement) – Upon receiving a complaint, a stipulation, a proposed settlement, and an agreed motion for	4-0 roll call vote

	relief from the hearing requirement in this enforcement action involving a site in Cook County, the Board accepted the complaint and ordered publication of the required newspaper notice.	
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OTHER ITEMS

	The Board granted the Chair’s Motion under Section 2.06(c) of the Open Meetings Act (5 ILCS 120/2.06(c) (2018)) to continue preserving only written minutes of the Board’s closed meetings held on January 17, 2019, June 6, 2019, and June 10, 2019, and to approve destroying the verbatim tape recordings of those closed meetings.	4-0 roll call vote
	The Chair noted that as the Board did not hold any closed meetings from July 1, 2020 through December 31, 2020, no determination on whether to keep minutes confidential was necessary for that timeframe under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d) (2018)). No action taken.	

ADJOURNMENT

Moved and seconded, by a roll call vote of 4-0, Chair Currie 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 February 4, 2021, by a vote of 4-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board