

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 23, 2014

11:00 a.m.

Chicago
100 W. Randolph Street
Chicago, IL
Room 9-040

ANNOUNCEMENTS

Chairman Glosser welcomed members of the public and staff.

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of the January 9, 2014 open meeting were approved by a vote of 4-0.

PUBLIC REMARKS

Tom Wolf, Illinois Chamber of Commerce; Jake Reint, KCBX Terminals; and Jeniffer Cassel, Environmental Law and Policy Center, addressed the Board regarding R14-20, Emergency Rulemaking Regarding Regulation of Coke/Coal Bulk Terminals; New 35 Ill. Adm. Code Part 213.

RULEMAKINGS

R13-20	<u>In the Matter of: Procedural Rules for Alternative Thermal Effluent Limitations Under Section 316(a) of the Clean Water Act: Proposed New 35 Ill. Adm. Code Part 106, Subpart K and Amended Section 304.141(c)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water pollution control regulations.	4-0 Water
R14-8	<u>SDWA Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.	4-0 Water
R14-20	<u>In the Matter of: Emergency Rulemaking Regarding Regulation of Coke/Coal Bulk Terminals; New 35 Ill. Adm. Code Part 213</u> – Chairman Glosser informed the audience that the Board would be recessing at 11:30 am for further deliberation as to this matter only, to reconvene at 2:00 pm. The Board denied the Illinois Environmental Protection Agency’s (IEPA) motion to adopt an emergency rule. However, the Board will proceed with the IEPA’s proposal under Section 27 of the Environmental Protection Act (415 ILCS 5/27 (2012)) as a general rulemaking to address the public health and environmental concerns raised by IEPA.	4-0 Air

ADJUSTED STANDARDS

AS 13-4	<u>In the Matter of: Petition of Brickyard Disposal & Recycling, Inc. Pursuant to 35 Ill. Adm. Code 814.402(b)(3)</u> – The Board denied petitioner’s request for an adjusted standard.	4-0 Land
AS 14-1	<u>In the Matter of: Petition of Southern Illinois Power Cooperative Under 304.141(c) for Alternative Thermal Standards, Marion Generating Station</u> – The Board dismissed this request for an adjusted standard for failure to timely file a certificate of publication. Because the Board dismissed this action, the Board found moot the Illinois Environmental Protection Agency’s motion for an extension of time to file a responsive pleading .	4-0 Water

ADMINISTRATIVE CITATIONS

AC 14-20	<u>IEPA v. Frank Root</u> – No action taken.	
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ADJUDICATORY CASES

PCB 05-199	<u>People of the State of Illinois v. Champion Environmental Services, Inc</u> – The Board granted complainant’s motion for summary judgment, finding that respondent violated Sections 9(a) and 9.1(d) of the Act (415 ILCS 5/9(a) and 9.1(d) (2012)), and Section 201.141 of the Board’s air rules (35 Ill. Adm. Code 201.141). The Board also found that respondent violated Sections 61.145(c)(1), 61.145(c)(6), and 61.150(b)(1) of the federal NESHAPS (40 C.F.R. §61.145(c)(1), §61.145(c)(6), §61.150(b)(1)). The Board ordered respondent to pay a civil penalty of \$34,000 and to cease and desist from further violations.	4-0 A-E
PCB 09-93	<u>Ameren Energy Generating Company and Gibson City Power Plant v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 A-PA, CAAPP
PCB 09-99	<u>Union Electric Company d/b/a AmerenUE and Goose Creek Power Plant v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 A-PA, CAAPP
PCB 09-107	<u>People of the State of Illinois v. Tate and Lyle Ingredients Americas, Inc.</u> – No action taken.	A-E
PCB 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – The Board denied petitioner’s motion for reconsideration of the Board’s November 7, 2013 order.	4-0 UST-PA
PCB 11-42	<u>People of the State of Illinois v. Joel A. Moske, d/b/a U. S. Scrap</u> – No action taken.	A,L-E
PCB 12-94 (See also PCB 14-4)	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-V
PCB 13-15	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation</u> – The Board accepted for hearing this water enforcement action concerning facilities located in Tazewell, Lake, Will and Kendall Counties.	4-0 W-E, Citizens
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> – No action taken.	A-E, Citizens

PCB 14-4 (See also PCB 12-94)	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-V
PCB 14-26	<u>Jaswinder Sadhu v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Lake County facility.	4-0 UST-PA
PCB 14-40	<u>People of the State of Illinois v. St. Elizabeth's Hospital of the Hospital Sisters of the Third Order of St. Francis</u> – In this land enforcement action concerning a St. Clair 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)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000.00, and to cease and desist from further violations.	4-0 L-E
PCB 14-81	<u>BNSF Railway Company v. Indian Creek Development Company and JB Industries, Inc.</u> – No action taken.	N-E, Citizens
PCB 14-84	<u>WRB Refining, LLC, Storage Tank Upgrades v. IEPA</u> – The Board found and certified that specified Storage Tank Upgrades of WRB Refining, LLC (WRB) located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)). The Board denied WRB's request for certification of fire protection systems. The granted WRB until February 27, 2014 to file a request for hearing or to supplement the record with the Clerk of the Board.	4-0 T-C, A
PCB 14-91	<u>Trevor Dunn Farms v. IEPA</u> – The Board found and certified that specified facilities of Trevor Dunn Farms 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 (2012)).	4-0 T-C, W
PCB 14-92	<u>Equistar Chemicals, LP Regenerative Thermal Oxidizer v. IEPA</u> – The Board found and certified that specified facilities of Equistar Chemicals, LP located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A

PCB 14-93	<u>Equistar Chemicals, LP Sour Seal Oil System Project v. IEPA</u> – The Board found and certified that specified facilities of Equistar Chemicals, LP located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-94	<u>Equistar Chemicals, LP Ultrasonic Steam Flow Meter and Control Valve, Ethylene Flare Device v. IEPA</u> – The Board found and certified that specified facilities of Equistar Chemicals, LP located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-95	<u>Equistar Chemicals, LP Benzene Stripper Truck Vent Project v. IEPA</u> – The Board found and certified that specified facilities of Equistar Chemicals, LP located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-96	<u>Equistar Chemicals, LP Internal Floating Roof System, Propionaldehyde Storage Tank v. IEPA</u> – The Board found and certified that specified facilities of Equistar Chemicals, LP located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-97	<u>Equistar Chemicals, LP Leaking Detection and Repair Project, Low Density Polyethylene Compressors v. IEPA</u> – The Board found and certified that specified facilities of Equistar Chemicals, LP located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-98	<u>Marathon Petroleum Company, LP, Flare Header Project, Low Pressure Flare System No. 84F-104 v. IEPA</u> – The Board found and certified that specified facilities of Marathon Petroleum Company, LP located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-99	<u>Timber Creek Homes, Inc. v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc.</u> – The Board accepted for hearing this pollution control facility siting appeal involving a Lake County facility.	4-0 S-App, 3d P

PCB 14-100	<u>People of the State of Illinois v. Wess Whittaker, d/b/a Whittaker Auto Salvage</u> – The Board accepted for hearing this water enforcement action concerning a facility located in LaSalle County.	4-0 W-E
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CASES PENDING DECISION

PCB 10-104	<u>Waste Management of Illinois, Inc. v. DeKalb County Board</u> (Due 2/6/14) – Opinion & Order	Zalewski S-App
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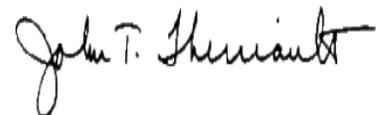
OTHER ITEMS

	The Board granted Chairman’s Motion under Section 2.06 (c) of the Open Meetings Act (5 ILCS 120/2.06(c) (2012)) to continue to preserve only written minutes of Board closed deliberative sessions occurring July 1, 2012, through December 30, 2012, and to approve destruction of verbatim tape recordings of meetings held: July 5, and 19, August 2 and 30, September 13, and 27, October 11 and 25, November 8, 21 and 29, and December 13, 2012	4-0
	The Board granted Chairman’s Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d) (2012)) to continue to keep confidential minutes of Board closed deliberative sessions occurring between July 1, 2013 through December 31, 2013	4-0

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser recessed the meeting at 11:30 a.m. Board meeting reconvened at 2:00 p.m. Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 2:07 p.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on February 6, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board