

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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### **October 27, 2016**

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

**October 27, 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**

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Chairman Keenan welcomed members of the public and staff.

### **ROLL CALL**

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The Clerk of the Board called the roll. Four Board Members answered present. Those Board Members granted 4-0 Chairman Keenan's motion to allow Member Zalewski to participate via telephone pursuant to Section 7(a)(i) of the Open Meetings Act (5 ILCS 120/7(a)(i) (2014)).

### **PUBLIC REMARKS**

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None.

### **APPROVAL OF MINUTES**

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The minutes of the October 6, 2016 Regular Board Meeting and Brown Bag Lunch Seminar were approved by a vote of 5-0.

## RULEMAKINGS

<b>R 17-1</b>	<u>National Ambient Air Quality Standards, USEPA amendments (January 1, 2016 through June 30, 2016) (Air)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution regulations.	5-0
<b>R 17-2</b>	<u>Definition of VOM Update, USEPA amendments (January 1, 2016 through June 30, 2016) (Air)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution regulations.	5-0
<b>R 17-5</b>	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA amendments (January 1, 2016 through June 30, 2016) (Land)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s municipal solid waste landfill regulations.	5-0

## ADJUDICATORY CASES

<b>PCB 09-107</b>	<u>People of the State of Illinois v. Tate and Lyle Ingredients Americas, Inc.</u> (Air – Enforcement) – The Board granted the parties’ joint motion to enter an agreed interim order setting deadlines for respondent to propose a test plan and, on approval, to perform an evaluation test of specified equipment at its facility.	5-0
<b>PCB 14-10</b>	<u>Illinois Power Holdings, LLC, AmerenEnergy Medina Valley Cogen, LLC, and Ameren Energy Resources, LLC</u> (Air – Variance) – The Board granted the motion of Illinois Power Holdings and AmerenEnergy Medina Valley Cogen, LLC to terminate the variance 35 Ill. Adm. Code 225.233(e)(3)(C)(iii) and (iv) granted by the Board on November 21, 2013, making the termination effective October 27, 2016.	5-0
<b>PCB 15-155</b>	<u>People of the State of Illinois v. Illinois American Water Company</u> (Water – Enforcement) – In this land enforcement action concerning two facilities located in Cook and DuPage 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 a stipulation and settlement agreement, and ordered respondent to pay a \$20,000 civil penalty, and cease and desist from further violations.	5-0

<b>PCB 17-6</b>	<u>People of the State of Illinois v. Langman Construction, Inc., an Iowa Corporation and Richard Langman</u> (Land – Enforcement) – In this land enforcement action concerning a Rock Island 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 \$13,100 civil penalty, and cease and desist from further violations.	5-0
<b>PCB 17-11</b>	<u>L. E. Anderson Brothers Oil, Inc. v. IEPA</u> (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in White County.	5-0
<b>PCB 17-13</b>	<u>Emerald Polymer Additives, LLC v. IEPA</u> (Water – Permit Appeal, NPDES) – The Board granted the parties’ joint request for a 35-day extension of time to file a National Pollutant Discharge Elimination System permit appeal on behalf of this Marshall County facility.	5-0
<b>PCB 17-14</b>	<u>William and Rita Trankina v. IEPA</u> (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Vermillion County.	5-0
<b>PCB 17-15</b>	<u>Illinois Power Generating Company (Coffeen Power Station) v. IEPA</u> (Water – Permit Appeal, NPDES) – The Board accepted for hearing this permit appeal on behalf of this Montgomery County facility. The Board reserved ruling on petitioner’s motion for stay of the contested permit conditions, to allow the time for IEPA to file a response to run.	5-0

**OTHER ITEMS**

	The Board granted Chairman’s Motion for Approval of Proposed Schedule of Regular Board Meetings for Calendar Year 2017, as shown below.	5-0
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**BOARD MEETINGS  
SCHEDULED FOR CALENDAR YEAR 2017**

(All meetings begin at 11:00 am)

January 19	July 6
February 2	July 20
February 16	August 3
March 2	August 17
March 16	September 7
April 6	September 21
April 20	October 5
May 4	October 19
May 18	November 2
June 1	November 16
June 15	December 7
	December 21

These Board meetings will be via videoconference between Chicago, 100 W. Randolph Street, Videoconference Room 11-512, and Springfield, 1021 N. Grand Avenue East, Conference Room 1244 N, First Floor.

**ADJOURNMENT**

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

# BROWN BAG LUNCH SEMINAR MINUTES

October 27, 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, 1<sup>st</sup> Floor**

## **ROLL CALL**

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

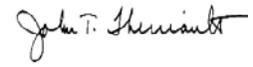
<p><u>Clean Power Plan Update: Oral Argument Highlights</u> – Mr. Powell provided a PowerPoint presentation on the core issues considered at the seven-plus hour Clean Power Plan oral argument before the full D.C. Circuit. He first provided background on the essential elements of the Clean Power Plan (<i>e.g.</i>, <u>the three “building blocks” and best system of emission reduction standard</u>) and the related D.C. Circuit appeals, relevant provisions of the Clean Air Act (including the Section 112 exclusion added to 42 USC § 74111(d) in 1990), the D.C. Circuit (<i>e.g.</i>, profile of court docket), and four central Supreme Court decisions (<i>UARG, AEP, Mass. v. EPA, Chevron</i>). Next, Mr. Powell reviewed the salient points raised by the court and addressed by the parties at the argument relating to each issue set for argument — <i>i.e.</i>, Non-§ 112 Statutory Issues (major questions rule and “beyond the fence line” regulation); § 112 Issues; Constitutional Issues; and Record-Based Issues not Submitted on the Briefs (<i>e.g.</i>, technical feasibility, state-specific issues). A copy of the PowerPoint presentation will be posted on the Board’s website(<a href="http://www.ipcb.state.il.us">www.ipcb.state.il.us</a>). The Board took no action on this matter.</p>	<p>Mark Powell, Senior Attorney, Illinois Pollution Control</p>
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## **ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, 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 November 17, 2016, by a vote of 5-0.



John T. Therriault, Clerk  
Illinois Pollution Control Board