



IPC

Illinois Pollution Control Board

REGULAR BOARD MEETING MINUTES

April 12, 2017

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. Four Members voted present; the Board granted the Chairman's motion to allow Member Santos to participate by phone pursuant to Section 7(a)(iii) of the Open Meetings Act, because of "family emergency," by a vote of 4-0.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the March 23, 2017 Regular Board Meeting were approved by a vote of 5-0.

RULEMAKINGS

<p>R14-24</p>	<p><u>In the Matter of: Proposed Site Specific Rule for Sanitary District of Decatur from 35 Ill. Adm. Code Section 302.208(E) (Water)</u> – In response to the enactment of Section 38.5 of the Environmental Protection Act (415 ILCS 5/38.5), the Board ordered the District to file a status report by May 12, 2017.</p>	<p>5-0</p>
<p>R17-18</p>	<p><u>In The Matter of: Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 Through 130 (Procedural)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s procedural rules.</p>	<p>5-0</p>

ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

<p>AC 17-10</p>	<p><u>IEPA v. Jackson Lashmett</u> – The Board found that this Scott County respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2014)), and ordered respondent to pay a civil penalty of \$4,500.</p>	<p>5-0</p>
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ADJUDICATORY CASES

<p>PCB 04-66</p>	<p><u>Premcor Refining Group v. IEPA (RCRA Permit Appeal)</u> – The Board granted the joint motion to stay until October 12, 2017, and directed the parties to file a status report on October 13, 2017.</p>	<p>5-0</p>
<p>PCB 13-27</p>	<p><u>Sierra Club v. Midwest Generation, LLC (Air, Citizens – Enforcement)</u> – The Board granted the joint motion to dismiss this case without prejudice.</p>	<p>5-0</p>

<p>PCB 16-14 PCB 16-15 PCB 16-16 PCB 16-17 PCB 16-18 PCB 16-20 PCB 16-21 PCB 16-22 PCB 16-23 PCB 16-25 PCB 16-26 PCB 16-27 PCB 16-29</p> <p>PCB 16-30 PCB 16-31 PCB 16-33 (cons.)</p>	<p><u>Village of Homewood, Homewood, Illinois v. IEPA</u> <u>Village of Orland Park, Orland Park, Illinois v. IEPA</u> <u>Village of Midlothian, Midlothian, Illinois v. IEPA</u> <u>Village of Tinley Park, Tinley Park, Illinois v. IEPA</u> <u>ExxonMobil Oil Corporation v. IEPA</u> <u>Village of Wilmette v. IEPA</u> <u>City of Country Club Hills, Country Club Hills, Illinois v. IEPA</u> <u>Noramco-Chicago, Inc. v. IEPA</u> <u>Flint Hills Resources Joliet, LLC (Chloride Standard) v. IEPA</u> <u>City of Evanston v. IEPA</u> <u>Village of Skokie v. IEPA</u> <u>Illinois Department of Transportation v. IEPA</u> <u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA (Chloride Standards)</u> <u>Village of Richton Park v. IEPA</u> <u>Village of Lincolnwood v. IEPA</u> <u>City of Oak Forest, Oak Forest, IL v. IEPA</u> (Time-Limited WQS) – In response to the enactment of Section 38.5 of the Environmental Protection Act (415 ILCS 5/38.5), the Board entered a final order pursuant to Section 38.5(f) establishing the class of dischargers that may be covered by the requested time-limited water quality standard and setting a <u>deadline of 90 days after the Board adopts rules under Section 38.5(k) of the Act for petitioners to file any amended petition or initial petitions under Section 38.5(h).</u></p>	<p>4-0 Santos abstained</p>
<p>PCB 16-19</p>	<p><u>Midwest Generation, LLC v. IEPA (Time-Limited WQS)</u> – In response to the enactment of Section 38.5 of the Environmental Protection Act (415 ILCS 5/38.5), the Board entered a final order establishing the class of dischargers that may be covered by the requested time-limited water quality standard and setting a deadline of 90 days after the Board adopts rules under Section 38.5(k) of the Act for petitioners to file any amended or initial petitions under Section 38.5(h).</p>	<p>5-0</p>

PCB 16-24	<u>Flint Hills Resources Joliet, LLC (Temperature Standards) v. IEPA (Time-Limited WQS)</u> – In response to the enactment of Section 38.5 of the Environmental Protection Act (415 ILCS 5/38.5), the Board entered a final order establishing the class of dischargers that may be covered by the requested time-limited water quality standard and setting a deadline of 90 days after the Board adopts rules under Section 38.5(k) of the Act for petitioners to file any amended or initial petitions under Section 38.5(h).	5-0
PCB 16-28	<u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA (Dissolved Oxygen Standards) (Time-Limited WQS)</u> – In response to the enactment of Section 38.5 of the Environmental Protection Act (415 ILCS 5/38.5), the Board entered a final order establishing the class of dischargers that may be covered by the requested time-limited water quality standard and setting a deadline of 90 days after the Board adopts rules under Section 38.5(k) of the Act for petitioners to file any amended or initial petitions under Section 38.5(h).	4-0 Santos abstained
PCB 16-66	<u>Brickyard Disposal & Recycling, Inc. v. IEPA (Permit Appeal – Land)</u> – The Board granted the Agency’s motion, and stays its November 17, 2016 final order pending resolution of the appeal in <u>Illinois Environmental Protection Agency v. PCB</u> , No. 4-17-0144.	5-0
PCB 17-1	<u>City of Benton Fire Department v. IEPA (UST Appeal)</u> – The Board directed the Agency to file the record of its decision by May 12, 2017.	5-0
PCB 17-5	<u>Metal Properties, LLC v. IEPA (UST Appeal)</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	5-0
PCB 17-46	<u>People of the State of Illinois v. Demolition Excavating Group, Inc., Rhonda Fisher and Edward Fisher (Land – Enforcement)</u> – The Board denied the motion of respondents Rhonda Fisher and Edward Fisher for summary judgment.	5-0
PCB 17-57	<u>People of the State of Illinois v. Packaging Corporation of America, a Delaware Corporation (Air – Enforcement)</u> – 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 air enforcement action involving a Cook County facility, the Board accepted the complaint and ordered publication of the required newspaper notice.	5-0

PCB 17-58	<u>People of the State of Illinois v. Carle Foundation Hospital, an Illinois not-for-profit corporation</u> (Land, RCRA – 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 Champaign County facility, the Board accepted the complaint and ordered publication of the required newspaper notice.	5-0
PCB 17-59	<u>Illinois Ayers Oil Co. v. IEPA</u> (UST Appeal – 90-Day Extension) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Schuyler County facility.	5-0

OTHER ITEMS

	The Board granted the Chairman’s Motion to reschedule regular meetings scheduled at 11:00 am on June 1 and June 15, 2017. These meetings will now be held at 11:00 am on June 8 and June 22, 2017 as videoconference meetings between the Board’s Chicago Office (Room 11-512) and the Board’s Springfield Office (Room 1244 N, First Floor).	5-0
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NEW BUSINESS

ADJOURNMENT

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



IPC B

Illinois Pollution Control Board

BROWN BAG LUNCH SEMINAR MINUTES

April 12, 2017

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

Future Energy Legislation: From A(Amortization to Z(Zero Emission Credits)

Member Papadimitriou and Messrs James and Powell provided a PowerPoint presentation highlighting the core provisions of the Future Energy Jobs Act, P.A. 99-0906 (Act)—namely, the (1) new zero emission credit (ZEC) program; (2) attempted “fix” to the Renewable Portfolio Standard (RPS); and (3) restructuring of the Energy Efficiency (EE) standard. First, Mr. Powell addressed the ZEC program, including its regulatory background, key ZEC provisions in the Act (*e.g.*, limitation of ZEC procurement to nuclear facilities), and pending legal challenges to the ZEC program. Mr. James described the originally-enacted RPS and problems with that standard (*e.g.*, mobile customer base, fund sweeping) that the Act aims to remedy, and how it seeks to do so. Regarding the EE standard, Ms. Papadimitriou reviewed the new provisions that apply to large investor-owned utilities (*i.e.*, ComEd and Ameren) including new savings targets, utilities’ recovery of program costs from ratepayers, and amortization of EE spending. 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.

Mark Powell, Jason James, and Katie Papadimitriou, IPCB

ADJOURNMENT

I, Don Anthony Brown, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 3, 2017, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don Anthony Brown, Clerk
Illinois Pollution Control Board