



IPC

Illinois Pollution Control Board

REGULAR BOARD MEETING MINUTES

August 17, 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 Papadimitriu 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

None.

APPROVAL OF MINUTES

The minutes of the July 26, 2017 Regular Board Meeting were approved by a vote of 5-0.

RULEMAKINGS

R13-19	In the Matter of: <u>Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B (Site-Specific)</u> – The Board granted Ameren Energy Resources’ motion to dismiss this site-specific rulemaking proceeding.	5-0
R18-1	<u>SDWA Update, USEPA Regulations (January 1, 2017 through June 30, 2017) (Public Water Supply)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its drinking water regulations during the update period of January 1, 2017 through June 30, 2017.	5-0
R18-2	<u>UIC Update, USEPA Regulations (January 1, 2017 through June 30, 2017) (Land)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2017 through June 30, 2017.	5-0
R18-3	<u>RCRA Subtitle D Update, USEPA Regulations (January 1, 2017 through June 30, 2017) (Land)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of January 1, 2017 through June 30, 2017.	5-0
R18-4	<u>RCRA Subtitle C Update, USEPA Regulations (January 1, 2017 through June 30, 2017) (Land)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend hazardous waste regulations during the update period of January 1, 2017 through June 30, 2017.	5-0
R18-5	<u>UST Update, USEPA Regulations (January 1, 2017 through June 30, 2017) (Land)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 2017 through June 30, 2017.	5-0

R18-7	<u>National Ambient Air Quality Standards, USEPA Regulations</u> (January 1, 2017 through June 30, 2017) (Air) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its national ambient air quality standards during the update period of January 1, 2017 through June 30, 2017.	5-0
R18-8	<u>Definition of VOM Update, USEPA Amendments</u> (January 1, 2017 through June 30, 2017) (Air) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend the definition of “volatile organic material” during the update period of January 1, 2017 through June 30, 2017.	5-0
R18-17	<u>In the Matter of: Public Water Supplies: Proposed New 35 Ill. Adm. Code 604 and Amendments. To 35 Ill. Adm. Code Parts 601,602, 607 And 611</u> (Water) – The Board accepted for hearing the Agency’s August 3, 2017 proposal to amend the Board’s public water supply rules.	5-0
R18-18	<u>In the Matter of: Regulatory Relief Mechanisms: Proposed New 35 Ill. Adm. Code Part 104, Subpart E</u> (Procedural) – The Board accepted for hearing and sent to first notice without commenting on the merits the Agency’s August 9, 2017 proposal to amend the Board’s procedural rules to address petitions for time-limited water quality standards.	5-0

ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

AC 16-13	<u>IEPA v. George W. Woodcock, Jr. and George W. Woodcock III d/b/a West Drilling Company</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Wabash County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2016)), and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review.	5-0
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ADJUDICATORY CASES

<p>PCB 09-107</p>	<p><u>People of the State of Illinois v. Tate and Lyle Ingredients</u> (Air – Enforcement) – The Board granted the parties’ joint motion for a stay and accordingly stayed paragraph 9(e) of the agreed interim order entered by the Board for 120 days, through December 15, 2017.</p>	<p>4-0 Carter abstained</p>
<p>PCB 10-61 PCB 11-2 (cons.)</p>	<p><u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC</u> <u>Environmental Law and Policy Center v Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC</u> (Water – Enforcement) – In this water enforcement action concerning a strip mine located in McDonough and Schuyler 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) (2016)), accepted a stipulation and settlement agreement and addendum, and ordered respondents <u>Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC</u> to <u>jointly and severally</u> pay a \$250,000 civil penalty and perform a supplemental environmental project, valued at \$350,000, as specified in the settlement, and, as to Springfield Coal and its successors and assigns, to refrain from mining raw coal as specified in the addendum, and to cease and desist from further violations.</p>	<p>3-0 Carter and Santos abstained</p>
<p>PCB 16-45</p>	<p><u>Electric Energy, Inc. (Joppa Energy Center) v. IEPA</u> (Water – Permit Appeal, NPDES) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.</p>	<p>3-0 Carter and Santos abstained</p>
<p>PCB 16-100</p>	<p><u>Blake Leasing Company, LLC - Real Estate Series, as owner of Kirkland Quick Stop v. IEPA</u> (Water Well Setback) – The Board granted petitioner an exception from the water well setback requirements for specified Village of Kirkland community water supply wells, subject to conditions.</p>	<p>5-0</p>
<p>PCB 16-112</p>	<p><u>Calpine Corporation (Zion Energy Center) v. IEPA</u> (Air – Variance) – The Board granted Calpine’s motion and amended its November 17, 2016 opinion and order <i>nunc pro tunc</i>, as reflected in the amended opinion and order. The original opinion and order was amended only by replacing “214.161(b)” with “214.305(a)(2)” in footnotes 2, 11, and 18 and at page 7.</p>	<p>5-0</p>

PCB 17-1	<u>City of Benton Fire Department v. IEPA (UST Appeal)</u> – The Board denied both parties’ motions for summary judgment, and directed the hearing officer to proceed to hearing.	5-0
PCB 17-79	<u>People of the State of Illinois v. J.B. Timmerman Farms, Ltd., an Illinois corporation</u> (Water – Enforcement, NPDES) – In this water enforcement action concerning a Clinton 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$15,000 civil penalty and to cease and desist from further violations.	3-0 Carter and Santos abstained
PCB 18-3	<u>J.D. Streett & Company, Inc. v. IEPA (UST Appeal)</u> – The Board accepted for hearing this underground storage tank appeal involving a site in Williamson County.	5-0

OTHER ITEMS

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NEW BUSINESS

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ADJOURNMENT

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



IPCB

Illinois Pollution Control Board

BROWN BAG LUNCH SEMINAR AGENDA

August 17, 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

Ethics, FOIA and OMA Updates

Ms. Tipsord provided a PowerPoint presentation on developments over the past year relating to the Open Meetings Act (OMA) and the Illinois Freedom of Information Act (FOIA), and on core issues for State employees under Illinois ethics laws. Regarding OMA, she offered background on key terms (*e.g.*, “meeting”) and requirements (*e.g.*, for closed meetings); discussed relevant court decisions (*e.g.*, the Illinois Supreme Court’s Board of Education decision); and identified OMA-related legislation (PA 99-515, -714, and -687). As to FOIA, Ms. Tipsord similarly discussed key terms (*e.g.*, “public documents”), judicial opinions (*e.g.*, Chicago Police Dept.), and legislation (PA 99-478, -586, -776; PA 100-20, -26). Turning to ethics, she reviewed basic ground rules for State employees on prohibited political activities, *ex parte* contacts, and the gift ban and related Executive Order. A copy of the PowerPoint presentation will be posted on the Board’s website (www.ipcb.state.il.us). The Board took no action on this matter.

Marie Tipsord, IPCB
General Counsel

ADJOURNMENT

I, Don Anthony Brown, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 7, 2017, by a vote of 5-0.

Don Anthony Brown, Clerk
Illinois Pollution Control Board