



IPC

Illinois Pollution Control Board

REGULAR BOARD MEETING MINUTES

November 17, 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

Member Zalewski welcomed members of the public and staff.

ROLL CALL

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

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the October 27, 2016 Regular Board Meeting and Brown Bag Lunch Seminar were approved by a vote of 5-0.

RULEMAKINGS

R 17-8	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2016 through June 30, 2016) (Water)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	5-0
---------------	---	-----

ADMINISTRATIVE CITATIONS

AC 16-7	<u>IEPA v. James Reichert Limited Family Partnership</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$652.19 and a civil penalty of \$4,500, for a total of \$5,152.19. This order follows the Board's interim order of September 22, 2016, which found that this respondent had violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2014)).	5-0
AC 17-1	<u>County of Macon v. Don Roderick</u> – The Board dismissed this matter for failure to file an amended administrative citation, as allowed in the Board’s October 6, 2016 order, and closed the docket.	5-0
AC 17-5	<u>IEPA v. Kenny Maupin</u> – The Board found that this Alexander County respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2014)), and ordered respondent to pay a civil penalty of \$3,000.	5-0

ADJUDICATORY CASES

PCB 16-66	<u>Brickyard Disposal & Recycling, Inc. v. IEPA</u> (Land – Permit Appeal) – The Board granted petitioner’s motion for summary judgment, and denied the Illinois Environmental Protection Agency’s cross-motion for summary judgment.	5-0
PCB 16-103	<u>Knapp Oil Company v. IEPA</u> (UST Appeal) – The Board granted petitioner’s motion to authorize payment of its legal fees and directed the Illinois Environmental Protection Agency to reimburse petitioner \$9,990.38 from the Underground Storage Tank Fund.	5-0

PCB 16-112	<u>Calpine Corporation (Zion Energy Center) v. IEPA</u> (Air – Variance, CAAPP) – The Board granted petitioner a variance from the Sulfur Content Rule (35 Ill. Adm. Code 214.161(b)(2)) as that provision applies to the distillate oil used by the combustion turbines at petitioner’s Zion Energy Center, subject to conditions.	5-0
PCB 17-8	<u>Christensen Swine-Sheffield v. IEPA</u> (Water - Tax Certification) – The Board found and certified that specified facilities of Christensen Swine-Sheffield located in Bureau County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)). The Board made no determination regarding petitioner’s facilities previously certified in PCB 15-9.	5-0
PCB 17-12	<u>NTN Bower Corp v. IEPA</u> (Water - Tax Certification) – The Board found and certified that specified facilities of NTN Bower Corp. located in McDonough County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).	5-0
PCB 17-15	<u>Illinois Power Generating Company (Coffeen Power Station) v. IEPA</u> (Water – Permit Appeal, NPDES) – The Board granted petitioners’ motion for a stay of its permit at issue in this appeal.	5-0
PCB 17-16	<u>People of the State of Illinois v. Richard Sutton and David Sutton, d/b/a Sutton Farms</u> (Water – 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 Rock Island County facility, the Board accepted the complaint and ordered publication of the required newspaper notice.	5-0

OTHER ITEMS

ADJOURNMENT

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

BROWN BAG LUNCH SEMINAR MINUTES

November 17, 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, 1st Floor

ROLL CALL

Member Zalewski called the roll. Four Board Members answered present.

<p><u>Environmental Public-Private Partnerships</u> – Mr. Robertson provided a PowerPoint presentation on public-private partnerships (P3) focused on the energy and environmental sectors. He first reviewed a definition of P3 and explained the circumstances supporting the rise of these partnerships—increasing gaps in public funding and the rise of corporate environmentalism. Mr. Robertson offered examples of previous and existing P3s at various levels of government, <i>e.g.</i>, Project XL (USEPA); EMSAs (IEPA); the Chicago Skyway lease; and the City of Monmouth (Ill.)-EMC partnership. Mr. Robertson next explained that P3s in Illinois have proceeded without a direct statutory foundation, and that legislation (now dormant) was proposed to fill the gap: the Illinois Public Private Partnership Act. Additionally, Mr. Robertson addressed the benefits of P3s: access to technology and financing, cost effectiveness, delegation of responsibility and risk, long-term guarantees, and transparency. Drawbacks of P3s were also discussed, including transaction costs, price increases, public guarantees (often long term) of private profits. Mr. Robertson closed by discussing USEPA’s checklist for developing P3s (<i>e.g.</i>, evaluate service needs, review applicable laws) and NCPPP’s seven keys to P3 success (<i>e.g.</i>, developing detailed contracts, tapping a clearly defined revenue stream, and carefully selecting a partner). 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.</p>	<p>Daniel Robertson, Attorney Advisor to Member Burke</p>
---	---

ADJOURNMENT

Moved and seconded, by a vote of 5-0, 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 December 1, 2016, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board