



IPCB

Illinois Pollution Control Board

REGULAR BOARD MEETING MINUTES

August 23, 2018

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 Papadimitriou 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, 2018 Regular Board Meeting were approved by a vote of 5-0.

RULEMAKINGS

<u>R18-19</u>	Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910 (Noise) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s noise regulations.	5-0
<u>R18-22</u>	In the Matter of: Amendment to 35 Ill. Adm. Code 205, <u>Emissions Reduction Market System</u> (Air) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air regulations.	5-0
<u>R19-1</u>	In the Matter of: Proposed New 35 Ill. Adm. Code 204, <u>Prevention of Significant Deterioration, Amendments to 35 Ill. Adm. Code 101, General Rules, General Rules, 35 Ill. Adm. Code 105, Appeals of Final Decisions of State Agencies, 35 Ill. Adm. Code 203, Major Stationary Source Construction and Modification, 35 Ill. Adm. Code 211, Definitions and General Provisions, 35 Ill. Adm. Code 215, Organic Material Emissions Standards and Limitations</u> (Air) – The Board accepted for hearing the Agency’s July 2, 2018 proposal to amend the Board’s air rules and sent the proposal to public comment (without first-notice publication). The Board also granted IEPA’s motion to waive the procedural requirement to submit copies of the documents it proposes to incorporate by reference.	5-0

ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

<u>AC 18-16</u>	<u>County of Macon v. Gary Miller</u> (Land) – The Board found that respondent had violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2016)). Because there were three violations of Section 21(p), the Board ordered respondent to pay a civil penalty of \$4,500.	5-0
<u>AC 18-18</u>	<u>IEPA v. Kurt Downie</u> (Public Water Supply) – The Board found that respondent had violated Section 1.1(b)(3) of the of the Public Water Supply Operations Act (415 ILCS 45/1.1(b)(3) (2016)) and Section 603.103(g) and 611.831 of the Board’s regulations (35 Ill. Adm. Code 603.103(g), 611.831)). Because there were three violations of Section 1.1(b)(3), the Board ordered respondent to pay a civil penalty of \$1,500.	5-0

ADJUDICATORY CASES

<u>PCB 04-66</u>	<u>Premcor Refining Group v. IEPA</u> (Land – Permit Appeal, RCRA) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
<u>PCB 06-72</u>	<u>Dynegy Midwest Generation, LLC (Hennepin Power Station) v. IEPA</u> (Air – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
<u>PCB 08-66</u>	<u>Dynegy Midwest Generation, LLC (Baldwin Energy Complex) v. IEPA</u> (Air – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
<u>PCB 09-9</u>	<u>Dynegy Midwest Generation, LLC (Baldwin Energy Complex) v. IEPA</u> (Air – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
<u>PCB 09-107</u>	<u>People of the State of Illinois v. Tate and Lyle Ingredients Americas, Inc., an Illinois corporation</u> (Air – Enforcement) – Upon receipt of a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this air enforcement action involving a facility located in Macon County, the Board ordered publication of the required newspaper notice.	5-0
<u>PCB 16-14</u> <u>PCB 16-15</u> <u>PCB 16-16</u> <u>PCB 16-17</u> <u>PCB 16-18</u> <u>PCB 16-20</u> <u>PCB 16-21</u> <u>PCB 16-22</u> <u>PCB 16-23</u> <u>PCB 16-25</u> <u>PCB 16-26</u> <u>PCB 16-27</u> <u>PCB 16-29</u> <u>PCB 16-30</u> <u>PCB 16-31</u> <u>PCB 16-33</u> (cons.)	<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> <u>(Time-Limited WQS)</u> – The Board consolidated for hearing with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.), all the new chloride TLWQS petitions filed from July 23 through August 1, 2018. The Board also found that the chloride water	4-0 Santos abstained

	quality standard is stayed as to all new petitioners except the Villages of Crestwood and Riverside.	
<u>PCB 18-26</u>	<u>Blake Leasing Company, LLC - Real Estate Series, as owner of Kirkland Quick Stop v. Illinois Environmental Protection Agency, Village of Kirkland, Illinois and Soo Line Railroad Company (d/b/a Canadian Pacific Railway and Canadian Pacific)</u> (Water Well Setback) – The Board granted petitioner’s motion for voluntary dismissal of this petition for water well setback exception.	5-0
<u>PCB 18-76</u>	<u>Niemann Foods, Inc., v. IEPA</u> (UST Appeal) – 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 Pike County facility.	5-0
<u>PCB 18-82</u>	<u>Illinois Power Generating Company v. IEPA</u> (Water, NPDES, Permit Appeal) – The Board granted petitioner’s motion to operate under the terms of the 2018 Permit and not to stay the permit under the automatic stay provisions of Section 10-65(b) of the Administrative Procedures Act (5 ILCS 100/10-65(b) (2016)).	3-0 Carter and Santos abstained
<u>PCB 19-1</u>	<u>Lawrence Reed v. Martin Pasillas</u> (Noise – Enforcement, Citizens) – The Board directed complainant to file proof of service of the complaint on respondent on or before September 24, 2018.	5-0
<u>PCB 19-6</u>	<u>Betzhold Pork, LLC v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Betzhold Pork, LLC located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-7</u>	<u>Village of Lynwood v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA, PCB 16-14 et al.</u> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-8</u>	<u>Citgo Holdings v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA, PCB 16-14</u> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained

<u>PCB 19-9</u>	<u>Village of New Lenox v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-10</u>	<u>City of Lockport v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-11</u>	<u>Caterpillar, Inc. v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-12</u>	<u>City of Crest Hill v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-13</u>	<u>City of Joliet v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-14</u>	<u>Morton Salt, Inc. v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also finds that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-15</u>	<u>City of Palos Heights v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-16</u>	<u>Village of Romeoville v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-17</u>	<u>IMTT Illinois, LLC v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained

<u>PCB 19-18</u>	<u>Stepan Company v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-19</u>	<u>Village of Park Forest v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-20</u>	<u>Ozinga Ready Mix Concrete, Inc. v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-21</u>	<u>Ozinga Materials, Inc. v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-22</u>	<u>Midwest Marine, Terminals, LLC v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB et al. 16-14 (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-23</u>	<u>Village of Mokena v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed.	4-0 Santos abstained
<u>PCB 19-24</u>	<u>Village of Oak Lawn v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-25</u>	<u>Village of Dolton v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-26</u>	<u>Village of Glenwood v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained

<u>PCB 19-27</u>	<u>Village of Morton Grove v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-28</u>	<u>Village of Lansing v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-29</u>	<u>Village of Frankfort v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-30</u>	<u>Village of Winnetka v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-31</u>	<u>Village of La Grange v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-32</u>	<u>Ingredion, Inc., v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-33</u>	<u>Village of Channahon v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-34</u>	<u>Cook County Department Of Transportation and Highways v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-35</u>	<u>Village of Niles v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained

<u>PCB 19-36</u>	<u>Skyway Concession Company LLC v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-37</u>	<u>Village of Elwood v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-38</u>	<u>City of Chicago v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.	4-0 Santos abstained
<u>PCB 19-39</u>	<u>Milliman Livestock v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Milliman Livestock located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-40</u>	<u>Village of Crestwood v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 et al. (consol.). The Board also found that the chloride water quality standard is not stayed in this matter.	4-0 Santos abstained
<u>PCB 19-41</u>	<u>Hodel Turkey Farm, Inc. - El Paso v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Hodel Turkey Farm, Inc. - El Paso located in Woodford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-42</u>	<u>Glen Schlabach v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Glen Schlabach located in Jackson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-43</u>	<u>Luke Brummer v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Luke Brummer located in Effingham County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0

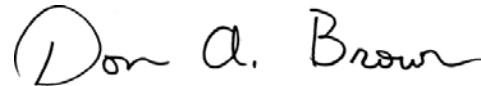
<u>PCB 19-44</u>	<u>Hodel Turkey Farm, Inc. – Joe Site v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Hodel Turkey Farm, Inc. – Joe Site located in Woodford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-45</u>	<u>Dave & Angie Warner v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Dave & Angie Warner located in Clark County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-46</u>	<u>Mark Phillips v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Mark Phillips located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-47</u>	<u>O'Leary Farms v. IEPA</u> (Water – Tax Certification) – No action taken.	
<u>PCB 19-48</u>	<u>Village of Riverside v. IEPA</u> (Time-Limited WQS) – The Board consolidated this matter with <u>Village of Homewood et al. v. IEPA</u> , PCB 16-14 <i>et al.</i> (consol.). The Board also found that the chloride water quality standard is not stayed in this matter.	4-0 Santos abstained
<u>PCB 19-49</u>	<u>Rich Gastler v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Rich Gastler located in Adams County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-50</u>	<u>Doug Temple v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Doug Temple located in Whideside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-51</u>	<u>People of the State of Illinois v. SE Transport, Inc., a dissolved Illinois Corporation</u> (Land – Enforcement, RCRA) – The Board accepted for hearing this land enforcement action involving a site in Monroe County.	5-0

<u>PCB 19-52</u>	<u>People of the State of Illinois v. Velocity Services LLC, an Illinois limited liability company (Land – Enforcement, RCRA) –</u> The Board accepted for hearing this land enforcement action involving a site in Madison County.	5-0
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ADJOURNMENT

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

I, Don Anthony Brown, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 6, 2018, by a vote of 5-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board