

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



December 19, 2013

11:00 a.m.

Chicago
100 W. Randolph Street
Chicago, IL
Room 9-040

ANNOUNCEMENTS

Chairman Glosser welcomed members of the public and staff

ROLL CALL

The Clerk of the Board called the roll. All four Board Members answered present.

APPROVAL OF MINUTES

The minutes of the December 5, 2013 open meeting were approved by a vote of 4-0. The minutes of the December 12, 2013 Closed Deliberative Session Under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0.

PUBLIC REMARKS

Joshua S. Whitt, Whitt Law LLC., addressed the Board regarding PCB 14-65 through PCB 14-67 and PCB 14-83 through PCB 14-89.

RULEMAKINGS

R13-18	<u>In the Matter of: Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	4-0 Air
R14-9	<u>In the Matter of: Proposed Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Code 611.490</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s drinking water regulations.	4-0 Water

ADJUSTED STANDARDS

AS 13-4	<u>In the Matter of: Petition of Brickyard Disposal & Recycling, Inc. Pursuant to 35 Ill. Adm. Code 814.402(b)(3)</u> – No action taken.	Land
AS 14-1	<u>In the Matter of: Petition of Southern Illinois Power Cooperative Under 304.141(c) for Alternative Thermal Standards, Marion Generating Station</u> – No action taken.	Water

ADMINISTRATIVE CITATIONS

AC 12-53	<u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd & Tabitha Booten d/b/a C & T Recycling</u> – The Board entered a final opinion and order requiring respondents to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$549.25 and a civil penalty of \$3,000. This order follows the Board's interim order of September 5, 2013, which found that respondents had violated Sections 21(p) (1) and (3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (3) (2012)).	4-0
AC 14-4	<u>IEPA v. Mark & Cheryl Rogers</u> – The Board entered a final opinion and order denying respondents’ request to reconsider the Board’s November 7, 2013 decision.	4-0
AC 14-17	<u>County of Vermilion, Illinois v. Marian and Russell Herbold</u> – No action taken.	

AC 14-21	<u>IEPA v. Bernard Coil and Angie Ratliff</u> – The Board found that these Morgan County respondents violated Sections 21(p)(1) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and 55(k)(1) (2012)), and ordered respondents to pay a civil penalty of \$3,000.	4-0
AC 14-24	<u>IEPA v. Milton "Rusty" Sutton</u> – The Board found that this Jersey County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 14-26	<u>IEPA v. G and E Five, LLC and Northwind RAS, LLC</u> – The Board granted complainant’s motion for withdrawal of this administrative citation as to G and E Five, LLC. The docket remains open as to Northwind RAS, LLC.	4-0
AC 14-29	<u>County of LaSalle v. Wes and Jessica Whittaker</u> – The Board found that these LaSalle County respondents violated Sections 21(p)(1) and 21(p)(2) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(2) (2012)), and ordered respondents to pay a civil penalty of \$3,000.	4-0
AC 14-30	<u>IEPA v. Donald Meyer</u> – The Board accepted an administrative citation against this Mason County respondent.	

ADJUDICATORY CASES

PCB 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.</u> – The Board reaffirmed the civil penalty amount ordered on September 8, 2011. <i>See Packaging</i> , PCB 04-16 (Sept. 8, 2011). The Board assessed a \$356,313.57 economic benefit penalty and a \$100,000 non-economic penalty for a total penalty of \$456,313.57.	4-0 A-E
PCB 05-199	<u>People of the State of Illinois v. Champion Environmental Services, Inc</u> – No action taken.	A-E
PCB 07-13	<u>People of the State of Illinois v. Ray F. Landers, individually, and Equipping the Saints Ministry</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement relating to respondent Landers only in this air enforcement action involving a Sangamon County facility, the Board ordered publication of the required newspaper notice as to respondent Landers.	4-0 A-E

PCB 09-107	<u>People of the State of Illinois v. Tate and Lyle Ingredients Americas, Inc.</u> – No action taken.	A-E
PCB 12-94 (See also PCB 14-4)	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-V

PCB 12-128	<u>Wood River Acquisitions, LLC and Heritage Transport, LLC v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 L-PA
PCB 13-27	<u>Sierra Club v. Midwest Generation, LLC</u> – No action taken.	A-E, Citizens
PCB 13-28	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – No action taken.	W-E
PCB 13-39	<u>KCBX Terminals Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Cook County facility.	4-0 P-A, Air 90 Day Ext.
PCB 14-1	<u>Chatham BP, LLC v. IEPA</u> – No action taken.	UST Appeal
PCB 14-4 (See also PCB 12-94)	<u>CITGO Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – No action taken.	W-V
PCB 14-6	<u>Jon Chvalovsky v. Exelon and Commonwealth Edison</u> – The Board dismissed this citizens enforcement action for failure to file an amended complaint addressing deficiencies specified in the Board’s October 3, 2013 order.	3-0 Burke abstained N-E, Citizens
PCB 14-25	<u>Will Scarlet Properties, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for partial stay of the contested conditions within the National Pollutant Discharge Elimination System permit.	4-0 W-PA, NPDES
PCB 14-32	<u>Enbridge Pipelines (Southern Lights), LLC (installation of cathodic protection on the product storage tanks) v. IEPA</u> – The Board denied certification for specified facilities of Enbridge Pipelines located in Will County as pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, W
PCB 14-34	<u>Maurice Whisenhunt v. Jeff Moore</u> – No action taken.	N-E, Citizens

PCB 14-42	<u>Enbridge Pipelines LLC Tank No. 1 Internal Floating Roof v. IEPA</u> – The Board found and certified that specified facilities of Enbridge Pipelines located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-43	<u>Enbridge Pipelines LLC Tank No. 1 Internal Floating Roof v. IEPA</u> – The Board found and certified that specified facilities of Enbridge Pipelines located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-44	<u>Dynegy Midwest Generation, Inc. Flue Gas Desulfurization System, PM Collection Device and Sorbent Injection system for Baldwin Station, Unit No. 3 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-45	<u>Dynegy Midwest Generation, Inc. Flue Gas Desulfurization System, PM Collection Device and Sorbent Injection system for Baldwin Station, Units No. 1 & 2 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-46	<u>Dynegy Midwest Generation, Inc. Mercury Sorbent Trap Monitoring System for Baldwin Station, Unit No. 1 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-47	<u>Dynegy Midwest Generation, Inc. Mercury Sorbent Trap Monitoring System for Baldwin Station, Unit No. 2 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A

PCB 14-48	<u>Dynegy Midwest Generation, Inc. Mercury Sorbent Trap Monitoring System for Baldwin Station, Unit No. 3 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-49	<u>Dynegy Midwest Generation, Inc. Agglomerator Systems for Havana Station, Unit No. 6, Boiler No. 9 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-50	<u>Dynegy Midwest Generation, Inc. Flue Gas Desulfurization System, PM Collection Device and Sorbent Injection System for Havana Station, Unit No. 6, Boiler No. 9 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-51	<u>Dynegy Midwest Generation, Inc. Sodium Sulfate Additive System for Havana Station, Unit No. 6, Boiler No. 9 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-52	<u>Dynegy Midwest Generation, Inc. Mercury Sorbent Trap Monitoring System for Havana Station, Unit No. 6, Boiler No. 9 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-53	<u>Dynegy Midwest Generation, Inc. Fogging System for Barge Unloading Coal Tower, Hennepin Station v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A

PCB 14-54	<u>Dynegy Midwest Generation, Inc. Mercury Sorbent Trap Monitoring Systems for Hennepin Station, Units No. 1 & 2 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-55	<u>Dynegy Midwest Generation, Inc. PM Collection Devices and Sorbent Injection Systems for Hennepin Station, Units No. 1 & 2 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-56	<u>Dynegy Midwest Generation, Inc. Fabric Filter Dust Collector System for Wood River Station, Rail Car Coal Unloading v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-57	<u>Dynegy Midwest Generation, Inc. Mercury Sorbent Trap Monitoring System for Wood River Station, Unit No. 4 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-58	<u>Dynegy Midwest Generation, Inc. Mercury Sorbent Trap Monitoring System for Wood River Station, Unit No. 5 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A

PCB 14-59	<u>Dynegy Midwest Generation, Inc. Sorbent Injection System and Fabric Filter Dust Collector System for Wood River Station, Unit No. 5 v. IEPA</u> – The Board found and certified that specified facilities of Dynegy Midwest Generation, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, A
PCB 14-60	<u>People of the State of Illinois v. William Blankenship</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a facility located in Marion County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 14-61	<u>ExxonMobil Oil Corporation, Mobile Source Air Toxics Phase II - Fractionator, Joliet Refinery v. IEPA</u> – No action taken.	T-C, A
PCB 14-62	<u>Marathon Petroleum Company, LP, Mobile source Air Toxics Phase II - Benzene Extraction Unit, Robinson Refinery v. IEPA</u> – No action taken.	T-C, A
PCB 14-63	<u>Suncoke Energy, Inc., Lime Spray Dryer Absorber, Fabric Filter Baghouse Systems, Afterburner Tunnel System for Heat Recovery Steam Ovens, and Other Coal Handling Control Measures for Heat Recovery Coke Plant v. IEPA</u> – No action taken.	T-C, A
PCB 14-64	<u>Western Grain Marketing, LLC, Cyclone Baghouses, Rushville Grain Elevator v. IEPA</u> – No action taken.	T-C, A
PCB 14-65	<u>WRB Refining, LLC, Sulfur Removal from Coker LPG v. IEPA</u> – No action taken.	T-C, A
PCB 14-66	<u>WRB Refining, LLC, Mobile Source Air Toxics Phase II, Benzene Reduction Unit v. IEPA</u> – No action taken.	T-C, A
PCB 14-67	<u>WRB Refining, LLC, Ultralow NOx Burners for Heaters H-4 & H-5 of Catalytic Reformer No. 3 v. IEPA</u> – No action taken.	T-C, A
PCB 14-68	<u>Midwest Generation, LLC, Low NOx Over-fire Air System for Joliet Station No. 9, Unit No. 6, Boiler No. 5 v. IEPA</u> – No action taken.	T-C, A

PCB 14-69	<u>Midwest Generation, LLC, Fabric Filter Dust Collector System for Joliet Station No. 9, Unit No. 6, Breaker Building v. IEPA</u> – No action taken.	T-C, A
PCB 14-70	<u>Midwest Generation, LLC, Fabric Filter Dust Collector System for Joliet Station No. 29, Units No. 7 & 8 v. IEPA</u> – No action taken.	T-C, A
PCB 14-71	<u>Midwest Generation, LLC, Low NOx Burner System with Over-fire Air System for Joliet Station No. 29, Unit No. 7, v. IEPA</u> – No action taken.	T-C, A
PCB 14-72	<u>Midwest Generation, LLC, Low NOx Burner System with separated Over-fire Air System for Joliet Station No. 29, Unit No. 8 v. IEPA</u> – No action taken.	T-C, A
PCB 14-73	<u>Midwest Generation, LLC, Low NOx Over-fire Air Systems for Powerton Station, Unit No. 5, Boilers No. 51 & 52 v. IEPA</u> – No action taken.	T-C, A
PCB 14-74	<u>Midwest Generation, LLC, Low NOx Over-fire Air System for Powerton Station, Unit No. 6, Boiler No. 61 v. IEPA</u> – No action taken.	T-C, A
PCB 14-75	<u>Midwest Generation, LLC, Wet Dust Extractor System for Powerton Station v. IEPA</u> – No action taken.	T-C, A
PCB 14-76	<u>Midwest Generation, LLC, Electrostatic Precipitator for Waukegan Station, Unit No. 7 v. IEPA</u> – No action taken.	T-C, A
PCB 14-77	<u>Midwest Generation, LLC, Fabric Filter Dust Collector System for Waukegan Station, Breaker Building v. IEPA</u> – No action taken.	T-C, A
PCB 14-78	<u>Midwest Generation, LLC, Low NOx Burner System with Separated Over-fire Air System for Waukegan Station, Unit No. 7 v. IEPA</u> – No action taken.	T-C, A
PCB 14-79	<u>Midwest Generation, LLC, Electrostatic Precipitator for Will County Station, Unit No. 4 v. IEPA</u> – No action taken.	T-C, A

PCB 14-80	<u>Midwest Generation, LLC, Low NOx Burner System with Separated Over-fire Air System for Will County Station, Unit No. 3 v. IEPA</u> – No action taken.	T-C, A
PCB 14-81	<u>BNSF Railway Company v. Indian Creek Development Company and JB Industries, Inc.</u> – No action taken.	N-E, Citizens
PCB 14-82	<u>United States Steel Corporation, Low NOx Burners v. IEPA</u> – No action taken.	T-C, A
PCB 14-83	<u>WRB Refining, LLC, Dual Pump Seals, Pump Fugitive Emissions Program v. IEPA</u> – No action taken.	T-C, A
PCB 14-84	<u>WRB Refining, LLC, Storage Tank Upgrades v. IEPA</u> – No action taken.	T-C, A
PCB 14-85	<u>WRB Refining, LLC, NOx Analyzer Systems for Boiler Nos. 15, 16, & 17, Fuel Gas Boilers v. IEPA</u> – No action taken.	T-C, A
PCB 14-86	<u>WRB Refining, LLC, Dual Pump Seals, New Units' Project v. IEPA</u> – No action taken.	T-C, A
PCB 14-87	<u>WRB Refining, LLC, MACT II Compliance Project for Fluid Catalytic Cracking Unit No. 1 v. IEPA</u> – No action taken.	T-C, A
PCB 14-88	<u>WRB Refining, LLC, Return to Service and Additional Tie-in Projects, Flare Gas Recovery Compressor v. IEPA</u> – No action taken.	T-C, A
PCB 14-89	<u>WRB Refining, LLC, Sewer Master Box Cover Repairs v. IEPA</u> – No action taken.	T-C, A
PCB 14-90	<u>Saint Gobain Container, Inc., Catalyst-Embedded Ceramic Filter system for Glass Furnace Exhaust v. IEPA</u> – No action taken.	T-C, A

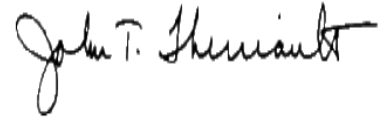
CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:30 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 9, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board