

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



January 9, 2014

11:00 a.m.

Videoconference

Chicago

100 W. Randolph Street
Chicago, IL
Room 11-512

And

Springfield

1021 N. Grand Avenue East
Springfield, IL
Conference Room 1244 N, First Floor

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 19, 2013 open meeting were approved by a vote of 4-0. The minutes of the January 8, 2014 Closed Personnel Session Under 5 ILCS 120/2(c)(1) were approved by a vote of 4-0.

PUBLIC REMARKS

None

RULEMAKINGS

R13-20	<u>In the Matter of: Procedural Rules for Alternative Thermal Effluent Limitations Under Section 316(a) of the Clean Water Act: Proposed New 35 Ill. Adm. Code Part 106, Subpart K and Amended Section 304.141(c)</u> – No action taken.	Water
R14-11	<u>UIC Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R14-12	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) USEPA Amendments (July 1, 2013 through December 31, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R14-13	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R14-14	<u>UST Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Land
R14-15	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Water
R14-16	<u>Definition of VOM Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air

R14-17	<u>National Ambient Air Quality Standards, USEPA Regulations (July 1, 2013 through December 31, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	Air
R14-18	<u>SDWA Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.	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 12-22	<u>IEPA v. Terry L. Young</u> – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Clay County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violation of Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2012)).	4-0
AC 14-17	<u>County of Vermilion, Illinois v. Marian and Russell Herbold</u> – The Board entered a final opinion and order denying respondents’ request to vacate the Board’s November 7, 2013 opinion and order finding that respondents violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2012)), and ordered respondents to pay a civil penalty of \$3,000.	4-0

AC 14-26	<u>IEPA v. Northwind RAS, LLC</u> – The Board found that this Winnebago 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) (2012)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 14-27	<u>IEPA v. Steven and Anthony Sohn</u> – The Board accepted respondents ‘petition for review involving a Pike County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0
AC 14-28	<u>IEPA v. Doc’s Recycling, LLC</u> – The Board found that this Wayne County respondent violated Sections 21(p)(1), (p)(3), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), (p)(3), and 55(k)(1) (2012)), and ordered respondent to pay a civil penalty of \$4,500.	4-0
AC 14-30	<u>IEPA v. Donald Meyer</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	4-0

ADJUDICATORY CASES

PCB 05-199	<u>People of the State of Illinois v. Champion Environmental Services, Inc</u> – No action taken.	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 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – No action taken.	UST-PA
PCB 12-53	<u>A & H Implement Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
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 13-17	<u>Natural Resources Defense Council, Prairie Rivers Network, and Sierra Club v. Illinois Environmental Protection Agency and Dynegy Midwest Generation, Inc.</u> – No action taken.	W-PA, NPDES
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> – The Board denied respondent’s motion to strike or dismiss the first amended complaint. The Board also granted in part and denied in part complainant's motion to strike respondent’s Section 2-619 (a)(9) motion and affidavits, granted complainant's motion for leave to file a surreply, and denied complainant’s motion for leave to file a reply.	4-0 W-E
PCB 14-1	<u>Chatham BP, LLC v. IEPA</u> – Regarding the rejection of petitioner’s site investigation plan, the Board granted petitioner’s motion for summary judgment and denied respondent’s cross-motion for summary judgment, reversing the Agency’s rejection of the plan in this underground storage tank appeal. Regarding drum disposal costs, the Board denied the parties’ cross-motions for summary judgment, and directed the parties to hearing.	4-0 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 14-34	<u>Maurice Whisenhunt v. Jeff Moore</u> – The Board found the complaint was frivolous in this citizens enforcement action involving a Jefferson County facility, but allowed complainant to file an amended complaint to cure deficiencies.	4-0 N-E, Citizens
PCB 14-61	<u>ExxonMobil Oil Corporation, Mobile Source Air Toxics Phase II - Fractionator, Joliet Refinery v. IEPA</u> – The Board found and certified that specified facilities of ExxonMobil Oil Corporation 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 14-62	<u>Marathon Petroleum Company, LP, Mobile source Air Toxics Phase II - Benzene Extraction Unit, Robinson Refinery v. IEPA</u> – The Board found and certified that specified facilities of Marathon Petroleum Company, LP located in Crawford 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 14-63	<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> – The Board found and certified that specified facilities of SunCoke Energy, 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 14-64	<u>Western Grain Marketing, LLC, Cyclone Baghouses, Rushville Grain Elevator v. IEPA</u> – The Board found and certified that specified facilities of Western Grain Marketing, LLC 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 (2012)).	4-0 T-C, A
PCB 14-65	<u>WRB Refining, LLC, Sulfur Removal from Coker LPG v. IEPA</u> – The Board found and certified that specified facilities of WRB Refining, LLC 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 14-66	<u>WRB Refining, LLC, Mobile Source Air Toxics Phase II, Benzene Reduction Unit v. IEPA</u> – The Board found and certified that specified facilities of WRB Refining, LLC 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 14-67	<u>WRB Refining, LLC, Ultralow NOx Burners for Heaters H-4 & H-5 of Catalytic Reformer No. 3 v. IEPA</u> – The Board found and certified that specified facilities of WRB Refining, LLC 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 14-68	<u>Midwest Generation, LLC, Low NOx Over-fire Air System for Joliet Station No. 9, Unit No. 6, Boiler No. 5 v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC 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 14-69	<u>Midwest Generation, LLC, Fabric Filter Dust Collector System for Joliet Station No. 9, Unit No. 6, Breaker Building v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC 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 14-70	<u>Midwest Generation, LLC, Fabric Filter Dust Collector System for Joliet Station No. 29, Units No. 7 & 8 v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC 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 14-71	<u>Midwest Generation, LLC, Low NOx Burner System with Over-fire Air System for Joliet Station No. 29, Unit No. 7, v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC 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 14-72	<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> – The Board found and certified that specified facilities of Midwest Generation, LLC 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 14-73	<u>Midwest Generation, LLC, Low NOx Over-fire Air Systems for Powerton Station, Unit No. 5, Boilers No. 51 & 52 v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC located in Tazewell 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 14-74	<u>Midwest Generation, LLC, Low NOx Over-fire Air System for Powerton Station, Unit No. 6, Boiler No. 61 v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC located in Tazewell 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 14-75	<u>Midwest Generation, LLC, Wet Dust Extractor System for Powerton Station v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC located in Tazewell 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 14-76	<u>Midwest Generation, LLC, Electrostatic Precipitator for Waukegan Station, Unit No. 7 v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC located in Lake 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 14-77	<u>Midwest Generation, LLC, Fabric Filter Dust Collector System for Waukegan Station, Breaker Building v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC located in Lake 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 14-78	<u>Midwest Generation, LLC, Low NOx Burner System with Separated Over-fire Air System for Waukegan Station, Unit No. 7 v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC located in Lake 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 14-79	<u>Midwest Generation, LLC, Electrostatic Precipitator for Will County Station, Unit No. 4 v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC 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 14-80	<u>Midwest Generation, LLC, Low NOx Burner System with Separated Over-fire Air System for Will County Station, Unit No. 3 v. IEPA</u> – The Board found and certified that specified facilities of Midwest Generation, LLC 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 14-81	<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> – The Board found and certified that specified facilities of United States Steel Corporation 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 14-83	<u>WRB Refining, LLC, Dual Pump Seals, Pump Fugitive Emissions Program v. IEPA</u> – The Board found and certified that specified facilities of WRB Refining, LLC 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 14-84	<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> – The Board found and certified that specified facilities of WRB Refining, LLC 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 14-86	<u>WRB Refining, LLC, Dual Pump Seals, New Units' Project v. IEPA</u> – The Board found and certified that specified facilities of WRB Refining, LLC 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 14-87	<u>WRB Refining, LLC, MACT II Compliance Project for Fluid Catalytic Cracking Unit No. 1 v. IEPA</u> – The Board found and certified that specified facilities of WRB Refining, LLC 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 14-88	<u>WRB Refining, LLC, Return to Service and Additional Tie-in Projects, Flare Gas Recovery Compressor v. IEPA</u> – The Board found and certified that specified facilities of WRB Refining, LLC 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 14-89	<u>WRB Refining, LLC, Sewer Master Box Cover Repairs v. IEPA</u> – The Board found and certified that specified facilities of WRB Refining, LLC 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 14-90	<u>Saint Gobain Container, Inc., Catalyst-Embedded Ceramic Filter system for Glass Furnace Exhaust v. IEPA</u> – The Board found and certified that specified facilities of Saint Gobain Containers, Inc. located in Cook 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 14-91	<u>Trevor Dunn Farms v. IEPA</u> – No action taken.	T-C, W
PCB 14-92	<u>Equistar Chemicals, LP Regenerative Thermal Oxidizer v. IEPA</u> – No action taken.	T-C, A
PCB 14-93	<u>Equistar Chemicals, LP Sour Seal Oil System Project v. IEPA</u> – No action taken.	T-C, A
PCB 14-94	<u>Equistar Chemicals, LP Ultrasonic Steam Flow Meter and Control Valve, Ethylene Flare Device v. IEPA</u> – No action taken.	T-C, A
PCB 14-95	<u>Equistar Chemicals, LP Benzene Stripper Truck Vent Project v. IEPA</u> – No action taken.	T-C, A
PCB 14-96	<u>Equistar Chemicals, LP Internal Floating Roof System, Propionaldehyde Storage Tank v. IEPA</u> – No action taken.	T-C, A
PCB 14-97	<u>Equistar Chemicals, LP Leaking Detection and Repair Project, Low Density Polyethylene Compressors v. IEPA</u> – No action taken.	T-C, A
PCB 14-98	<u>Marathon Petroleum Company, LP, Flare Header Project, Low Pressure Flare System No. 84F-104 v. IEPA</u> – No action taken.	T-C, A

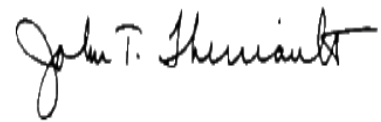
CASES PENDING DECISION

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Glosser adjourned the meeting at 11:17 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on January 23, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board