

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**March 3, 2016**

- Regular Board Meeting: 11:00 a.m.
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### **REGULAR BOARD MEETING MINUTES**

**March 3, 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**

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Chairman Keenan welcomed members of the public and staff.

#### **ROLL CALL**

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

#### **PUBLIC REMARKS**

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None.

#### **APPROVAL OF MINUTES**

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The minutes of the February 4, 2016 Regular Meeting were approved by a vote of 5-0.

## RULEMAKINGS

<b>R16-2</b>	<u>National Ambient Air Quality Standards, USEPA Amendments (January 1, 2015 through June 30, 2015)</u> (Air) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.	5-0
<b>R16-7</b>	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2015 through June 30, 2015)</u> (Land) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations.	5-0

## ADMINISTRATIVE CITATIONS

<b>AC 16-9</b>	<u>County of Ogle v. Larry K. Wilson (Open Burning # 1)</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0
<b>AC 16-10</b>	<u>County of Ogle v. Larry K. Wilson (Open Burning # 2)</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0
<b>AC 16-11</b>	<u>County of Ogle v. Larry K. Wilson (Open Burning # 3)</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	5-0

## ADJUDICATORY CASES

<b>PCB 99-134</b>	<u>People of the State of Illinois v. Virginia Conservation Legacy Fund, Inc. (f/k/a/ Heritage Coal Company, LLC, f/k/a/ Peabody Coal Company, LLC)</u> (Water – Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this water enforcement action involving a Gallatin County facility, the Board ordered publication of the required newspaper notice.	5-0
<b>PCB 04-66</b>	<u>Premcor Refining Group v. IEPA</u> (Land-Permit Appeal, RCRA) – The Board granted the petitioner’s motion to stay this permit appeal until December 31, 2016, and directed the parties to file a status report on July 1, 2016.	5-0

<p><b>PCB 07-30</b> <b>PCB 10-55</b></p>	<p><u>The Premcor Refining Group, Inc. v. IEPA</u> <u>The Premcor Refining Group, Inc. v. IEPA</u> (Air – Permit Appeal, CAAPP) – The Board granted the petitioner’s motions to consolidate PCB 07-30 and PCB 10-55 and stay these permit appeals until July 1, 2016.</p>	<p>5-0</p>
<p><b>PCB 10-20</b></p>	<p><u>People of the State of Illinois v. Montalbano Builders, Inc., MBC XIV, LLC, Cortland I-88, LLC, RB Resolutions Properties, LLC, and Douglas J. Johnson</u> (Water-Enforcement) – In this water enforcement action concerning a DeKalb 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) (2014)), accepted a stipulation and settlement agreement and ordered respondent to cease and desist from future violations.</p>	<p>5-0</p>
<p><b>PCB 13-62</b></p>	<p><u>United States Steel Corporation v. IEPA</u> (Air – Permit Appeal) – The Board granted the petitioner’s motion to stay this permit appeal until August 18, 2016 and directed petitioner to file a status report by March 17, 2016.</p>	<p>5-0</p>
<p><b>PCB 14-3</b></p>	<p><u>Johns Manville v. Illinois Department of Transportation</u> (Land – Enforcement, Citizens) –The Board granted complainant’s motion for leave to file a second amended complaint in this citizens enforcement action and, finding the second amended complaint neither frivolous nor duplicative, accepted it for hearing. The Board granted respondent until April 12, 2016 to file an answer, and directed the hearing officer to set discovery deadlines and a new hearing date consistent with its order.</p>	<p>5-0</p>
<p><b>PCB 15-134</b></p>	<p><u>Ameren Missouri and Pinkneyville Energy Center v. IEPA</u> (Air – Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.</p>	<p>5-0</p>
<p><b>PCB 15-139</b></p>	<p><u>Susan M. Bruce v. Highland Hills Sanitary District</u> (Water - Enforcement, Citizens) –Chairman Keenan reported that this matter would be held because of multiple filings that arrived shortly before the meeting, and stated that the matter would probably appear on the next regular meeting agenda. The Board took no action on this matter.</p>	
<p><b>PCB 15-157</b></p>	<p><u>Gary L. Polchow v. Village of Rankin</u> (Air, Water – Enforcement, Citizens) – The Board granted in part and denied in part respondent’s motion to dismiss the alleged violations in the complaint The Board let stand the alleged violations of Sections 9(a) and (c) of the Act (415 ILCS 5/9(a), (c) 2014).</p>	<p>5-0</p>

<b>PCB 15-204</b>	<u>Exelon Generation, LLC (Dresden Nuclear Generating Station) v. IEPA</u> (Thermal Demonstration – Water) – The Board granted petitioner’s request for alternative thermal effluent limitations applicable to petitioner’s Grundy County facility.	4-0-1 Glosser concurred

<b>PCB 16-58</b>	<u>B Petro Corporation v. IEPA (UST Appeal, 90 Day Extension)</u> – 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 Henry County facility.	5-0
<b>PCB 16-61</b>	<u>People of the State of Illinois v. Amsted Rail Company, Inc. (Air - Enforcement, CAAPP)</u> – The Board denied respondent’s motion to dismiss counts I through VI of the complaint.	5-0
<b>PCB 16-65</b>	<u>People of the State of Illinois v. Terminal Railroad Association of St. Louis (Water-Enforcement)</u> – The Board granted respondent’s unopposed motion to modify the Board’s January 21, 2016 opinion and order. The Board modified page 3 of the January 21, 2016 opinion as indicated in the corrected opinion and order retaining the date of January 21, 2016.	5-0
<b>PCB 16-71</b>	<u>People of the State of Illinois v. H &amp; H Oil, LLC (Land-Enforcement)</u> – In this land enforcement action concerning an Alexander 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) (2014)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$10,000 civil penalty and to cease and desist from further violations.	5-0
<b>PCB 16-72</b>	<u>People of the State of Illinois v. Bunge North America, Inc. (Land-Enforcement)</u> – In this land enforcement action concerning an Alexander 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) (2014)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$15,000 civil penalty and to cease and desist from further violations.	5-0
<b>PCB 16-76</b>	<u>Environmental Recycling and Disposal Services, Inc. v. Will County, Illinois, Will County Board, Waste Management of Illinois, Inc. (Landfill Siting Appeal)</u> – In this third-party appeal from local siting approval of expansion of a Will County facility, the Board denied respondents’ motions to strike and dismiss petitioner’s allegations regarding fundamental fairness.	5-0

<b>PCB 16-80</b>	<u>Pro Ag Investors, LLC v. IEPA</u> (Water - Tax Certification) – The Board found and certified that specified facilities of Pro Ag Investors located in Hancock 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
<b>PCB 16-81</b>	<u>Monte and Sandra Drake v. IEPA</u> (Water - Tax Certification) – The Board found and certified that specified facilities of Monte and Sandra Drake located in Henry 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
<b>PCB 16-82</b>	<u>Jason Bielema v. IEPA</u> (Water - Tax Certification) – The Board found and certified that specified facilities of Jason Bielema located in Carroll 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
<b>PCB 16-83</b>	<u>Michael Inness Farm - Avon (Property ID No. 01-01-12-100-001) v. IEPA</u> (Water - Tax Certification) – The Board found and certified that specified facilities of Michael Inness Farm located in Fulton 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
<b>PCB 16-84</b>	<u>Michael Inness Farm - Avon (Property ID No. 01-01-12-200-001) v. IEPA</u> (Water - Tax Certification) – The Board found and certified that specified facilities of Michael Inness Farm located in Fulton 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
<b>PCB 16-85</b>	<u>Illinois Railway, LLC v. IEPA</u> (UST Appeal, 90-Day Extension) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this LaSalle County facility.	5-0
<b>PCB 16-88</b>	<u>Illinois Railway, LLC v. IEPA</u> (Land – Permit Appeal) – The Board accepted for hearing this permit appeal involving a site in Tazewell County.	5-0

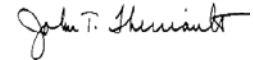
<b>PCB 16-89</b>	<u>People of the State of Illinois v. Fiberbasin, Inc.,</u> (Air – Enforcement) – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Kane County facility, the Board accepted the complaint for hearing and ordered publication of the required newspaper notice.	5-0
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**OTHER ITEMS**  
**ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the regular meeting.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 17, 2016, by a vote of 5-0.



John T. Therriault, Clerk  
Illinois Pollution Control Board