

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



July 23, 2015

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 five Board Members answered present.

APPROVAL OF MINUTES

The minutes of the July 9, 2015 open meeting were approved by a vote of 5-0. The minutes of the July 16, 2015 Closed Deliberative Session Under 5 ILCS 120/2(c)(4) were approved by a vote of 4-0; Chairman Glosser abstained.

PUBLIC REMARKS

None

RULEMAKINGS

R12-9(B)	<u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> (Land) – No action taken.	
R15-11	<u>RCRA Subtitle C Update (July 1, 2014 through December 31, 2014)</u> (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its hazardous waste regulations during the update period of January 1, 2015 through June 30, 2015.	5-0
R15-20	<u>In the Matter of: Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101, 108</u> (Procedural) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0
R16-1	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2015 through June 30, 2015)</u> (Water) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of January 1, 2015 through June 30, 2015.	5-0
R16-3	<u>Definition of VOM Update, USEPA Amendments (January 1, 2015 through June 30, 2015)</u> (Air) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic material regulations during the update period of January 1, 2015 through June 30, 2015.	4-0
R16-5	<u>UIC Update, USEPA Amendments (January 1, 2015 through June 30, 2015)</u> (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2015 through June 30, 2015.	4-0

R16-6	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2015 through June 30, 2015)</u> (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of January 1, 2015 through June 30, 2015.	4-0
R16-8	<u>UST Update, USEPA Amendments (January 1, 2015 through June 30, 2015)</u> (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 2015 through June 30, 2015.	4-0

ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

ADJUDICATORY CASES

PCB 06-62	<u>Kincaid Generation, L.L.C. v. IEPA</u> (Air – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
PCB 10-86	<u>People of the State of Illinois v. Illinois Fuel Company, LLC</u> (Water – Enforcement, NPDES) – No action taken.	
PCB 12-135	<u>Dynegy Midwest Generation, LLC v. IEPA</u> (Air – Variance) – The Board denied petitioner’s request for a variance from the prohibition against selling or trading sulfur dioxide (SO ₂) emission allowances found in the multi-pollutant standard (MPS) at 35 Ill. Adm. Code 225.233(f)(2) (Section 225.233(f)(2)).	5-0
PCB 13-54	<u>Jay Bell's 66 v. IEPA</u> (UST – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	5-0
PCB 13-62	<u>United States Steel Corporation v. IEPA</u> (Air – Permit Appeal) – The Board granted petitioner’s motion to stay the effectiveness of the contested permit conditions. The Board extended the stay until January 1, 2016.	5-0

PCB 14-111	<u>Sanitary District of Decatur v. IEPA</u> (Water – Variance) – The Board granted petitioner’s motion to continue the existing stay until December 31, 2015.	5-0
PCB 14-127	<u>People of the State of Illinois v. Remediation and Management Services Corporation</u> (Air -Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this land enforcement action involving a Carroll County facility, the Board ordered publication of the required newspaper notice.	5-0
PCB 15-110	<u>Village of Carlock v. IEPA</u> (Public Water Supply, Water Well Setback) – No action taken.	
PCB 15-173	<u>Chatham BP, LLC v. IEPA</u> (UST-Permit Appeal) – The Board entered an interim opinion and order which reversed the Illinois Environmental Protection Agency’s (Agency) February 25, 2015 rejection of petitioner’s Stage 2 site investigation plan. Petitioner was directed to file a statement of legal fees that may be eligible for reimbursement and its arguments why the Board should exercise its discretion to direct the Agency to reimburse those fees from the UST Fund. The Board at the conclusion of this case will remand the proposed Stage 2 site investigation budget to the Agency for its review.	5-0
PCB 15-202	<u>IPH, LLC and Illinois Power Resources Generating, LLC (E.D. Edwards Power Plant) v. IEPA</u> (Water – Permit Appeal, NPDES) – The Board granted petitioners’ motion for a stay of the contested permit condition.	5-0
PCB 15-203	<u>Kincaid Generation, L.L.C. v. IEPA</u> (Water – Permit Appeal, NPDES) – The Board granted petitioners’ motion for a stay of the contested permit conditions.	5-0
PCB 15-204	<u>Exelon Generation, LLC (Dresden Nuclear Generating Station) v. IEPA</u> (Thermal Demonstration) – The Board accepted this petition for alternative thermal effluent limitations on behalf of this Grundy County facility.	5-0

PCB 15-208	<u>C & W Farms - Ursa v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of C & W Farms 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 (2014)).	5-0
PCB 15-209	<u>D & B. Farms, LLC - Ursa v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of D & B. Farms 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 (2014)).	5-0
PCB 15-210	<u>Larson Farms North, LLC - Maple Park v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Larson Farms North located in DeKalb 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 15-211	<u>Greg Olson - Waterman v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Greg Olson located in DeKalb 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 15-214	<u>George E. Mattern v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of George E. Mattern 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 (2014)).	5-0
PCB 15-215	<u>KH Poppy Farms v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of KH Poppy Farms 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

PCB 15-216	<u>David Klaus v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of David Klaus located in Macoupin 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 16-1	<u>John DeBlock v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of John DeBlock located in Mercer 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 16-2	<u>Mark Erdman v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Mark Erdman located in McLean 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 16-4	<u>People of the State of Illinois v. City of Toulon</u> (Water – 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 water enforcement action involving a Stark County facility, the Board ordered publication of the required newspaper notice.	5-0
PCB 16-7	<u>People of the State of Illinois v. Fleischmann's Vinegar Company, 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 air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0
PCB 16-10	<u>People of the State of Illinois v. K.JMM Partnership, an Illinois General Partnership.</u> (Water – 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 water enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	5-0

PCB 16-11	<u>Wabash Valley Power Association v. IEPA</u> (Air-Permit Appeal) – The Board accepted for hearing this permit appeal on behalf of this DeWitt County facility. The Board reserved ruling on petitioner’s motion for stay of the contested permit conditions, to allow the time for IEPA to file a response to run.	5-0
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OTHER ITEMS

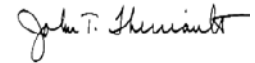
	The Board granted the Chairman’s Motion under Section 2.06 (c) of the Open Meetings Act (5 ILCS 120/2.06(c) (2014)) to continue to preserve only written minutes of Board closed deliberative sessions occurring July 1, 2013 through December 31, 2013, and to approve destruction of verbatim tape recordings of meetings held: July 3, July 18, August 1, August 15, August 29, September 12, September 26, October 10, October 24, October 31, November 14, and December 12, 2013.	5-0
	The Board granted the Chairman’s Motion under Section 2.06 (c) of the Open Meetings Act (5 ILCS 120/2.06(c) (2014)) to continue to preserve only written minutes of Board closed sessions occurring July 1, 2013 through December 31, 2013, and to approve destruction of verbatim tape recordings of meetings held: July 10, July 24, August 7, August 21, September 4, September 18, and November 20, 2013.	5-0
	The Board granted the Chairman’s Motion under Section 2.06 (c) of the Open Meetings Act (5 ILCS 120/2.06(d) (2014)) to continue to keep confidential minutes of Board closed deliberative sessions occurring January 1, 2015 through June 30, 2015.	5-0
	The Board granted the Chairman’s Motion to add a location to the already scheduled Board meeting at 11:00 am on August 6, 2015. This Board meeting will now be a Videoconference Meeting between the Board’s Chicago Office (Room 11-512) and the Board’s Springfield Office (Room 1244 N, First Floor).	5-0

	<p>The Board granted the Chairman’s Motion under Section 2a of the Open Meetings Act (5 ILCS 120/2a (2014)) to close a portion of this open meeting pursuant to Section 2(c)(11) of the Open Meetings Act (5 ILCS 120/2(c)(11)) to discuss pending litigation against the Board in <u>Roxana County Unit School Dist. # 1, et al. v. IEPA, et al.</u>, No. 2012-MR-224 (Sangamon Cnty. Cir. Ct.).</p> <p>The Board went into a closed session, after which it returned to adjourn the open meeting.</p>	5-0
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ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Glosser adjourned the meeting at 11:55 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on August 6, 2015, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board