

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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**December 17, 2015**

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

**December 17, 2015**

**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. Meeting began at 11:15 am due to teleconference network problems.

#### **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 November 19, 2015 open meeting were approved by a vote of 5-0.

## RULEMAKINGS

<b>R13-19</b>	<u>In the Matter of: Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B</u> (Land-Site-Specific) – The Board granted proponents’ motion to extend the stay of this rulemaking to the extent that proceedings are stayed until March 16, 2016.	5-0
<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 Proposal for Public Comment in this “identical-in-substance” rulemaking to amend the Board’s air regulations.	5-0
<b>R16-17</b>	<u>Procedural Rules Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125</u> (Other) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s procedural rules.	4-1 Glosser dissented

## ADJUSTED STANDARDS

### ADMINISTRATIVE CITATIONS

<b>AC 16-2</b>	<u>IEPA v. Dan Pitney</u> – The Board accepted respondent’s amended petition for review involving a Winnebago County facility.	5-0
<b>AC 16-5</b>	<u>IEPA v. Ronald W. &amp; Susan A. Falmier</u> – The Board accepted as timely respondents’ petition for review involving a Williamson County facility, but directed respondents to file an amended petition to cure deficiencies identified in this order.	5-0

### ADJUDICATORY CASES

<b>PCB 04-115</b>	<u>General Electric Company d/b/a GE Plastics v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board directed the Agency to provide an updated status of this permit appeal within 30 days, and invited petitioner to also file a report updating the Board on the case’s status.	5-0
<b>PCB 06-56</b>	<u>Midwest Generation, LLC, Crawford Generating Station v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0

<b>PCB 08-19</b>	<u>Midwest Generation, LLC, Crawford Generating Station v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
<b>PCB 08-90</b>	<u>Pilkington North America v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0
<b>PCB 10-20</b>	<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) – Member Zalewski indicated that this matter requires further consideration because of a filing with the Board on the eve of the Board meeting (December 16), and that a draft would be circulated for the next regular Board meeting. The Board took no action on this matter.	
<b>PCB 15-137</b>	<u>D&amp;L Landfill, Inc. v. IEPA</u> (Land-Permit Appeal) – Member Glosser stated that a draft order on the pending cross-motions for summary judgment would be circulated before the next regular Board meeting. The Board took no action on this matter.	

<p><b>PCB 16-14</b>  <b>PCB 16-15</b>  <b>PCB 16-16</b>  <b>PCB 16-17</b>  <b>PCB 16-18</b>  <b>PCB 16-20</b>  <b>PCB 16-21</b>  <b>PCB 16-22</b>  <b>PCB 16-23</b>  <b>PCB 16-25</b>  <b>PCB 16-26</b>  <b>PCB 16-27</b>  <b>PCB 16-29</b></p> <p><b>PCB 16-30</b>  <b>PCB 16-31</b>  <b>PCB 16-33</b></p>	<p><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>  (Water-Variance, NPDES) – The Board granted respondent’s motion to consolidate these requests for variance. In addition, the Board, on its own motion, consolidated <u>Village of Orland Park v. IEPA</u>, PCB 16-15, <u>Noramco-Chicago, Inc. v. IEPA</u>, PCB 16-22, and <u>Flint Hill Resources Joliet, LLC v. IEPA</u>, PCB 16-23 with the other variance cases listed above for purposes of hearing.</p>	<p>5-0</p>
<p><b>PCB 16-41</b></p>	<p><u>State Oil Company v. IEPA</u>  (UST-Permit Appeal, 90-Day Ext.) – 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 McHenry County facility.</p>	<p>5-0</p>
<p><b>PCB 16-60</b></p>	<p><u>Illinois Power Generating Company (Newton Power Station) v. IEPA</u>  (Water – Permit Appeal, NPDES) – The Board granted petitioners’ motion for a stay of the contested permit conditions.</p>	<p>5-0</p>
<p><b>PCB 16-62</b></p>	<p><u>WRB Refining, LP (Sulfur Recovery from Fuel Gas Project) v. IEPA</u>  (Air – Tax Certification) – The Board found and certified that specified facilities of WRB Refining, LP 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 (2014)).</p>	<p>5-0</p>

<b>PCB 16-63</b>	<u>Bradley Mapes v. IEPA (Property ID No. 15-000-310-00)</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Bradley Mapes located in Jo Daviess 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 16-64</b>	<u>Bradley Mapes v. IEPA (Property ID No. 15-000-309-00)</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Bradley Mapes located in Jo Daviess 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 16-65</b>	<u>People of the State of Illinois v. Terminal Railroad Association of St. Louis</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
<b>PCB 16-66</b>	<u>Brickyard Disposal &amp; Recycling, Inc. v. IEPA</u> (Land, Permit Appeal, 90-Day Extension) – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Vermilion County facility.	5-0
<b>PCB 16-67</b>	<u>Lloyd Brown 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 on behalf of this Randolph County facility.	5-0

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## **OTHER ITEMS**

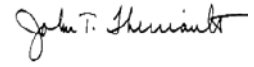
Chairman Keenan announced cancellation of the January 7, 2016 Board Meeting and scheduling of a special meeting for Tuesday, December 22, 2015, at 11:00 am.

## **ADJOURNMENT**

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Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the regular meeting at 11:36 a.m.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on December 22, 2015, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "John T. Therriault".

John T. Therriault, Clerk  
Illinois Pollution Control Board