



IPC

Illinois Pollution Control Board

REGULAR BOARD MEETING MINUTES

February 28, 2019

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

Chairman Papadimitriu welcomed members of the public and staff.

ROLL CALL

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

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the February 14, 2019 Regular Meeting and Brown Bag Lunch were approved by a vote of 5-0.

RULEMAKINGS

<u>R19-1</u>	<u>Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, Amendments To 35 Ill. Adm. Code Parts 101, 105, 203, 211, And 215</u> – The Board granted the People’s motion under 35 Ill. Adm. Code 101.112(b) to accept the appearance of Jason E. James in this proceeding.	5-0
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ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

<u>AC 19-14</u>	<u>County of Jackson v. Phillip Qualls (Land)</u> – The Board dismissed this administrative citation for lack of jurisdiction for failure to file the citation with the Board within 10 days after serving the citation on respondent.	5-0
<u>AC 19-15</u>	<u>IEPA v. Shelby L. and Shannon D. Walsh (Land)</u> – The Board found that respondents had violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2016)). Because there were 3 violations of Section 21(p), the Board ordered respondents to pay a civil penalty of \$4,500.	5-0
<u>AC 19-17</u>	<u>IEPA v. Harold Poignant, Jr., River Valley Pipe, LLC., and Ironhustler Excavating, Inc.(Land)</u> – The Board found that respondents had violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2016)). Because there were 2 violations of Section 21(p), the Board ordered respondents to pay a civil penalty of \$3,000.	5-0

ADJUDICATORY CASES

<u>PCB 15-157</u>	<u>Gary Polchow v. Village of Rankin (Water, Air – Enforcement, Citizens)</u> – The Board found that complainant failed to meet his burden to prove that the Village violated Section 9(a) or 9(c) of the Act (415 ILCS 5/9(a), (c) (2016)), and dismissed this enforcement action.	5-0
<u>PCB 19-70</u>	<u>Susanne M. Kirkham and Steven C. Kirkham v. Village of Poplar Grove (Water – Enforcement, Citizens)</u> – Finding the alleged violations frivolous, the Board granted respondent’s motion to dismiss the complaint. The Board allowed complainants to file on or before March 29, 2019 an amended complaint curing the deficiencies specified in the order.	5-0

<u>PCB 19-78</u>	<u>Sierra Club v. Illinois Power Generating Company, Illinois Power Resources Generating, LLC, Electric Energy, Inc., and Vistra Energy Corporation</u> (Water – Enforcement, Citizens) – The Board found that the complaint is neither duplicative nor frivolous and accepted it for hearing. The Board granted respondents’ unopposed motion for an extension of time to April 15, 2019 file their answer to the complaint.	5-0
<u>PCB 19-87</u>	<u>James C. Niebrugge Marital Share Two Trust v. IEPA</u> (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Wayne County.	5-0
<u>PCB 19-88</u>	<u>Ron Mueller, Jr. v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Ron Mueller, Jr. located in Ford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0
<u>PCB 19-89</u>	<u>Derek Menold v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Derek Menold located in Stark County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	5-0

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Papadimitriou adjourned the Regular Board Meeting.

I, Don Anthony Brown, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on March 14, 2019, by a vote of 5-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board