



IPCB

Illinois Pollution Control Board

SPECIAL BOARD MEETING MINUTES

May 30, 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**

ROLL CALL

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

ANNOUNCEMENTS

Chairman Papadimitriu welcomed members of the public and staff.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the April 25, 2019 Regular Board Meeting were approved by a vote of 3-0. Member Currie abstained.

RULEMAKINGS

<u>R14-10</u>	<u>Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841</u> – The Board declined to dismiss this docket and directed IEPA to comment by Tuesday, September 3, 2019, on the status of SB9 and, in light of that status, whether the Board should close this docket. The Board also welcomed other participants’ comments by the same deadline.	4-0
<u>R18-17</u>	<u>Public Water Supplies: Proposed New 35 Ill. Adm. Code 604 and Amendments to 35 Ill. Adm. Code Parts 601, 602, 607, and 611</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s public water supplies regulations.	4-0
<u>R18-30</u>	<u>Amendments to 35 Ill. Adm. Code Subtitle O</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s Right-to-Know regulations.	4-0

ADJUSTED STANDARDS

<u>AS 19-2</u>	<u>Petition of Emerald Polymer Additives, LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122(b)</u> – The Board accepted for hearing this adjusted standard petition concerning a facility in Marshall County, and granted petitioner’s motion to incorporate the records of AS 02-5 and AS 13-2.	4-0
--------------------------------	--	-----

ADMINISTRATIVE CITATIONS

--	--	--

ADJUDICATORY CASES

<u>PCB 07-30</u> <u>PCB 10-55</u> <u>Consol.</u>	<u>The Premcor Refining Group, Inc. v. IEPA</u> (Air – Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of these consolidated permit appeals.	4-0
<u>PCB 19-85</u>	<u>People of the State of Illinois v. Williamson Energy, LLC</u> (Water – Enforcement) – In this water enforcement action concerning a Williamson 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) (2016)), accepted a stipulation and proposed settlement, and ordered respondent to pay a total civil penalty of \$80,000 and to cease and desist from future violations.	3-0 Carter abstained

<u>PCB 19-90</u>	<u>People of the State of Illinois v. One Earth Energy, LLC</u> (Water – Enforcement) – Upon receiving a stipulation, proposed settlement, and an agreed motion for relief from the hearing requirement in this water enforcement action involving a facility located in Ford County, the Board ordered publication of the required newspaper notice. The Board also denied as moot respondent’s motion for extension of time to file an answer to the complaint.	4-0
<u>PCB 19-96</u>	<u>Citizens Against Ruining the Environment v. Illinois Environmental Protection Agency and Jackson Generation, LLC</u> (Permit Appeal – Third Party, NPDES) – The Board granted the parties’ motion for voluntary dismissal of this permit appeal.	3-0 Carter abstained
<u>PCB 19-97</u>	<u>People of the State of Illinois v. Byrd's Cleaners and Laundry, Inc.</u> (Air – Enforcement) – In this air enforcement action concerning a Coles 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) (2016)), accepted a stipulation and proposed settlement, and ordered respondent to pay a total civil penalty of \$5,000 and to cease and desist from future violations.	4-0
<u>PCB 19-98</u>	<u>Jeff & Sheila Koester v. IEPA</u> (Water – Tax Certification) – Petitioners have 35 days to contest IEPA’s amended recommendation.	4-0
<u>PCB 19-100</u>	<u>Tyler Brummer v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Tyler Brummer located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	4-0
<u>PCB 19-101</u>	<u>Sis-Bro Inc. v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Sis-Bro, Inc. located in Randolph County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	4-0
<u>PCB 19-102</u>	<u>Brian & Karen Will v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Brian & Karen Will located in Cumberland County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	4-0

<u>PCB 19-103</u>	<u>Parks Finishing E1, LLC v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Parks Finishing E1, LLC located in Vermilion County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	4-0
<u>PCB 19-104</u>	<u>George Chandler, LLC v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of George Chandler, LLC located in Henderson County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	4-0
<u>PCB 19-105</u>	<u>Clark McWhorter v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Clark McWhorter located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	4-0
<u>PCB 19-106</u>	<u>Leonard Boelens v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Leonard Boelens located in Henry County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	4-0
<u>PCB 19-107</u>	<u>Parks Finishing E3, LLC v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Parks Finishing E3, LLC located in Vermilion County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	4-0
<u>PCB 19-108</u>	<u>Kerr Farms v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Kerr Farms located in Hancock County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).	4-0
<u>PCB 19-109</u>	<u>Gautschy's Corner v. IEPA</u> (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in LaSalle County.	4-0
<u>PCB 19-110</u>	<u>PSM Shell, Inc. v. IEPA</u> (UST Appeal) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McLean County facility.	4-0

OTHER ITEMS

	The Board granted Chairman’s Motion under Section 2(c)(4) of the Open Meetings Act (5 ILCS 120/2(c)(4) (2016)) to schedule a Closed Deliberative Session for June 6, 2019, at 10:00 a.m. regarding <u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation, LLC, PCB 13-15</u> (hearings held October 23-27, 2017, January 29-31, 2018, and February 1-2, 2018).	4-0
	Chairman Papadimitriou introduced and welcomed Board Member Barbara Flynn Currie.	

ADJOURNMENT

Moved and seconded, by a vote of 4-0, 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 June 6, 2019, by a vote of 4-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board