



# IPCB

Illinois Pollution Control Board

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## BOARD MEETING MINUTES

February 6, 2020

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**

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

### **ANNOUNCEMENTS**

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The Chair, Barbara Flynn Currie, welcomed members of the public and staff.

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### **PUBLIC REMARKS**

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None.

### **APPROVAL OF MINUTES**

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The minutes of the Board's January 16, 2020 regular meeting and Brown Bag Lunch were approved by a vote of 4-0.

## RULEMAKINGS

<a href="#"><u>R19-1</u></a>	Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, Amendments to 35 Ill. Adm. Code Parts 101, 105, 203, 211, and 215 (Air) – The Board granted IEPA’s motion for expedited review.	4-0
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## ADJUSTED STANDARDS

<a href="#"><u>AS 19-1</u></a>	In the Matter of: <u>Petition of Midwest Generation, LLC for an Adjusted Standard from 35 Ill. Adm. Code 811 and 814 (Land)</u> – The Board granted Midwest Generation’s motion to extend the stay and stayed this proceeding for an additional 45 days. The Board also directed Midwest Generation to file a status report at the close of the extended stay.	4-0
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## ADMINISTRATIVE CITATIONS

<a href="#"><u>AC 19-20</u></a>	<u>IEPA v. Bruce Bontz, Nannette Bontz, and D. Brooks Excavating, Inc.</u> (Land) – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Peoria County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2018)) and ordered respondents to pay a civil penalty of \$1,500. The Board also dismissed the alleged violations of Sections 21(p)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(3), (p)(7) (2018)) and granted the parties’ joint motion to dismiss respondents’ petition for review.	4-0
<a href="#"><u>AC 20-2</u></a>	<u>IEPA v. Fields Italian Cars, Inc.</u> (Land) – The Board found that respondent had violated Section 55(k)(1) of the Act (415 ILCS 55(k)(1) (2018)). Because there was one violation of Section 55(k), the Board ordered respondent to pay a civil penalty of \$1,500.	4-0

## ADJUDICATORY CASES

<a href="#"><u>PCB 13-15</u></a>	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation, LLC (Citizen Enforcement – Water, Land)</u> – The Board granted Amicus Groups’ motion for leave to file the amicus curiae brief and accepted that brief but struck its Attachment 1. The Board	3-0 Member Carter abstained
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	partially granted and partially denied denied Midwest Generation’s motion to reconsider and clarify.	
<a href="#"><u>PCB 17-80</u></a>	<u>B-Petro Corporation v. IEPA (UST Appeal)</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	4-0
<a href="#"><u>PCB 19-112</u></a>	<u>People of the State of Illinois v. Marino Development LLC and A-W-Bennett Enterprises, Inc. (Land – Enforcement)</u> – Upon receiving a proposed stipulation and settlement agreement (as to A-W-Bennett Enterprises only) and an agreed motion for relief from the hearing requirement in this land enforcement action involving a facility located in Winnebago County, the Board ordered publication of the required newspaper notice.	4-0
<a href="#"><u>PCB 20-34</u></a>	<u>People of the State of Illinois v. GDB International, Inc. (Land – Enforcement)</u> – In this land enforcement action concerning a Perry 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) (2018)), accepted a stipulation and settlement agreement, and ordered respondent to both pay a total civil penalty of \$22,000 and cease and desist from future violations.	4-0
<a href="#"><u>PCB 20-35</u></a>	<u>Frankenreider Beef Facility-Annawan v. IEPA (Water – Tax Certification)</u> – Under the Property Tax Code (35 ILCS 200/11-5 <i>et seq.</i> (2018)), the Board partially granted and partially denied “pollution control facility” certification for Frankenreider Beef’s specified facilities located in Henry County.	4-0
<a href="#"><u>PCB 20-38</u></a>	<u>Midwest Generation, LLC (Joliet 9 Generating Station) v. IEPA (Thermal Demonstration)</u> – The Board accepted this petition for alternative thermal effluent limitations but reserved ruling on the petition’s sufficiency and whether the Board will hold a hearing. The Board, on its own motion, consolidated this proceeding with PCB 20-39 for hearing.	4-0
<a href="#"><u>PCB 20-39</u></a>	<u>Midwest Generation, LLC (Joliet 29 Generating Station) v. IEPA (Thermal Demonstration)</u> – The Board accepted this petition for alternative thermal effluent limitations but reserved ruling on the petition’s sufficiency and whether the Board will hold a hearing. The Board, on its own motion, consolidated this proceeding with PCB 20-38 for hearing.	4-0
<a href="#"><u>PCB 20-48</u></a>	<u>Bank of Pontiac v. IEPA (UST Appeal)</u> – The Board directed Pontiac to file in PCB 20-48, by March 9, 2020, an amended	4-0

	<p>petition for review of IEPA's December 13, 2019 rejection of Site Investigation Completion Report. The Board further directed Pontiac to file separate amended petitions for review of each of IEPA's remaining four determinations by March 9, 2020: in PCB 20-49 for IEPA's December 18, 2019 deduction of Stage 2 investigation costs; in PCB 20-50 for IEPA's December 18, 2019 deduction of Stage 3 investigation costs; in PCB 20-51 for IEPA's December 23, 2019 modification of Stage 2 Budget; and in PCB 20-52 for IEPA's January 11, 2019 modification of Stage 3 Budget.</p>	
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**OTHER ITEMS**

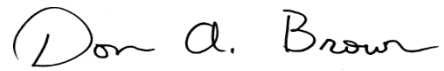
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**ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chair Currie 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 February 20, 2020, by a vote of 4-0.



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Don Anthony Brown, Clerk  
Illinois Pollution Control Board