



IPCB

Illinois Pollution Control Board

BOARD MEETING MINUTES

July 16, 2020

11:00 a.m.

Teleconference

Consistent with the Governor's Disaster Proclamation of June 26, 2020, issued in response to the Coronavirus Disease 2019 (COVID-19) pandemic, as well as Public Act 101-0640, effective June 12, 2020, the Board conducted this regular open meeting by teleconference.

The agenda provided dial-in information for members of the public and explained how they could use their telephones to participate in the meeting—whether by listening, speaking during Public Remarks, or both. Further, the agenda stated that the operator would ask for the name of each member of the public calling in and explain what to do for those who wished to speak. Finally, as noted in the agenda, the meeting was audio recorded.

ROLL CALL

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

ANNOUNCEMENTS

Chair Currie welcomed members of the public and staff.

Chair Currie noted that July 1, 2020, marked the fiftieth anniversary of the Board and its founding statute, the Environmental Protection Act. She also described how the Board is commemorating the occasion.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the Board's June 18, 2020 regular meeting were approved by a roll call vote of 4-0.

RULEMAKINGS

<u>R19-18</u>	<u>Amendments to Manifesting Requirements: Special Waste Hauling 35 Ill. Adm. Code 809 (Land)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s non-hazardous special waste hauling rules.	4-0 roll call vote
<u>R20-21</u>	<u>Cross Connection Control Device Inspectors of Public Water Supplies at 35 Ill. Adm. Code 604.1520 (Public Water Supply)</u> – Chair Currie noted that second notice in this rulemaking would be considered at the Board’s July 27, 2020 special meeting. No action taken.	

ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

<u>AC 20-6</u>	<u>County of Jackson v. Nicole Coomer Dobbs (Land)</u> – The Board found that respondent had violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2018)). Because there were three violations of Section 21(p), the Board ordered respondent to pay a civil penalty of \$4,500.	4-0 roll call vote
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ADJUDICATORY CASES

<u>PCB 15-112</u>	<u>People of the State of Illinois v. Incobrasa Industries, Ltd. (Air, CAAPP – Enforcement)</u> – In this enforcement action concerning an Iroquois 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 pay a total civil penalty of \$750,000 and to cease and desist from further violations.	4-0 roll call vote
<u>PCB 17-20</u>	<u>Davis & Sons Oil Co. v. IEPA (UST Appeal)</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 roll call vote

<u>PCB 17-45</u>	<u>People of the State of Illinois v. Magna Tax Service Co., Inc. and Dennis Ballinger</u> (Land, Water – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a site in Coles County, the Board ordered publication of the required newspaper notice.	4-0 roll call vote
<u>PCB 20-18</u>	<u>Landfill 33 v. IEPA</u> (Land – Permit Appeal) – In affirming IEPA’s determination, the Board granted IEPA’s motion for summary judgment and denied Landfill 33’s motion for summary judgment.	4-0 roll call vote
<u>PCB 20-69</u>	<u>NMP Family Corporation v. IEPA</u> (UST Appeal) – Having previously granted a request for a 90-day extension of the appeal period, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Williamson County facility.	4-0 roll call vote
<u>PCB 20-75</u>	<u>Gateway FS, Inc. v. IEPA</u> (Water – Tax Certification) – The Board granted IEPA’s motion to correct the property identification number. The Board also found and certified that Gateway FS’ specified facilities located in Randolph County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0 roll call vote
<u>PCB 20-92</u>	<u>People of the State of Illinois v. The City of Chicago</u> (Water, NPDES – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a site in Cook County, the Board ordered publication of the required newspaper notice.	4-0 roll call vote
<u>PCB 20-93</u>	<u>BOI, LLC v. IEPA</u> (UST Appeal) – The Board accepted BOI’s petition for hearing in this underground storage tank appeal involving a site in Cook County.	4-0 roll call vote
<u>PCB 20-94</u>	<u>People of the State of Illinois v. Equistar Chemicals, LP</u> (Air, CAAPP – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a site in Douglas County, the Board ordered publication of the required newspaper notice.	4-0 roll call vote

<u>PCB 20-95</u>	<u>People of the State of Illinois v. Valid USA, Inc.</u> (Air – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a site in Will County, the Board ordered publication of the required newspaper notice.	4-0 roll call vote
<u>PCB 20-96</u>	<u>J.D. Streett & Company, Inc. v. IEPA (UST Appeal)</u> – The Board accepted J.D. Street & Company’s petition for hearing in this underground storage tank appeal involving a site in Jackson County.	4-0 roll call vote
<u>PCB 20-97</u>	<u>Kuntz By-Products, LLC-Chenoa v. IEPA (Water – Tax Certification)</u> – The Board found and certified that Kuntz By-Products’ specified facilities located in McLean County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0 roll call vote
<u>PCB 20-98</u>	<u>People of the State of Illinois v. Aux Sable Liquid Products, Inc., Aux Sable Liquid Products LP, Clean Harbors Environmental Services, Inc., and Waste Management of Illinois, Inc.</u> (Land, RCRA – Enforcement) – The Board accepted for hearing the People’s complaint involving two sites, one in Grundy County and the other in Will County.	4-0 roll call vote
<u>PCB 20-99</u>	<u>People of the State of Illinois v. Master Graphics, LLC</u> (Air – Enforcement) – Upon receiving a complaint, a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a site in Ogle County, the Board ordered publication of the required newspaper notice.	4-0 roll call vote

OTHER ITEMS

	The Board granted the Chair’s Motion under Section 2.06(c) of the Open Meetings Act (5 ILCS 120/2.06(c) (2018)) to continue preserving only written minutes of the Board’s closed meeting occurring on December 13, 2018, and to approve destroying the verbatim audio recording of that closed meeting.	4-0 roll call vote
	The Chair noted that as the Board did not hold any closed meetings from January 1, 2020 through June 30, 2020, no determination on whether to keep minutes confidential was necessary for that timeframe under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d) (2018)). No action taken.	

ADJOURNMENT

Moved and seconded, by a roll call 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 August 13, 2020, by a vote of 4-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board

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