



IPCB

Illinois Pollution Control Board

BOARD MEETING MINUTES

August 13, 2020

11:00 a.m.

Teleconference

Consistent with the Governor’s Disaster Proclamation of July 24, 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.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the Board’s July 16, 2020 regular meeting and July 27, 2020 special meeting were approved by a roll call vote of 4-0.

RULEMAKINGS

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| <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 (Air) – No action taken.</u> | |
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| <u>R19-14</u> | <u>National Ambient Air Quality Standards, USEPA Amendments (July 1, 2018 through December 31, 2018)</u> | 4-0 roll call vote |
| <u>R20-3</u> | <u>National Ambient Air Quality Standards, USEPA Amendments (January 1, 2019 through June 30, 2019)</u> | |
| <u>R20-11 (consol.)</u> | <u>National Ambient Air Quality Standards, USEPA Amendments (July 1, 2019 through December 31, 2019)</u> (Air) – The Board adopted a final opinion and order in this consolidated identical-in-substance rulemaking to amend the Board’s air regulations. | |
| <u>R19-15</u> | <u>Definition of VOM Update, USEPA Regulations (July 1, 2018 through December 31, 2018)</u> (Air) – The Board adopted a final opinion and order in this identical-in-substance rulemaking to amend the Board’s air regulations. | 4-0 roll call vote |
| <u>R21-1</u> | <u>National Ambient Air Quality Standards, USEPA Amendments (January 1, 2020 through June 30, 2020)</u> (Air) – No action taken. | |
| <u>R21-2</u> | <u>Definition of VOM Update, USEPA Regulations (January 1, 2020 through June 30, 2020)</u> (Air) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend the definition of “volatile organic material” during the update period of January 1, 2020 through June 30, 2020. | 4-0 roll call vote |
| <u>R21-3</u> | <u>SDWA Update, USEPA Regulations (January 1, 2020 through June 30, 2020)</u> (Public Water Supply) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its drinking water regulations during the update period of January 1, 2020 through June 30, 2020. | 4-0 roll call vote |
| <u>R21-4</u> | <u>UIC Update, USEPA Regulations (January 1, 2020 through June 30, 2020)</u> (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2020 through June 30, 2020. | 4-0 roll call vote |

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| <u>R21-5</u> | <u>RCRA Subtitle D (MSWLF) Update, USEPA Regulations (January 1, 2020 through June 30, 2020) (Land)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of January 1, 2020 through June 30, 2020. | 4-0 roll call vote |
| <u>R21-7</u> | <u>UST Update, (USEPA Regulations January 1, 2020 through June 30, 2020) (Land)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 2020 through June 30, 2020. | 4-0 roll call vote |
| <u>R21-17</u> | <u>Amendments to the Board’s Administrative Rules 2 Ill. Adm. Code 2175 (Administrative)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s Title 2 administrative regulations. | 4-0 roll call vote |

ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

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ADJUDICATORY CASES

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| <u>PCB 20-13</u> | <u>People of the State of Illinois v. Erickson Steel Company, Inc. (Air – Enforcement)</u> – In this enforcement action concerning a Tazewell 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 \$3,000 and to cease and desist from further violations. | 4-0 roll call vote |
| <u>PCB 20-67</u> | <u>BP Products North America Inc. v. IEPA (Land, RCRA – Permit Appeal)</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Madison County facility. | 4-0 roll call vote |

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| <u>PCB 20-71</u> | <u>Alter Trading Corporation v. IEPA (Air – Permit Appeal)</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Winnebago County facility. | 4-0 roll call vote |
| <u>PCB 20-73</u> | <u>People of the State of Illinois v. BSREP II West Jackson LLC (Air – Enforcement)</u> – In this enforcement action concerning a Cook 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 \$5,000 and to cease and desist from further violations. | 4-0 roll call vote |
| <u>PCB 20-77</u> | <u>People of the State of Illinois v. Greenbrier Rail Services, Corp., d/b/a Gunderson Rail Services, LLC (Air – Enforcement)</u> – In this enforcement action concerning a Cook 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 \$10,000 and to cease and desist from further violations. | 4-0 roll call vote |
| <u>PCB 20-88</u> | <u>People of the State of Illinois v. H.B. Fuller Company, successor to Adhesive Systems Inc. (Air – Enforcement)</u> – In this enforcement action concerning a Will 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 \$10,000 and to cease and desist from further violations. | 4-0 roll call vote |
| <u>PCB 20-91</u> | <u>People of the State of Illinois v. Nokia of America Corporation, f/k/a Alcatel-Lucent USA Inc. (Air – Enforcement)</u> – In this enforcement action concerning a DuPage 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 \$5,000 and to cease and desist from further violations. | 4-0 roll call vote |

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| <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) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving sites located in Grundy and Will Counties, the Board ordered publication of the required newspaper notice. | 4-0 roll call vote |
| <u>PCB 21-1</u> | <u>People of the State of Illinois v. TFC Group, LLC</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 DuPage County, the Board ordered publication of the required newspaper notice. | 4-0 roll call vote |
| <u>PCB 21-2</u> | <u>DAD Rental, Inc. v. IEPA</u> (Water – Tax Certification) – The Board found and certified that DAD Rental’s specified facilities located in Montgomery 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 21-3</u> | <u>Shree Kuber, Inc. v. IEPA</u> (UST Appeal) – The Board granted this request for a 90-day extension to file an underground storage tank appeal on behalf of this Champaign County facility. | 4-0 roll call vote |
| <u>PCB 21-4</u> | <u>John Covello v. IEPA</u> (Water – Permit Appeal) – Both because the petition failed to include an appealable final decision and because the Board lacked jurisdiction to accept a petition for review of any 2018 decision, the Board declined to accept the petition. | 4-0 roll call vote |
| <u>PCB 21-5</u> | <u>Shree Kuber, Inc. v. IEPA</u> (UST Appeal) – The Board granted this request for a 90-day extension to file an underground storage tank appeal on behalf of this Champaign County facility. | 4-0 roll call vote |
| <u>PCB 21-7</u> | <u>General III v. IEPA</u> (Air – Permit Appeal) – The Board accepted General III’s petition for hearing in this air construction permit appeal involving a site in Cook County. The Board reserved ruling on General III’s request to stay the contested permit conditions. | 4-0 roll call vote |

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| <u>PCB 21-8</u> | <u>Pro Ag Investors, LLC-Media v. IEPA</u> (Water – Tax Certification) – The Board found and certified that Pro Ag Investors’ specified facilities located in Henderson 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 21-9</u> | <u>WIN Production, LLC-Griggsville v. IEPA</u> (Water – Tax Certification) – The Board found and certified that WIN Production’s specified facilities located in Pike 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 21-10</u> | <u>WIN Production, LLC-New Salem v. IEPA</u> (Water – Tax Certification) – The Board found and certified that WIN Production’s specified facilities located in Pike 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 |

OTHER ITEMS

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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 27, 2020, by a vote of 4-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board