



IPC

Illinois Pollution Control Board

BOARD MEETING MINUTES

June 3, 2021

11:00 a.m.

Teleconference

Consistent with the Governor's Disaster Proclamation of May 28, 2021, 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 May 20, 2021 regular open meeting were approved by a roll call vote of 4-0.

RULEMAKINGS

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ADJUSTED STANDARDS

<u>AS 21-1</u>	<p><u>Petition of Midwest Generation, LLC for an Adjusted Standard and a Finding of Inapplicability (Joliet 29 Station) (Land)</u> – The Board found that Midwest Generation met the requirements for providing notice of its petition. The Board therefore accepted the petition but did so without ruling on its informational sufficiency. In addition, the Board granted IEPA’s motion to extend to September 23, 2021, IEPA’s deadline for filing its response to the petition.</p>	<p>4-0 roll call vote</p>
<u>AS 21-2</u>	<p><u>Petition of Midwest Generation, LLC for an Adjusted Standard and a Finding of Inapplicability (Powerton Station) (Land)</u> – The Board found that Midwest Generation met the requirements for providing notice of its petition. The Board therefore accepted the petition but did so without ruling on its informational sufficiency. In addition, the Board granted IEPA’s motion to extend to August 24, 2021, IEPA’s deadline for filing its response to the petition.</p>	<p>4-0 roll call vote</p>
<u>AS 21-3</u>	<p><u>Petition of Midwest Generation, LLC for an Adjusted Standard and a Finding of Inapplicability (Waukegan Station) (Land)</u> – The Board found that Midwest Generation met the requirements for providing notice of its petition. The Board therefore accepted the petition but did so without ruling on its informational sufficiency. In addition, the Board granted IEPA’s motion to extend to August 24, 2021, IEPA’s deadline for filing its response to the petition.</p>	<p>4-0 roll call vote</p>
<u>AS 21-4</u>	<p><u>Petition of Illinois Power Resources Generating, LLC for an Adjusted Standard from 35 Ill. Adm. Code Part 845 or, in the Alternative, a Finding of Inapplicability (Land)</u> – The Board found that Illinois Power met the requirements for providing notice of its petition. The Board therefore accepted the petition but did so without ruling on its informational sufficiency. In addition, the Board granted IEPA’s motion to extend to September 23, 2021, IEPA’s deadline for filing its response to the petition.</p>	<p>4-0 roll call vote</p>
<u>AS 21-5</u>	<p><u>Petition of Electric Energy, Inc. for a Finding of Inapplicability or, in the Alternative, an Adjusted Standard from 35 Ill. Adm. Code Part 845 (Land)</u> – Held.</p>	

<u>AS 21-6</u>	Petition of Southern Illinois Power Cooperative for an <u>Adjusted Standard from 35 Ill. Adm. Code Part 845 or, in the Alternative, a Finding of Inapplicability (Land)</u> – The Board found that SIPC met the requirements for providing notice of its petition. The Board therefore accepted the petition but did so without ruling on its informational sufficiency. In addition, the Board granted IEPA’s motion to extend to September 23, 2021, IEPA’s deadline for filing its response to the petition.	4-0 roll call vote
<u>AS 21-7</u>	Petition of Ameren Energy Medina Valley Cogen, LLC for <u>Adjusted Standards from 35 Ill. Adm. Code Part 845 (Hutsonville D)</u> (Land) – The Board found that Ameren met the requirements for providing notice of its petition. The Board therefore accepted the petition but did so without ruling on its informational sufficiency. In addition, the Board granted IEPA’s motion to extend to September 23, 2021, IEPA’s deadline for filing its response to the petition.	4-0 roll call vote
<u>AS 21-8</u>	Petition of Ameren Energy Medina Valley Cogen, LLC for <u>Adjusted Standards from 35 Ill. Adm. Code Part 845 (Old Meredosia)</u> (Land) – The Board found that Ameren met the requirements for providing notice of its petition. The Board therefore accepted the petition but did so without ruling on its informational sufficiency. In addition, the Board granted IEPA’s motion to extend to September 23, 2021, IEPA’s deadline for filing its response to the petition.	4-0 roll call vote

ADMINISTRATIVE CITATIONS

<u>AC 21-5</u>	<u>County of LaSalle v. Robert Durbin</u> (Land) – After Durbin failed to timely file a petition to contest the County of LaSalle’s administrative citation, the Board found that Durbin violated Section 21(p)(1), (p)(2), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(2), (p)(3), (p)(7) (2018)), as alleged. And because there were four violations of Section 21(p), the Board ordered Durbin to pay a total civil penalty of \$6,000, reflecting the statutory penalty of \$1,500 per violation.	4-0 roll call vote
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ADJUDICATORY CASES

<u>PCB 20-62</u>	<u>Michael J. Korman v. Illinois Department of Transportation</u> (Water, NPDES – Enforcement) – The Board dismissed this enforcement action because Korman did not file an amended complaint to correct his original complaint’s previously identified deficiencies.	4-0 roll call vote
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<u>PCB 21-43</u>	<u>People of the State of Illinois v. Denis Munie d/b/a Munie Trucking & Gravel</u> (Water, NPDES – Enforcement) – In this enforcement action concerning a Madison 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 proposed settlement, and ordered Munie to pay a \$7,250 civil penalty and to cease and desist from further violations.	4-0 roll call vote
<u>PCB 21-62</u>	<u>ABP Properties, LLC v. Illinois Environmental Protection Agency</u> (UST Appeal) – Having previously extended the period to appeal IEPA’s determination concerning ABP Properties’ underground storage tank (UST) site located in Williamson County, the Board dismissed the case because ABP Properties failed to file an appeal.	4-0 roll call vote
<u>PCB 21-77</u>	<u>Michael J. Korman v. Medline Industries, Inc.</u> (Water, NPDES – Enforcement) – The Board granted Medline’s motion to dismiss Korman’s complaint but the dismissal was without prejudice.	4-0 roll call vote
<u>PCB 21-85</u>	<u>Racoon Creek Farm, LLC v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – Under the Property Tax Code (35 ILCS 200/11-10 (2018)), the Board denied pollution control facility certification for Racoon Creek Farm’s specified facilities located in Lawrence County.	4-0 roll call vote
<u>PCB 21-111</u>	<u>Ray Flood v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that Ray Flood’s specified facilities located in Cumberland 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 21-112</u>	<u>Brandis Aircraft v. Illinois Environmental Protection Agency</u> (Land, RCRA – Permit Appeal) – The Board accepted for hearing this permit appeal involving a facility in Christian County.	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 June 17, 2021, by a vote of 4-0.

Handwritten signature of Don A. Brown in cursive script.

Don Anthony Brown, Clerk
Illinois Pollution Control Board