



IPCB

Illinois Pollution Control Board

BOARD MEETING MINUTES

June 17, 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 June 3, 2021 regular open meeting were approved by a roll call vote of 4-0.

RULEMAKINGS

<u>R18-25</u>	<u>Amendments to 35 Ill. Adm. Code Subtitle E (Water) – Held</u>	
<u>R18-26</u>	<u>Amendments to 35 Ill. Adm. Code Subtitle F (Public Water Supplies) – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s public water supply regulations.</u>	4-0 roll call vote
<u>R21-13</u>	<u>RCRA Subtitle C Update, USEPA Amendments (July 1, 2020 through December 31, 2020) (Land) – The Board adopted an order to extend the due date for final action until November 1, 2021.</u>	4-0 roll call vote
<u>R21-15</u>	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2020 through December 31, 2020) (Water) – The Board adopted a final opinion and order in this identical-in-substance rulemaking to amend the Board’s wastewater pretreatment regulations.</u>	4-0 roll call vote

ADJUSTED STANDARDS

<u>AS 13-2</u>	<u>Petition of Emerald Performance Materials, LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122(b) (Water) – Held</u>	
<u>AS 19-2</u>	<u>Petition of Emerald Polymer Additives, LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122(b) (Water) – Held</u>	
<u>AS 21-3</u>	<u>Petition of Midwest Generation, LLC for an Adjusted Standard and a Finding of Inapplicability (Waukegan Station) (Land) – The Board directs the Hearing Officer in this matter to include the attorneys for the Environmental Organizations in discussions regarding setting the hearing date.</u>	4-0 roll call vote
<u>AS 21-5</u>	<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) – – The Board found that Electric Energy 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.</u>	4-0 roll call vote

<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 directs the Hearing Officer in this matter to include the attorneys for the Environmental Organizations in discussions regarding setting the hearing date.	4-0 roll call vote
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ADMINISTRATIVE CITATIONS

<u>AC 21-4</u>	<u>County of LaSalle v. William Wilburn (Land)</u> – The Board granted the County of LaSalle’s motion for voluntary dismissal.	4-0 roll call vote
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ADJUDICATORY CASES

<u>PCB 17-3</u>	<u>Dersch Energies, Inc. v. Illinois Environmental Protection Agency (UST Appeal)</u> – The Board granted Dersch Energies, Inc. (Dersch) request that the Board take official notice of eight exhibits submitted with its motion for summary judgment. The Board granted Dersch’s December 24, 2020 motion for leave to reply. The Board granted Illinois Environmental Protection Agency’s (IEPA) February 18, 2021 motion for leave to reply. The Board granted Dersch’s motion for summary judgment on the issue of a measuring wheel but otherwise denied Dersch’s motion for summary judgment. The Board denied IEPA’s motion for summary judgment. The Board directed its assigned hearing officer to proceed expeditiously to hearing on the disputed budget modifications.	4-0 roll call vote
<u>PCB 18-11</u>	<u>Sierra Club; Prairie Rivers Network; National Association for the Advancement of Colored People v. City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power (Water – Enforcement, Citizens)</u> – The Board denied both the Citizen Groups’ and City Water, Light and Power’s motions for partial summary judgment. The Board directed the hearing officer and the parties to proceed expeditiously to hearing on the alleged violations.	4-0 roll call vote
<u>PCB 18-82</u>	<u>Illinois Power Generating Company (Coffeen Power Station) v. Illinois Environmental Protection Agency (Water, NPDES – Permit Appeal)</u> – The Board granted Illinois Power Generating Company’s motion to voluntarily dismiss this permit appeal concerning its Montgomery County facility.	4-0 roll call vote

<u>PCB 19-53</u>	<u>Evelyn M. Page Trust, Wayne A. Page and Kennard Page, Successor Trustees v. Illinois Environmental Protection Agency</u> (UST Appeal) – The Board granted the Pages’ motion for voluntary dismissal.	4-0 roll call vote
<u>PCB 20-41</u>	<u>Dare Farms LLP v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board based upon the Agency’s amended recommendation certified specified facilities as pollution control facilities under the Property Tax Code (35 ILCS 200/11-10 (2018))and denied certification of the remaining specified facilities as pollution control facilities.	4-0 roll call vote
<u>PCB 21-108</u>	<u>Midwest Generation, LLC (Will County Station) v. Illinois Environmental Protection Agency</u> (Land – Variance) – The Board found that Midwest Generation met the requirements for providing notice of its petition. The Board therefore accepted the petition for hearing but did so without ruling on its informational sufficiency.	4-0 roll call vote
<u>PCB 21-110</u>	<u>CTI Development, LLC v. Illinois Environmental Protection Agency</u> (Land – Variance) – The Board found that CTI Development met the requirements for providing notice of its petition. The Board therefore accepted the petition hor hearing but did so without ruling on its informational sufficiency.	4-0 roll call vote
<u>PCB 21-113</u>	<u>Brandon Rothzen v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that Brandon Rothzen’s 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 21-114</u>	<u>People of the State of Illinois v. Bview Corporation d/b/a Evergreen Park Citgo</u> (Air– Enforcement) – The Board accepted the People’s complaint for hearing concerning Evergreen Park Citgo’s Cook County facility.	4-0 roll call vote
<u>PCB 21-115</u>	<u>People of the State of Illinois v. SMR Oil Company d/b/a Sam’s Mobil</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 Lake County, the Board accepted the complaint and ordered publication of the required newspaper notice.	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 July 8, 2021, by a vote of 4-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board