



IPC B

Illinois Pollution Control Board

BOARD MEETING MINUTES

February 17, 2022

11:00 a.m.

Videoconference

100 W. Randolph St. AND
Chicago, IL
Room 2-025

1021 N. Grand Avenue East
Springfield, IL
Conference Rm 1244 N, 1st Floor

ROLL CALL

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

ANNOUNCEMENTS

Chair Currie welcomed members of the public and staff.

PUBLIC REMARKS

None

APPROVAL OF MINUTES – APPROVED 5-0 ROLL CALL VOTE

The minutes of the Board’s January 6, 2022 regular open meeting were approved by a roll call vote of 5-0.

RULEMAKINGS

R21-13	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2020 through December 31, 2020)</u>	5-0 roll call vote
R22-13	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2021 through December 31, 2021)</u>	
R22-19	<u>Corrections to RCRA Subtitle C and UIC Permit Rules (35 Ill. Adm. Code 702 through 705) (Land) – The Board adopted an order extending the due date for final action until October 1, 2022, and consolidating these three “identical-in-substance” dockets.</u>	

<u>R21-16</u>	<u>National Ambient Air Quality Standards, USEPA Regulations (July 1, 2020 through December 31, 2020) (Air)</u> – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend the National Ambient Air Quality Standards (NAAQS) during the update period of July 1, 2020 through December 31, 2020.	5-0 roll call vote
<u>R21-19</u>	<u>Drycleaner Environmental Response Trust Fund Act Proposal to Add 35 Ill. Adm. Code Part 1501, Repeal 35 Ill. Adm. Code Part 1500, and Repeal 2 Ill. Adm. Code Part 3100 (Land)</u> – No action taken.	
<u>R22-7</u>	<u>Wastewater Pretreatment Update, USEPA Regulations (January 1, 2021 through June 30, 2021) (Water)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations.	5-0 roll call vote
<u>R22-8</u>	<u>National Ambient Air Quality Standards, USEPA Regulations (January 1, 2021 through June 30, 2021) (Air)</u> – In this “identical-in-substance” rulemaking, the Board adopted an order extending the due date for final action until June 1, 2022, and proposing amendments to Illinois’ ambient air quality standards for public hearing and comment.	5-0 roll call vote
<u>R22-9</u>	<u>Definition of VOM Update, USEPA Regulations (July 1, 2021 through December 31, 2021) (Air)</u> – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding air pollution control regulations during the update period of July 1, 2021 through December 31, 2021.	5-0 roll call vote
<u>R22-10</u>	<u>SDWA Update, USEPA Regulations (July 1, 2021 through December 31, 2021) (Public Water Supply)</u> – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend the National Primary Drinking Water Regulations (NPDWR) during the update period of July 1, 2021 through December 31, 2021.	5-0 roll call vote
<u>R22-11</u>	<u>UIC Update, USEPA Regulations (July 1, 2021 through December 31, 2021) (Land)</u> – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding underground injection control (UIC) regulations during the update period of July 1, 2021 through December 31, 2021.	5-0 roll call vote

<u>R22-12</u>	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Regulations (July 1, 2021 through December 31, 2021) (Land)</u> – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding municipal solid waste landfill (MSWLF) regulations during the update period of July 1, 2021 through December 31, 2021.	5-0 roll call vote
<u>R22-14</u>	<u>UST Update, USEPA Regulations (July 1, 2021 through December 31, 2021) (Land)</u> – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding underground storage tank (UST) regulations during the update period of July 1, 2021 through December 31, 2021.	5-0 roll call vote
<u>R22-15</u>	<u>Wastewater Pretreatment Update, USEPA Regulations (July 1, 2021 through December 31, 2021) (Water)</u> – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding wastewater pretreatment regulations during the update period of July 1, 2021 through December 31, 2021.	5-0 roll call vote
<u>R22-16</u>	<u>National Ambient Air Quality Standards, USEPA Regulations (July 1, 2021 through December 31, 2021) (Air)</u> – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend the National Ambient Air Quality Standards (NAAQS) during the update period of July 1, 2021 through December 31, 2021.	5-0 roll call vote

ADJUSTED STANDARDS

<u>AS 21-2</u>	<u>Petition of Midwest Generation, LLC for an Adjusted Standard and a Finding of Inapplicability (Powerton Station) (Land)</u> – The Board found that the Service Water Basin is not subject to 35 Ill. Adm. Code 845, as long as it is not used in the future for the treatment, storage, or disposal of coal combustion residuals.	5-0 roll call vote
<u>AS 21-4</u>	<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 the Gypsum Management Facility Recycle Pond is not subject to 35 Ill. Adm. Code 845, as long as it is not used in the future for the treatment, storage, or disposal of coal combustion residuals.	5-0 roll call vote

ADMINISTRATIVE CITATIONS

<u>AC 22-2</u>	<u>County of LaSalle v. Pamela Shanley</u> (Land) – The Board granted the County of LaSalle’s motion for voluntary dismissal.	5-0 roll call vote
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TIME-LIMITED WATER QUALITY STANDARDS

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ADJUDICATORY CASES

<u>PCB 06-61</u>	<u>Southern Illinois Power Cooperative v. Illinois Environmental Protection Agency</u> (Air, CAAPP – Permit Appeal) – The Board granted the joint motion to lift the stay of uncontested Clean Air Act Permit Program (CAAPP) permit conditions and, while continuing to stay contested conditions and retaining jurisdiction over them, remand the CAAPP permit to IEPA to incorporate changes agreed to by the parties.	5-0 roll call vote
<u>PCB 14-3</u>	<u>Johns Manville v. Illinois Department of Transportation</u> (Land – Enforcement, Citizen) – The Board will address IDOT’s motion for Leave to File Sur-Reply with the case. The Board considers this record closed and will proceed with deliberation on the case.	5-0 roll call vote
<u>PCB 17-19</u>	<u>People of the State of Illinois v. Cranbrook Farms, LLC</u> (Water – Enforcement) – The Board granted the parties’ motion for relief from the hearing requirement and accepted their agreed modification of the stipulation and settlement.	5-0 roll call vote
<u>PCB 21-45</u>	<u>People of the State of Illinois v. Youth Fair Chance, Inc., d/b/a Capitol Reuse Center, and Dale Rowden</u> (Land, RCRA – Enforcement) – No action taken.	
<u>PCB 21-76</u>	<u>People of the State of Illinois v. Az Spe, LLC, d/b/a Elmwood Park Phillips 66</u> (Air – Enforcement) – 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) (2020)), accepted a stipulation and proposed settlement, and ordered Az Spe to pay a \$5,000 civil penalty and to cease and desist from further violations.	5-0 roll call vote

<u>PCB 22-6</u>	<u>People of the State of Illinois v. Army Trail Swift Gasoline, Inc.</u> (Air – Enforcement) – 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) (2020)), accepted a stipulation and proposed settlement, and ordered Army Trail Swift Gasoline to pay a \$5,000 civil penalty and to cease and desist from further violations.	5-0 roll call vote
<u>PCB 22-10</u>	<u>People of the State of Illinois v. Kash Enterprises Incorporated, d/b/a Marathon</u> (Air – Enforcement) – Upon receiving a stipulation and proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a Cook County site, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice.	5-0 roll call vote
<u>PCB 22-12</u>	<u>Philip Carper v. Topflight Grain Cooperative, Inc.</u> (Noise – Enforcement, Citizen) – The Board granted Carper’s motion to dismiss Topflight’s affirmative defenses.	5-0 roll call vote
<u>PCB 22-15</u>	<u>People of the State of Illinois v. Palatine Land, LLC</u> (Air – Enforcement) – 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) (2020)), accepted a stipulation and proposed settlement, and ordered Palatine Land to pay a \$5,000 civil penalty and to cease and desist from further violations.	5-0 roll call vote
<u>PCB 22-22</u>	<u>People of the State of Illinois v. Octoplus Group, Inc., d/b/a Hanover Food Mart</u> (Air – Enforcement) – 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) (2020)), accepted a stipulation and proposed settlement, and ordered Octoplus Group to pay a \$5,000 civil penalty and to cease and desist from further violations.	5-0 roll call vote
<u>PCB 22-28</u>	<u>People of the State of Illinois v. Brell, LLC d/b/a Edwards Ready Mix, Hahn Ready Mix Company, and Builder’s Sand and Cement Co., Inc.</u> (Water, NPDES – Enforcement) – In this enforcement action concerning two sites in Henry County and one site in Rock Island County, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2020)), accepted a stipulation and proposed settlement, and ordered respondents to pay a \$30,000 civil penalty and to cease and desist from further violations.	5-0 roll call vote

<u>PCB 22-30</u>	<u>Farmer’s State Bank of Alto Pass v. Illinois Environmental Protection Agency</u> (UST Appeal) – The Board granted the parties’ request to extend the appeal period to May 2, 2022.	5-0 roll call vote
<u>PCB 22-31</u>	<u>People of the State of Illinois v. Bel-Rock Asphalt Paving, Inc.</u> (Water, NPDES – Enforcement) – The Board accepted the People’s complaint for hearing concerning Bel-Rock Asphalt Paving’s asphalt paving, sealcoating, pavement stripping, and repair business located in Boone County.	4-0 roll call vote Gibson Abstained
<u>PCB 22-32</u>	<u>People of the State of Illinois v. Rajwinder Kaur, individually and d/b/a Shell Gas Station</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Kaur’s gas station located in Cook County.	5-0 roll call vote
<u>PCB 22-33</u>	<u>People of the State of Illinois v. Sam’s Auto Service, Inc.</u> (Air – Enforcement) – Upon receiving a complaint, a stipulation and proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a Cook County site, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice.	5-0 roll call vote
<u>PCB 22-34</u>	<u>People of the State of Illinois v. City of Hoopeston</u> (Water, NPDES – Enforcement) – No action taken.	
<u>PCB 22-35</u>	<u>People of the State of Illinois v. Lincoln Petro, Inc., d/b/a Citgo</u> (Air – Enforcement) – Upon receiving a complaint, a stipulation and proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a Cook County site, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice.	5-0 roll call vote
<u>PCB 22-36</u>	<u>North Park Public Water District v. Illinois Environmental Protection Agency</u> (Public Water Supply – Permit Appeal) – The Board granted the parties’ request to extend the appeal period to March 10, 2022.	4-0 roll call vote Gibson Abstained
<u>PCB 22-37</u>	<u>People of the State of Illinois v. Harvey Gas and Mini Mart, Inc.</u> (Air – Enforcement) – Upon receiving a complaint, a stipulation and proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a Cook County site, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice.	5-0 roll call vote

<u>PCB 22-38</u>	<u>People of the State of Illinois v. 159th and Crawford Business Inc. and 159th and Crawford Real Estate Inc.</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning a Cook County gas station owned by 159th and Crawford Real Estate Inc. and operated by 159th and Crawford Business Inc.	5-0 roll call vote
<u>PCB 22-39</u>	<u>People of the State of Illinois v. Holy Cross Hospital</u> (Air – Enforcement) – Upon receiving a complaint, a stipulation and proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a Cook County facility, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice.	5-0 roll call vote
<u>PCB 22-40</u>	<u>People of the State of Illinois v. MDDS Real Estate, Inc., d/b/a Citgo Petroleum</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning MDDS Real Estate’s gas station located in Cook County.	5-0 roll call vote
<u>PCB 22-41</u>	<u>People of the State of Illinois v. Rockbuild Enterprises, Inc.</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Rockbuild Enterprises’ gas station located in Lake County.	5-0 roll call vote
<u>PCB 22-42</u>	<u>People of the State of Illinois v. Az Spe, LLC.</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Az Spe’s gas station located in McHenry County.	5-0 roll call vote

OTHER ITEMS

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ADJOURNMENT

Moved and seconded, by a roll call vote of 5-0, the Chair 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 March 3, 2022, by a vote of 5-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board