



IPC

Illinois Pollution Control Board

BOARD MEETING MINUTES

August 11, 2022

11:00 a.m.

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

ROLL CALL

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

ANNOUNCEMENTS

None

PUBLIC REMARKS

None

APPROVAL OF MINUTES

The minutes of the Board's July 21, 2022 regular open meeting and August 4, 2022 Closed Deliberative Session were approved by a roll call vote of 5-0.

RULEMAKINGS

<u>R22-17</u>	<p><u>Amendments to 35 Ill. Adm. Code Part 203: Major Stationary Sources Construction and Modification, 35 Ill. Adm. Code Part 204: Prevention of Significant Deterioration, and Part 232: Toxic Air Contaminants (Air)</u> – The Board found that the Attorney General’s motion to stay the rulemaking covers substantive issues better addressed by the Board after all pre-first notice comments are filed. The Board stated that it will rule on the motion to stay, as well as the Project Emissions Accounting Rule language, when deciding whether to proceed to first notice. The Board granted the Attorney General’s motion for leave to file a reply in support of its stay motion and accepted the reply attached to the motion for leave. The Board also set September 12, 2022, as the deadline for filing pre-first notice comments.</p>	<p>5-0 roll call vote</p>
<u>R23-1</u>	<p><u>SDWA Update, USEPA Regulations (January 1, 2022 through June 30, 2022) (Public Water Supply)</u> – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding National Primary Drinking Water Regulations (NPDWRs) during the update period of January 1, 2022 through June 30, 2022.</p>	<p>5-0 roll call vote</p>
<u>R23-2</u>	<p><u>UIC Update, USEPA Regulations (January 1, 2022 through June 30, 2022) (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 January 1, 2022 through June 30, 2022.</p>	<p>5-0 roll call vote</p>
<u>R23-3</u>	<p><u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Regulations (January 1, 2022 through June 30, 2022) (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 January 1, 2022 through June 30, 2022.</p>	<p>5-0 roll call vote</p>
<u>R23-4</u>	<p><u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Regulations (January 1, 2022 through June 30, 2022) (Land)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its corresponding hazardous waste regulations during the update period of January 1, 2022 through June 30, 2022.</p>	<p>5-0 roll call vote</p>

<u>R23-5</u>	<u>UST Update, USEPA Regulations (January 1, 2022 through June 30, 2022)</u> (Land) – 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 January 1, 2022 through June 30, 2022.	5-0 roll call vote
<u>R23-6</u>	<u>Wastewater Pretreatment Update, USEPA Regulations (January 1, 2022 through June 30, 2022)</u> (Water) – 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 January 1, 2022 through June 30, 2022.	5-0 roll call vote
<u>R23-7</u>	<u>National Ambient Air Quality Standards, USEPA Regulations (January 1, 2022 through June 30, 2022)</u> (Air) – 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 January 1, 2022 through June 30, 2022.	5-0 roll call vote
<u>R23-8</u>	<u>Definition of VOM Update, USEPA Regulations (January 1, 2022 through June 30, 2022)</u> (Air) – 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 January 1, 2022 through June 30, 2022.	5-0 roll call vote
<u>R23-17</u>	<u>Proposed 35 Ill. Adm. Code 820 General Construction or Demolition Debris Recovery Facilities</u> (Land) – The Board accepted the Illinois Environmental Protection Agency’s proposal to create a new Part 820 of the Board’s waste disposal regulations, which would establish rules for permitting, operating, and closing general construction or demolition debris (GCDD) recovery facilities. The Board also directed its hearing officer to schedule and proceed to hearings.	5-0 roll call vote

ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

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TIME-LIMITED WATER QUALITY STANDARDS

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ADJUDICATORY CASES

<p><u>PCB 17-3</u></p>	<p><u>Dersch Energies, Inc. v. Illinois Environmental Protection Agency (UST Appeal)</u> – The Board found that Dersch Energies met its burden of proving that approving its proposed corrective action budget would not violate the Environmental Protection Act or the Board’s regulations. The Board therefore reversed IEPA’s modifications to Dersch Energies’ proposed budget and restored the contested amounts. In addition, the Board set deadlines for the parties to address Fund reimbursement of Dersch Energies’ legal fees.</p>	<p>5-0 roll call vote</p>
<p><u>PCB 21-78</u></p>	<p><u>KB Sullivan Inc. v. Illinois Environmental Protection Agency (UST Appeal)</u> – The Board granted KB Sullivan’s motion for summary judgment on IEPA’s Fund reimbursement denial, denied IEPA’s cross motion for summary judgment, and directed the parties to address reimbursement of KB Sullivan’s legal fees.</p>	<p>5-0 roll call vote</p>
<p><u>PCB 22-16</u></p>	<p><u>People of the State of Illinois v. Fard One Incorporated, d/b/a Midwest Gas Station (Air – Enforcement)</u> – The Board granted the People’s unopposed motion to deem facts admitted and the People’s motion for summary judgment against Fard. The Board therefore found that Fard violated Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2020)) and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of Board’s air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C)), as alleged in the People’s complaint. The Board also ordered Fard to pay a \$10,000 civil penalty.</p>	<p>5-0 roll call vote</p>
<p><u>PCB 22-31</u></p>	<p><u>People of the State of Illinois v. Bel-Rock Asphalt Paving, Inc. (Water, NPDES – Enforcement)</u> – In this enforcement action concerning Bel-Rock’s asphalt-paving, sealcoating, pavement-stripping, and pothole-repair facility in Boone 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 Bel-Rock to pay a \$10,000 civil penalty and to cease and desist from further violations.</p>	<p>4-0 roll call vote Member Gibson abstained</p>
<p><u>PCB 22-61</u></p>	<p><u>ExxonMobil Oil Corporation v. Illinois Environmental Protection Agency (UST Appeal)</u> – Because ExxonMobil failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket.</p>	<p>5-0 roll call vote</p>

<u>PCB 22-84</u>	<u>People of the State of Illinois v. Chemtrade Solutions, LLC</u> (Water, NPDES – Enforcement) – In this enforcement action concerning Chemtrade’s inorganic chemical supply facility in St. Clair 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 Chemtrade to pay a \$12,000 civil penalty and to cease and desist from further violations.	5-0 roll call vote
<u>PCB 22-85</u>	<u>People of the State of Illinois v. Cook-Illinois Corp.</u> (Water, NPDES – Enforcement) – In this enforcement action concerning Cook-Illinois’ school bus transportation and maintenance facility in Lake 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 Cook-Illinois to pay a \$10,000 civil penalty and to cease and desist from further violations.	5-0 roll call vote
<u>PCB 23-12</u>	<u>Aqua Illinois, Inc. v. Illinois Environmental Protection Agency</u> (Permit Appeal – Public Water Supply) – The Board granted Aqua Illinois’ motion to stay the contested permit conditions.	5-0 roll call vote
<u>PCB 23-15</u>	<u>PQ LLC v. Illinois Environmental Protection Agency</u> (Permit Appeal – Air) – The Board accepted for hearing this permit appeal involving PQ’s sodium silicate manufacturing facility in Will County. The Board reserved ruling on PQ’s motion to stay the contested permit condition.	5-0 roll call vote
<u>PCB 23-16</u>	<u>Emco Chemical Distributors, Inc. v. Illinois Environmental Protection Agency</u> (UST Appeal) – The Board accepted an environmental consultant’s letter submitted on behalf of Emco Chemical as a timely filed petition for review. But the Board also directed Emco Chemical to file an amended petition remedying the deficiencies specified, accompanied by the appearance of an attorney by August 31, 2022.	5-0 roll call vote
<u>PCB 23-17</u>	<u>People of the State of Illinois v. Deen, Ltd.</u> (Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning Deen’s gas station in Cook County.	5-0 roll call vote
<u>PCB 23-18</u>	<u>People of the State of Illinois v. Veer Petro Inc.</u> (Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning Veer Petro’s gas station in Cook County.	5-0 roll call vote
<u>PCB 23-19</u>	<u>People of the State of Illinois v. Golf Kilbourn LLC</u> (Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning Golf Kilbourn’s gas station in Cook County.	5-0 roll call vote

<u>PCB 23-20</u>	<u>People of the State of Illinois v. Mahalaxmi 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 Cook County gas station, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.	5-0 roll call vote
<u>PCB 23-21</u>	<u>Ross Sword – Lanark v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that Ross Sword’s livestock waste handling facilities in Carroll County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2020)).	5-0 roll call vote
<u>PCB 23-22</u>	<u>LC Family Farms – Taylor Ridge v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that LC Family Farms’ livestock waste handling facilities in Rock Island County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2020)).	5-0 roll call vote
<u>PCB 23-23</u>	<u>Krogman Farm LLC v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that Krogman Farm’s livestock waste handling facilities in Stephenson County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2020)).	5-0 roll call vote
<u>PCB 23-24</u>	<u>KH Poppy Farms v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that KH Poppy Farms’ livestock waste handling facilities in Henry County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2020)).	5-0 roll call vote
<u>PCB 23-25</u>	<u>City of North Chicago v. Illinois Environmental Protection Agency</u> (Land, RCRA – Permit Appeal) – The Board granted the parties’ request to extend the appeal period to November 7, 2022.	5-0 roll call vote
<u>PCB 23-26</u>	<u>Village of Niles v. Illinois Environmental Protection Agency</u> (UST Appeal) – The Board granted the parties’ request to extend the appeal period to November 2, 2022.	5-0 roll call vote


OTHER ITEMS

	The Board granted the Chair’s motion to adopt the proposed schedule of the Board’s regular open meetings for calendar year 2023 (attached here and at page 6 of the meeting agenda).	5-0 roll call vote
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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 August 11, 2022, by a vote of 5-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board

BOARD MEETING DATES 2023

All meetings begin at 11:00 AM

The Board will conduct its meetings from its Springfield Videoconference Room 1244 N,
First Floor 1021 N. Grand Avenue East, Springfield, Illinois

Thursday, January 5
Thursday, January 19
Thursday, February 2
Thursday, February 16
Thursday, March 2
Thursday, March 16
Thursday, April 6
Thursday, April 20
Thursday, May 4
Thursday, May 18
Thursday, June 1
Thursday, June 15
Thursday, July 6
Thursday, July 20
Thursday, August 3
Thursday, August 17
Thursday, September 7
Thursday, September 21
Thursday, October 5
Thursday, October 19
Thursday, November 2
Thursday, November 16
Thursday, December 7
Thursday, December 21