

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



July 7, 2016

- Regular Board Meeting: 11:00 a.m.
 - Brown Bag Lunch Seminar: 12:00 p.m.
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REGULAR BOARD MEETING MINUTES

July 7, 2016

11:00 a.m.

Videoconference

Chicago
100 W. Randolph Street
Chicago, IL
Room 9-040

Springfield
1021 N. Grand Avenue East
Springfield, IL
**Conference Room 1244 N, First
Floor**

ANNOUNCEMENTS

Chairman Keenan welcomed members of the public and staff.

ROLL CALL

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

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the June 16, 2016 Regular Meeting and Brown Bag Seminar were approved by a vote of 5-0.

RULEMAKINGS

R16-16	<u>UST Update, USEPA Amendments (July 1, 2015, through December 31, 2015)</u> (Land) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s underground storage tank corrective action regulations.	
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ADJUSTED STANDARD

ADMINISTRATIVE CITATIONS

AC 16-14	<u>County of Ogle v. Wayne L. Fisher & Christina C. Fisher</u> – The Board accepted as timely respondents’ petition for review involving an Ogle County facility, but directed respondents to file an amended petition to cure deficiencies identified in the order.	5-0
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ADJUDICATORY CASES

PCB 14-111	<u>Sanitary District of Decatur v. IEPA</u> (Water – Variance) – Member Glosser reported that this case would be held to allow the time for IEPA to file a response to run, and that the motion would be ripe by the next Board meeting. The Board took no action on this matter.	
PCB 15-108 PCB 16-32 PCB 16-46 (Cons.)	<u>Distressed Properties, Inc. v. IEPA</u> <u>Distressed Properties, Inc. v. IEPA</u> <u>Distressed Properties, Inc. v. IEPA</u> (UST Appeal) – The directed petitioner to obtain attorney representation by July 28, 2016. If the Board does not receive an attorney appearance by July 28, 2016, the Board will promptly dismiss these three consolidated appeals.	5-0
PCB 16-11	<u>Wabash Valley Power Association v. IEPA</u> (Air – Permit Appeal, CAAPP) – The Board granted petitioner’s motion for dismissal of this permit appeal.	5-0
PCB 16-53	<u>Rabi Management, Inc. v. IEPA</u> (UST Appeal, 90-Day Extension) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	5-0

<p>PCB 16-54</p> <p>PCB 16-56 (Cons.)</p>	<p><u>Will County, Illinois v. Village of Rockdale, Board of Trustees of Village of Rockdale and Environmental Recycling and Disposal Services, Inc.</u> <u>Waste Management of Illinois, Inc. v. Village of Rockdale, Illinois Board of Trustees and Environmental Recycling and Disposal Services, Inc.</u> (Pollution Control Facility Siting Reviews) – The Board granted Will County and Waste Management of Illinois’ motions to reconsider the Board’s April 21, 2016 opinion and order for the limited purpose of considering petitioners’ contention that the Board misapplied the manifest weight of the evidence standard. On reconsideration, the Board disagreed and affirmed its April 21, 2016 opinion and order.</p>	<p>5-0</p>
<p>PCB 16-76</p>	<p><u>Environmental Recycling and Disposal Services, Inc. v. Will County, Illinois, Will County Board, Waste Management of Illinois, Inc.</u> (Pollution Control Facility Siting Review) – The Board granted petitioner’s unopposed motion for leave to file an amended petition for review, and accepted the amended petition for hearing.</p>	<p>5-0</p>
<p>PCB 16-97</p>	<p><u>Arnold Magnetic Technologies v. IEPA</u> (Water – Permit Appeal) – The Board accepted for hearing this permit appeal involving a site in McHenry County.</p>	<p>5-0</p>
<p>PCB 16-111</p>	<p><u>Farina Farms, Inc. v. IEPA</u> (Water – Tax Certification) – The Board found and certified that specified facilities of Farina Farms located in Marion County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).</p>	<p>5-0</p>
<p>PCB 16-112</p>	<p><u>Calpine Corporation (Zion Energy Center) v. IEPA</u> (Air Variance, CAAPP) – The Board directed petitioner to file an amended petition to cure deficiencies identified in the order.</p>	<p>5-0</p>

OTHER ITEMS

ADJOURNMENT

Moved and seconded, by a vote of 5-0, Chairman Keenan adjourned the regular meeting.

BROWN BAG LUNCH SEMINAR MINUTES

July 7, 2016

12:00 p.m.

Videoconference

100 W. Randolph Street
Chicago, IL
Room 9-040

AND

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

ROLL CALL

Chairman Keenan called the roll. Four Board Members answered present.

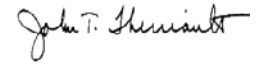
Overview of the Clean Power Plan and Emission Trading — Prof. Templeton and Ms. Rabczak provided a PowerPoint presentation to discuss the Clean Power Plan (CPP) and its implementation at the state level. First, the presenters gave the legal and regulatory background and status of the CPP, including the Supreme Court stay of the rule and the resulting uncertainty in the timing of the rule’s implementation. They then described the CPP’s key aspects (*e.g.*, the Best System of Emission Reduction standard and the SIP process), followed by a review of the core decisions states will face in implementing the rule. These decisions include whether to adopt an emissions-standards or state-measures approach—and, if the former, whether to set up a mass-based or rate-based regime and to allow trading and, if so, under what parameters. Prof. Templeton and Ms. Rabczak next examined some additional implementation decisions for states, particularly those that choose a mass-based approach: inclusion of a “new source complement” as a guard against “leakage” from existing sources; allocation of allowances—free, by auction, or hybrid; and use of set asides and reserves for various purposes, *e.g.*, “early action” incentives and emergency reserves. A copy of the PowerPoint presentation is available on the Board’s website (www.ipcb.state.il.us). The Board took no action on this matter.

Mark Templeton and
Tanya Rabczak,
University of Chicago
Law School

ADJOURNMENT

Moved and seconded, by a vote of 4-0, Chairman Keenan adjourned the brown bag lunch seminar.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on July 21, 2016, by a vote of 5-0.

A handwritten signature in black ink, appearing to read "John T. Therriault".

John T. Therriault, Clerk
Illinois Pollution Control Board