



IPCB

Illinois Pollution Control Board

BOARD MEETING MINUTES

April 16, 2020

11:00 a.m.

Teleconference

Consistent with the Governor's Executive Orders 2020-07 and 2020-10, both issued in response to the Coronavirus Disease 2019 (COVID-19) pandemic and extended by his Executive Order 2020-18, 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

Jennifer Cassel of Earthjustice provided verbal remarks on Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845, R20-19.

APPROVAL OF MINUTES

The minutes of the Board's March 5, 2020 regular meeting were approved by a vote of 4-0.

RULEMAKINGS

R19-16	<u>SDWA Update, USEPA Amendments (July 1, 2018 through December 31, 2018) (Public Water Supply)</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s drinking water regulations.	4-0
R20-19	<u>Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845 (Land)</u> – The Board adopted a first-notice proposal in this rulemaking to amend the Board’s waste disposal regulations.	4-0
R20-20	<u>Emergency Rulemaking for Cross Connection Control Device Inspectors of Public Water Supplies at 35 Ill. Adm. Code 604.1520 (Public Water Supply)</u> – The Board adopted an emergency rule extending the period for cross connection control device inspectors (CCCDIs) to renew their respective CCCDI Approvals.	4-0

ADJUSTED STANDARDS

AS 13-2	<u>Petition of Emerald Performance Materials, LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122(b) (Water)</u> – The Board denied petitioner’s motion to stay the expiration date of this adjusted standard.	4-0
----------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

ADMINISTRATIVE CITATIONS

AC 20-3	<u>County of LaSalle v. DSV SPV2, Inc. (Land)</u> – The Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2018)). Because there was one violation of Section 21(p), the Board ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 20-4	<u>County of Jackson v. Norman Martie and Monica Martie (Land)</u> – The Board found that respondents had violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2018)). Because there were three violations of Section 21(p), the Board ordered respondents to pay a civil penalty of \$4,500.	4-0

AC 20-5	<u>County of Jackson v. Phillip Qualls (Land)</u> – The Board found that respondent had violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2018)). Because there were three violations of 21(p), the Board ordered respondent to pay a civil penalty of \$4,500.	4-0
----------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

ADJUDICATORY CASES

PCB 04-115	<u>SABIC Innovative Plastics US, LLC v. IEPA (Air, CAAPP – Permit Appeal)</u> – The Board granted the joint motion to lift the stay of uncontested Clean Air Act Permit Program (CAAPP) permit conditions and, while retaining jurisdiction over the appeal, remand the CAAPP permit to respondent for revision.	4-0
PCB 13-15	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation, LLC (Citizen Enforcement – Water, Land)</u> – The Board denied respondent’s motion to stay this proceeding.	3-0 Carter abstained.
PCB 17-19	<u>People of the State of Illinois v. Cranbrook Farms, LLC (Water – Enforcement)</u> – Upon receiving a stipulation, a proposed settlement agreement, and an agreed motion for relief from the hearing requirement in this water enforcement action involving a facility located in Henry County, the Board ordered publication of the required newspaper notice.	4-0
PCB 18-54	<u>Piasa Motor Fuels, Inc. v. IEPA (UST Appeal)</u> – The Board denied the Agency’s motion to dismiss; partially granted and partially denied Piasa’ motion for summary judgment; and partially granted and partially denied the Agency’s cross-motion for summary judgment.	4-0
PCB 19-112	<u>People of the State of Illinois v. Marino Development LLC and A-W-Bennett Enterprises, Inc. (Land – Enforcement)</u> – The Board granted the People’s unopposed motions to deem facts admitted and for summary judgment. The Board therefore found that respondent Marino Development violated numerous provisions of the Environmental Protection Act and the Board’s regulations. The Board also ordered respondent Marino Development to both pay a civil penalty of \$25,000 and cease and desist from further violations.	4-0

PCB 20-1	<u>People of the State of Illinois v. Pitchford Elevator Company</u> (Land, Air – Enforcement) – In this land and air enforcement action concerning a Washington 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 settlement agreement, and ordered respondent to both pay a civil penalty of \$40,000 and cease and desist from future violations.	4-0
PCB 20-16	<u>People of the State of Illinois v. Ironhustler Excavating, Inc. and River City Construction, LLC</u> (Land – Enforcement) – The Board denied as moot the People’s motion to strike respondent Ironhustler’s affirmative defense.	4-0
PCB 20-41	<u>Dare Farms, LLP v. IEPA</u> (Water – Tax Certification) – The Board issued two separate orders in this docket concerning Dare Farms’ cattle operation located in Fulton County. In one order, under the Property Tax Code (35 ILCS 200/11-5 <i>et seq.</i> (2018)) and consistent with the Agency’s recommended grant, the Board granted “pollution control facility” certification for specified facilities of Dare Farms. In the other order, the Board accepted for hearing Dare Farms’ amended petition to contest the Agency’s recommend denial of “pollution control facility” certification for different specified facilities of Dare Farms; the Board also granted the Agency’s motion to extend the deadline for filing the record to June 1, 2020.	4-0
PCB 20-46	<u>Ahmad Samha v. IEPA</u> (UST Appeal) – 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 McClean County facility.	4-0
PCB 20-48	<u>Bank of Pontiac v. IEPA</u> (UST Appeal) – The Board accepted petitioner’s amended petition for hearing. The Board also granted petitioner’s motion to consolidate and consolidated PCB 20-48, PCB 20-49, PCB 20-50, PCB 20-51, PCB 20-52 for hearing.	4-0
PCB 20-49	<u>Bank of Pontiac v. IEPA</u> (UST Appeal) – The Board accepted petitioner’s amended petition for hearing. The Board also granted petitioner’s motion to consolidate and consolidated PCB 20-48, PCB 20-49, PCB 20-50, PCB 20-51, PCB 20-52 for hearing.	4-0

PCB 20-50	<u>Bank of Pontiac v. IEPA</u> (UST Appeal) – The Board accepted petitioner’s amended petition for hearing. The Board also granted petitioner’s motion to consolidate and consolidated PCB 20-48, PCB 20-49, PCB 20-50, PCB 20-51, PCB 20-52 for hearing.	4-0
PCB 20-51	<u>Bank of Pontiac v. IEPA</u> (UST Appeal) – The Board accepted petitioner’s amended petition for hearing. The Board also granted petitioner’s motion to consolidate and consolidated PCB 20-48, PCB 20-49, PCB 20-50, PCB 20-51, PCB 20-52 for hearing.	4-0
PCB 20-52	<u>Bank of Pontiac v. IEPA</u> (UST Appeal) – The Board accepted petitioner’s amended petition for hearing. The Board also granted petitioner’s motion to consolidate and consolidated PCB 20-48, PCB 20-49, PCB 20-50, PCB 20-51, PCB 20-52 for hearing.	4-0
PCB 20-56	<u>Steve and Jarilyn Stavropoulos v. IEPA</u> (UST Appeal) – The Board accepted petitioners’ amended petition for hearing.	4-0
PCB 20-57	<u>Humphrey Farms v. IEPA</u> (Water – Tax Certification) – The Board found and certified that Humphrey Farms’ specified facilities located in Lee County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0
PCB 20-58	<u>Evergreen FS, Inc. - Pontiac v. IEPA</u> (Water – Tax Certification) – The Board found and certified that Evergreen FS’ specified facilities located in Livingston County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0
PCB 20-59	<u>Dave, Michelle, and Aaron Rauch v. IEPA</u> (Water – Tax Certification) – The Board found and certified that Dave, Michelle, and Aaron Rauch’s specified facilities located in Clay County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0
PCB 20-60	<u>D & B Farms LLC v. IEPA</u> (Water – Tax Certification) – The Board found and certified that D & B Farms’ specified facilities located in Adams County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0

PCB 20-61	<u>Clark Farms Rossville v. IEPA (Water – Tax Certification)</u> – The Board found and certified that Clark Farms’ specified facilities located in Vermilion County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2018)).	4-0
PCB 20-63	<u>People of the State of Illinois v. Country Squire Cleaners, Inc. (Air – Enforcement)</u> – 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 located in Champaign County, the Board ordered publication of the required newspaper notice.	4-0
PCB 20-64	<u>People of the State of Illinois v. R & H Farm & Home, Inc. d/b/a R & H Service Center (Land – Enforcement)</u> – 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 located in Menard County, the Board ordered publication of the required newspaper notice.	4-0
PCB 20-65	<u>BPS Oil, Inc. v. IEPA (UST Appeal)</u> – The Board accepted petitioner’s petition for hearing in this underground storage tank (UST) appeal involving a site in Sangamon County.	4-0
PCB 20-66	<u>People of the State of Illinois v. J & M Vehicle Management Enterprises, LLC d/b/a B & O Used Auto Parts (Water, NPDES – Enforcement)</u> – The Board accepted for hearing the People’s complaint involving a site located in DeKalb County.	4-0
PCB 20-67	<u>BP Products North America Inc. v. IEPA (UST Appeal)</u> – The Board granted this request for a 90-day extension to file an underground storage tank (UST) appeal on behalf of this Madison County facility.	4-0
PCB 20-68	<u>People of the State of Illinois v. Cerro Flow Products, LLC (Land, RCRA – Enforcement)</u> – 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 located in St. Clair County, the Board ordered publication of the required newspaper notice.	4-0
PCB 20-69	<u>NMP Family Corporation v. IEPA (UST Appeal)</u> – The Board granted this request for a 90-day extension to file an underground storage tank (UST) appeal on behalf of this Williamson County facility.	4-0

PCB 20-70	<u>People of the State of Illinois v. North American E.N., Inc.</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 located in Cook County, the Board ordered publication of the required newspaper notice.	4-0
PCB 20-71	<u>Alter Trading Corporation v. IEPA</u> (Air – Permit Appeal) – The Board granted this request for a 90-day extension to file a permit appeal on behalf of this Winnebago County facility.	4-0

OTHER ITEMS

--	--	--

ADJOURNMENT

Moved and seconded, by a 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 May 21, 2020, by a vote of 4-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board