



# IPC

Illinois Pollution Control Board

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## **BOARD MEETING MINUTES**

**October 20, 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, 1<sup>st</sup> Floor**

### **ROLL CALL**

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The Clerk of the Board called the roll. The Chair and Members Palivos and Van Wie, who were physically present in Room 2-025, answered present. The Chair then made a motion under Section 7(a)(i) of the Open Meetings Act (5 ILCS 120/7(a)(i) (2020)) and Section 2175.120(d)(2) of the Board's administrative rules (2 Ill. Adm. Code 2175.120(d)(2)) for Member Gibson to attend the meeting telephonically as she was prevented from physically attending because of personal illness. The Chair's motion was approved by a roll call vote of 3-0, after which Member Gibson answered present. The Chair then made a motion under Section 7(a)(iii) of the Open Meetings Act (5 ILCS 120/7(a)(iii) (2020)) and Section 2175.120(d)(2) of the Board's administrative rules for Member Santos to attend the meeting telephonically as she was prevented from physical attending because of a family emergency. The Chair's motion was approved by a roll call vote of 4-0, after which Member Santos answered present.

### **ANNOUNCEMENTS**

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None.

### **PUBLIC REMARKS**

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None.

### **APPROVAL OF MINUTES**

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

## RULEMAKINGS

<a href="#"><u>R20-19(A)</u></a>	<u>Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845 (Sub-Docket A)</u> (Land) – The Board granted the Environmental Groups’ motion for leave to file—by November 18, 2022—a single reply to all responses to the motion to modify 35 Ill. Adm. Code 845.	5-0 roll call vote
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## ADJUSTED STANDARDS

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## ADMINISTRATIVE CITATIONS

<a href="#"><u>AC 23-3</u></a>	<u>Illinois Environmental Protection Agency v. Misty D. Whipple</u> (Land) – The Board granted IEPA’s motion to withdraw this administrative citation.	5-0 roll call vote
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## TIME-LIMITED WATER QUALITY STANDARDS

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## ADJUDICATORY CASES

<a href="#"><u>PCB 13-72</u></a>	<u>People of the State of Illinois v. Petco Petroleum Corporation</u> (Water – Enforcement) – In this enforcement action involving Petco Petroleum’s oil production facilities located in or near Fayette County, the Board granted the People’s motion for leave to file a first amended complaint.	5-0 roll call vote
<a href="#"><u>PCB 17-3</u></a>	<u>Dersch Energies, Inc. v. Illinois Environmental Protection Agency</u> (UST Appeal) – In this underground storage tank (UST) appeal involving a Lawrence County site, the Board granted Dersch Energies’ request for reimbursement of legal fees and therefore directed IEPA to pay \$32,676.30 in legal fees from the UST Fund.	5-0 roll call vote
<a href="#"><u>PCB 21-78</u></a>	<u>KB Sullivan, Inc. v. Illinois Environmental Protection Agency</u> (UST Appeal) – In this underground storage tank (UST) appeal involving a Moultrie County site, the Board granted KB Sullivan’s request for reimbursement of legal fees and therefore directed IEPA to pay \$7,860 in legal fees from the UST Fund.	5-0 roll call vote
<a href="#"><u>PCB 22-63</u></a>	<u>People of the State of Illinois v. Angel Oil Corporation</u> (Air – Enforcement) – No action taken.	

<a href="#"><u>PCB 22-82</u></a>	<u>People of the State of Illinois v. Gas N Go, Inc.</u> (Air – Enforcement) – In this enforcement action involving a Cook County gas station, the Board granted the People’s motion to deem facts admitted and for summary judgment, found that Gas N Go violated Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2020)) and Section 218.586(i)(1)(B) and (i)(2)(C) of the Board’s air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), (i)(2)(C)), and directed Gas N Go to pay a \$10,000 civil penalty.	5-0 roll call vote
<a href="#"><u>PCB 22-88</u></a>	<u>People of the State of Illinois v. Mohammad Motlanio</u> (Air – Enforcement) – In this enforcement action involving a Cook County gas station, the Board directed the Clerk to publish the required notice of the parties’ stipulation, proposal for settlement, and motion for relief from the hearing requirement.	5-0 roll call vote
<a href="#"><u>PCB 22-89</u></a>	<u>People of the State of Illinois v. Parkland Enterprises, Inc.</u> (Air – Enforcement) – In this enforcement action involving a Cook County gas station, the Board directed the Clerk to publish the required notice of the parties’ stipulation, proposal for settlement, and motion for relief from the hearing requirement.	5-0 roll call vote
<a href="#"><u>PCB 22-90</u></a>	<u>People of the State of Illinois v. Parkland Enterprises, Inc.</u> (Air – Enforcement) – In this enforcement action involving a Cook County gas station, the Board directed the Clerk to publish the required notice of the parties’ stipulation, proposal for settlement, and motion for relief from the hearing requirement.	5-0 roll call vote
<a href="#"><u>PCB 23-6</u></a>	<u>Az Spe, LLC v. Illinois Environmental Protection Agency</u> (UST Appeal) – Because Az Spe failed to file a petition for review during the extended appeal period, the Board dismissed the case and closed the docket.	5-0 roll call vote
<a href="#"><u>PCB 23-13</u></a>	<u>Paul Christian Pratapas v. Lisle Township Highway Department</u> (Water – Enforcement, Citizen) – In this citizen’s enforcement complaint alleging water violations in DuPage County, the Board granted Lisle Township’s motion to reject specified alleged violations as frivolous, granted Pratapas’ motion to modify the complaint, found that the complaint as modified was neither frivolous nor duplicative, and accepted the complaint as modified for hearing.	5-0 roll call vote
<a href="#"><u>PCB 23-14</u></a>	<u>Paul Christian Pratapas v. Horizon Construction Group, Inc.</u> (Water – Enforcement, Citizen) – In this citizen’s enforcement complaint alleging water violations in Will County, the Board granted Horizon Construction’s motion to reject specified alleged violations as frivolous, granted Pratapas’ motion to modify the complaint, found that the complaint as modified was neither frivolous nor duplicative, and accepted the complaint as modified for hearing.	5-0 roll call vote

<a href="#"><u>PCB 23-48</u></a>	People of the State of Illinois v. Sterigenics U.S., LLC (Land, Water – Enforcement) – Upon receiving a complaint, stipulation, proposed settlement, and agreed motion for relief from the hearing requirement in this enforcement action involving a DuPage County commercial sterilization facility, 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
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**OTHER ITEMS**

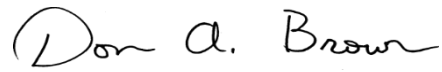
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The Chair read a proclamation honoring Board Member Anastasia Palivos for her years of service to the Board, State government, and the people of Illinois. This was Member Palivos’ last Board meeting before the end of her tenure on October 31, 2022.

**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 November 3, 2022, by a vote of 4-0.



Don Anthony Brown, Clerk  
Illinois Pollution Control Board