



IPC

Illinois Pollution Control Board

BOARD MEETING MINUTES

April 6, 2023

11:00 a.m.

Videoconference

160 N. LaSalle St.
Chicago, IL
Room N-505

AND

1021 N. Grand Ave. East
Springfield, IL
Conf. Room 1244 N, 1st Floor

ROLL CALL

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

ANNOUNCEMENTS

None.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the Board’s March 2, 2023 regular open meeting were approved by a roll call vote of 3-0.

RULEMAKINGS

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| <u>R23-18</u> | Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212 (Air) – The Board adopted a second-notice opinion and order on this rulemaking to amend the Board’s air pollution regulations. The Board also directed the Clerk to open a sub-docket to consider proposed rules on alternative emissions standards for SSM periods. | 3-0 roll call vote |
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ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

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TIME-LIMITED WATER QUALITY STANDARDS

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ADJUDICATORY CASES

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| <u>PCB 12-35</u> | People of the State of Illinois v. Six M. Corporation Inc., Thomas Maxwell, and James McIlvain, a Necessary Party (Water, UST – Enforcement) - In this enforcement action concerning a DeWitt County gas service station, 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 the parties’ stipulation and proposed settlement, and ordered respondents to pay a civil penalty of \$15,436 and to cease and desist from further violations. | 3-0 roll call vote |
| <u>PCB 20-93</u> | BOI, LLC v. Illinois Environmental Protection Agency (UST Appeal) - The Board granted BOI, LLC’s motion to dismiss this appeal concerning its underground storage tank site in Cook County. | 3-0 roll call vote |
| <u>PCB 22-42</u> | People of the State of Illinois v. Az Spe, LLC (Air – Enforcement) - In this enforcement action concerning a McHenry County gas station, 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 the parties’ stipulation and proposed settlement, and ordered Az Spe to pay a civil penalty of \$5,000 and to cease and desist from further violations. | 3-0 roll call vote |
| <u>PCB 22-71</u> | People of the State of Illinois v. Laila Enterprises, Inc. (Air – Enforcement) - In this enforcement action concerning a Cook County gas station, 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 the parties’ stipulation and proposed settlement, and ordered Laila Enterprises, Inc. to pay a civil penalty of \$5,000 and to cease and desist from further violations. | 3-0 roll call vote |
| <u>PCB 22-81</u> | People of the State of Illinois v. Az Spe, LLC (Air – Enforcement) - In this enforcement action concerning a Cook County gas station, 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 the parties’ stipulation and proposed settlement, and ordered Emanuel Joseph to pay a civil penalty of \$10,000 and to cease and desist from further violations. | 3-0 roll call vote |

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| <u>PCB 22-93</u> | People of the State of Illinois v. <u>Chicago Property on 103rd, LLC</u> (Air – Enforcement) - In this enforcement action concerning a Cook County gas station, 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 the parties’ stipulation and proposed settlement, and ordered Chicago Property on 103rd LLC to pay a civil penalty of \$5,000 and to cease and desist from further violations. | 3-0 roll call vote |
| <u>PCB 22-97</u> | People of the State of Illinois v. <u>Ramachandra Reddy, individually and d/b/a BP Amoco Gas Station</u> (Air – Enforcement) - In this enforcement action concerning a Cook County gas station, 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 the parties’ stipulation and proposed settlement, and ordered Ramachandra Reddy, individually and d/b/a BP Amoco Gas Station, to pay a civil penalty of \$5,000 and to cease and desist from further violations. | 3-0 roll call vote |
| <u>PCB 23-10</u> | People of the State of Illinois v. <u>Ali Farhan</u> (Air – Enforcement) - In this enforcement action concerning a Cook County gas station, 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 the parties’ stipulation and proposed settlement, and ordered Ali Farhan to pay a civil penalty of \$5,000 and to cease and desist from further violations. | 3-0 roll call vote |
| <u>PCB 23-19</u> | People of the State of Illinois v. <u>Golf Kilbourn LLC</u> (Air – Enforcement) - In this enforcement action concerning a Cook County gas station, 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 the parties’ stipulation and proposed settlement, and ordered Golf Kilbourn, LLC to pay a civil penalty of \$5,000 and to cease and desist from further violations. | 3-0 roll call vote |
| <u>PCB 23-55</u> | <u>Paul Christian Pratapas v. Pulte Home Company, LLC</u> (Water, NPDES – Enforcement, Citizen) – In this citizen’s enforcement case alleging water violation in DuPage County, after complainant failed to timely file the required proof of service as directed by the Board in a February 16, 2023 order, the Board dismissed the case and closed the docket. | 3-0 roll call vote |

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| <u>PCB 23-57</u> | <u>Paul Christian Pratapas v. Chelsea Manor by M/I Homes</u> (Water, NPDES – Enforcement, Citizen) – In this citizen’s enforcement case alleging water violations in DuPage County, the Board granted in part respondent’s motion to dismiss as frivolous, provided the complainant 30 days to amend his complaint to remedy identified deficiencies, and denied the motion to dismiss on other grounds. | 3-0 roll call vote |
| <u>PCB 23-93</u> | <u>People of the State of Illinois v. Conagra Foods Packaged Foods, LLC</u> (Air, CAAPP – Enforcement) - In this enforcement action concerning a Coles 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 the parties’ stipulation and proposed settlement, and ordered Conagra Foods Packaged Foods, LLC to pay a civil penalty of \$17,500 and to cease and desist from further violations. | 3-0 roll call vote |
| <u>PCB 23-97</u> | <u>People of the State of Illinois v. Crown Properties Enterprises, Inc.</u> (Air – Enforcement) - In this enforcement action concerning a Cook County gas station, 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 the parties’ stipulation and proposed settlement, and ordered Crown Properties Enterprises, Inc. to pay a civil penalty of \$5,000 and to cease and desist from further violations | 3-0 roll call vote |
| <u>PCB 23-99</u> | <u>People of the State of Illinois v. Mohammed Abdallah</u> (Air – Enforcement) - The Board accepted for hearing the People’s complaint concerning Abdallah’s gas station in Cook County. | 3-0 roll call vote |
| <u>PCB 23-100</u> | <u>John Deere Harvester v. Illinois Environmental Protection Agency</u> (UST Appeal) – The Board granted the parties’ request to extend the appeal period to June 18, 2023. | 3-0 roll call vote |
| <u>PCB 23-101</u> | <u>People of the State of Illinois v. Rick E. Heidner, James Edward Sayre, David R. Heidner, and Parkway Bank and Trust Company, as Trustee under Trust Agreement dated May 28, 2022, and known as Trust No. 13296, an Illinois Land Trust</u> (Air – Enforcement) - The Board accepted the People’s complaint for hearing concerning respondents’ gas station in Kane County. | 3-0 roll call vote |
| <u>PCB 23-102</u> | <u>People of the State of Illinois v. Warsi Management, LLC</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Warsi Management, LLC’s gas station in Cook County. | 3-0 roll call vote |

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| <u>PCB 23-103</u> | <u>People of the State of Illinois v. Aurora Metals Division, LLC</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Aurora Metals Division, LLC’s foundry and machine shop in Kane County. | 3-0 roll call vote |
| <u>PCB 23-104</u> | <u>People of the State of Illinois v. 76 Enterprises, Inc.</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning 76 Enterprises, Inc.’s gas station in Cook County, | 3-0 roll call vote |
| <u>PCB 23-105</u> | <u>People of the State of Illinois v. R & D #4, Inc. d/b/a BP AM PM Gas Station</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning R & D #4, Inc, d/b/a AM PM Gas Station and its gas station in Cook County. | 3-0 roll call vote |
| <u>PCB 23-106</u> | <u>People of the State of Illinois v Hill Top Group, Inc.</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing Hill Top Group, Inc.’s gas station in Cook County. | 3-0 roll call vote |
| <u>PCB 23-107</u> | <u>Protect West Chicago v. City of West Chicago, West Chicago City Council, and Lakeshore Recycling Systems, LLC</u> (Land – Third-Party Pollution Control Facility Siting Appeal) – The Board accepted Protect West Chicago’s petition for review of the City of West Chicago’s determination to approve the site of a pollution control facility. | 3-0 roll call vote |
| <u>PCB 23-108</u> | <u>People of the State of Illinois v Department of Transportation of the State of Illinois</u> (Noise – Enforcement) – No action taken. | |
| <u>PCB 23-109</u> | <u>People Opposing DuPage Environmental Racism v. City of West Chicago and Lakeshore Recycling Systems</u> (Land – Third-Party Pollution Control Facility Siting Appeal) – The Board accepted People Opposing DuPage Environmental Racism’s petition for review of the City of West Chicago’s determination to approve the site of a pollution control facility. | 3-0 roll call vote |

OTHER ITEMS

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| | The Board approved the Chair’s motion under Section 2(c)(4) of the Open Meetings Act (5 ILCS 120/2(c)(4) (2020)) to hold a Closed Deliberative Session on Thursday, April 13, 2023, at 10:00 a.m. regarding <u>Parker’s Gas & More, Inc. v. Illinois Environmental Protection Agency, PCB 19-79 (UST Appeal)</u> , in which the Board held a public hearing on November 15, 2022. | 3-0 roll call vote |
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| | The Board approved the Chair's motion to approve a proclamation commemorating Cynthia M. Santos, former Board Member, on her six years of service with the Board. | 3-0 roll call vote |
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ADJOURNMENT

I, Don Anthony Brown, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on May 4, 2023, by a vote of 3-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board