



IPC

Illinois Pollution Control Board

BOARD MEETING MINUTES

July 20, 2023

11:00 a.m.

Videoconference

160 N. LaSalle St.
Chicago, IL
Room N-502

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 July 6, 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 final opinion and order in which it, first, respectfully declined to modify or withdraw its proposal in response to the objections of the Joint Committee on Administrative Rules and, second, amended the Board's air pollution control rules. | 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 23-40</u> | <u>People of the State of Illinois v. Hussein Saleh, an individual, d/b/a Amir Citgo (Air – Enforcement)</u> – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a Cook County gas station, the Board directed the Clerk to provide the required newspaper notice. | 3-0 roll call vote |
| <u>PCB 23-62</u> | <u>Paul Christian Pratapas v. Charleston Building and Development and Ozinga Ready Mix Concrete, Inc. (Water, NPDES – Enforcement, Citizen)</u> – The Board denied Pratapas’ request for extension of time and dismissed the complaint for failure to timely file the required proof of service. The Board therefore denied as moot the respective motions to dismiss of Ozinga and Charleston. | 3-0 roll call vote |
| <u>PCB 23-64</u> | <u>Paul Christian Pratapas v. Cantera Development Holdings, LLC (Water, NPDES – Enforcement, Citizen)</u> – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint. The Board therefore denied as moot Cantera’s two motions to dismiss. | 3-0 roll call vote |
| <u>PCB 23-73</u> | <u>Paul Christian Pratapas v. Cadillac of Naperville and Joseph Nicolas Construction (Water, NPDES – Enforcement, Citizen)</u> – The Board dismissed the complaint because Pratapas failed to timely file the required proof of service or an amended complaint as directed. | 3-0 roll call vote |
| <u>PCB 23-74</u> | <u>Paul Christian Pratapas v. Pulte Home Company, LLC (Water, NPDES – Enforcement, Citizen)</u> – The Board denied Pratapas’ request for extension of time and dismissed the complaint for failure to timely file the required proof of service. The Board therefore denied as moot Pulte’s motion to dismiss. | 3-0 roll call vote |
| <u>PCB 23-77</u> | <u>Paul Christian Pratapas v. DeJames Builders and City of Naperville: Mayor Steve Chirico (Water, NPDES – Enforcement, Citizen)</u> – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint. The Board therefore denied as moot Mayor Chirico’s motion to dismiss. | 3-0 roll call vote |

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| <u>PCB 23-82</u> | <u>Paul Christian Pratapas v. Midwest Construction Partners and City of Naperville: Mayor Steve Chirico</u> (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint. | 3-0 roll call vote |
| <u>PCB 23-83</u> | <u>Paul Christian Pratapas v. Steeple Run Elementary School and Ozinga Ready Mix Concrete, Inc.</u> (Water, NPDES – Enforcement, Citizen) – The Board denied Pratapas’ request for extension of time and dismissed the complaint for failure to timely file the required proof of service. The Board therefore denied as moot Ozinga’s motion to dismiss and the joint motion to voluntarily dismiss as to Steeple Run. | 3-0 roll call vote |
| <u>PCB 23-98</u> | <u>People of the State of Illinois v. Soufian Abdelkader</u> (Air – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment. The Board therefore found that Abdelkader violated Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2022)) and Section 218.586(i)(1)(B), (i)(2)(A), and (i)(2)(C) of the Board’s air pollution control regulations (35 Ill. Adm. Code 218.586(i)(1)(B), (i)(2)(A), (i)(2)(C)), as the People’s complaint alleged. The Board also ordered Abdelkader to pay a \$10,000 civil penalty, as the People’s motion requested. | 3-0 roll call vote |
| <u>PCB 24-1</u> | <u>Diekemper Pork LLC v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that Diekemper’s livestock waste handling facilities in Clinton County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2020)). | 3-0 roll call vote |
| <u>PCB 24-2</u> | <u>JAS Farms, Inc. v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that JAS Farms’ livestock waste handling facilities in Livingston County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2020)). | 3-0 roll call vote |
| <u>PCB 24-3</u> | <u>People of the State of Illinois v. Upendra Sinha, an individual, d/b/a Citgo</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 concerning a Kane County storage tank manufacturing facility, the Board directed the Clerk to provide the required newspaper notice. | 3-0 roll call vote |

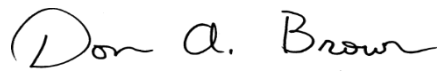
OTHER ITEMS

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| | By a 3-0 roll call vote, the Board granted the Chair’s Motion under Section 2.06(c) of the Open Meetings Act (5 ILCS 120/2.06(c) (2020)) to continue preserving only written minutes of the Board’s closed meeting held on September 2, 2021, and to approve destroying the verbatim tape recording of that closed meeting. | |
| | By a 3-0 roll call vote, the Board granted the Chair’s Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d) (2020)) to continue keeping confidential the minutes of the Board’s closed meetings held on April 13, 2023, and June 15, 2023. | |

ADJOURNMENT

Moved and seconded, by a roll call vote of 3-0, 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 3, 2023, by a vote of 3-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board