



IPCB

Illinois Pollution Control Board

BOARD MEETING MINUTES

August 3, 2023

11:00 a.m.

Videoconference

100 W. Randolph St.
Chicago, IL
Room 16-504

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 four Board Members answered present.

ANNOUNCEMENTS

Chair Currie welcomed members of the public and staff. The Chair also welcomed newly appointed Board Member Michael Mankowski.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the Board's July 20, 2023 regular open meeting were approved by a roll call vote of 3-0. Member Mankowski abstained.

RULEMAKINGS

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ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

<u>AC 23-15</u>	<u>Illinois Environmental Protection Agency v. Grant Gutierrez d/b/a Grant Gutierrez Junk Car Removal</u> (Land) – After Gutierrez failed to timely file a petition to contest the administrative citation, the Board found that he violated Section 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2022)), as alleged. Because there were three violations of Section 21(p), the Board ordered Gutierrez to pay a total civil penalty of \$4,500, reflecting the statutory penalty of \$1,500 per violation.	3-0 roll call vote; Mankowski abstained
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TIME-LIMITED WATER QUALITY STANDARDS

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ADJUDICATORY CASES

<u>PCB 14-3</u>	<u>Johns Manville v. Illinois Department of Transportation</u> (Land – Enforcement, Citizen) – The Board found that IDOT violated Section 21(a), (d), and (e) of the Environmental Protection Act (415 ILCS 5/21(a), (d), (e) (2022)). The Board also ordered IDOT to reimburse \$620,203 in cleanup costs to Johns Manville by September 18, 2023.	3-0 roll call vote; Mankowski abstained
<u>PCB 19-93</u>	<u>Prairie Rivers Network v. Dynegy Midwest Generation, LLC</u> (Water – Enforcement, Citizen) – The Board granted Prairie Rivers Network’s motion for voluntary dismissal, dismissed the matter with prejudice, and closed the docket.	3-0 roll call vote; Mankowski abstained
<u>PCB 23-60</u>	<u>Paul Christian Pratapas v. Lexington Trace LLC</u> (Water, NPDES – Enforcement, Citizen) – The Board granted Lexington’s motion to dismiss for frivolousness the complaint’s requests for relief numbered 3, 4, 6, and 7, and struck those four requests. The Board also directed Pratapas to amend his complaint for specificity by September 5, 2023, or face dismissal of the complaint.	3-0 roll call vote; Mankowski abstained
<u>PCB 23-67</u>	<u>Paul Christian Pratapas v. Lakewest Custom Homes, Rathbun Cservenyak & Kozol LLC, and @Properties</u> (Water, NPDES – Enforcement, Citizen) – The Board dismissed Rathbun and @properties. The Board therefore denied as moot @properties’ motion to dismiss and Pratapas’ motion to dismiss @properties. The Board struck the complaint’s requests for relief numbered 3, 5, 6, 7, 8, 9, and 10. Finally, the Board accepted the complaint, so modified, for hearing, with Lakewest the only remaining respondent.	3-0 roll call vote; Mankowski abstained

<u>PCB 23-69</u>	<u>Paul Christian Pratapas v. Everclean Car Wash and Village of Woodridge</u> (Water, NPDES – Enforcement, Citizen) – The Board dismissed this case because Pratapas failed to timely file an amended complaint.	3-0 roll call vote; Mankowski abstained
<u>PCB 23-75</u>	<u>Paul Christian Pratapas v. Willow Run by M/I Homes</u> (Water, NPDES – Enforcement, Citizen) –The Board denied Pratapas’ motion to amend the complaint. The Board dismissed this case because Pratapas failed to timely file an amended complaint.	3-0 roll call vote; Mankowski abstained
<u>PCB 23-79</u>	<u>Paul Christian Pratapas v. Pulte Home Company, LLC and City of Batavia</u> (Water, NPDES – Enforcement, Citizen) – The Board dismissed this case because Pratapas failed to timely file an amended complaint. The Board therefore denied as moot Batavia’s motion to dismiss.	3-0 roll call vote; Mankowski abstained
<u>PCB 23-123</u>	<u>People of the State of Illinois v. Tennis Dairy Farm, LLP</u> (Water – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning Tennis Dairy’s animal feeding operation in Wabash County, the Board directed the Clerk to provide the required newspaper notice.	3-0 roll call vote; Mankowski abstained
<u>PCB 23-124</u>	<u>People of the State of Illinois v. Village of Blue Mound</u> (Water, NPDES – Enforcement) – In this enforcement action concerning a Macon County sewage treatment plant, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted the parties’ stipulation and proposed settlement, and ordered Blue Mound to pay a civil penalty of \$7,000 and to cease and desist from further violations.	3-0 roll call vote; Mankowski abstained
<u>PCB 23-125</u>	<u>People of the State of Illinois v. K.D. Crain & Sons, Inc.</u> (Water, NPDES – Enforcement) – In this enforcement action concerning K.D. Crain & Sons’ Southern Delta Mine in Williamson and Saline Counties, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2022)), accepted the parties’ stipulation and proposed settlement, and ordered K.D. Crain & Sons to pay a civil penalty of \$6,500 and to cease and desist from further violations.	3-0 roll call vote; Mankowski abstained
<u>PCB 24-4</u>	<u>People of the State of Illinois v. Kirk V. Feller and Feller Oilfield Service, Inc.</u> (Land, Water – Enforcement) – The Board accepted the People’s complaint for hearing concerning respondents’ oil field services, transportation, road grading, and excavating company in Fayette County.	3-0 roll call vote; Mankowski abstained

<u>PCB 24-5</u>	<u>People of the State of Illinois v. Hawkins, Inc. d/b/a Vertex Chemical Corporation</u> (Air, CAAPP – 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 St. Clair County facility for manufacturing and distributing bleach, methanol-based windshield washer fluid, and antifreeze, the Board accepted the complaint and directed the Clerk to provide newspaper notice of the settlement-related filings.	3-0 roll call vote; Mankowski abstained
<u>PCB 24-6</u>	<u>Kujawa Farm - The Maschhoffs LLC v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that Kujawa Farm’s livestock waste handling facilities in Jefferson County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).	3-0 roll call vote; Mankowski abstained
<u>PCB 24-7</u>	<u>Mitch Brown v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that Mitch Brown’s livestock waste handling facilities in Henderson County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).	3-0 roll call vote; Mankowski abstained
<u>PCB 24-8</u>	<u>Mueller Feed, LLC v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that Mueller Feed’s livestock waste handling facilities in Ford County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).	3-0 roll call vote; Mankowski abstained

OTHER ITEMS

	The Board granted the Chair’s Motion to adopt the proposed schedule of the Board’s regular open meetings for calendar year 2024 (attached as page 5 of both the agenda and these minutes).	3-0 roll call vote; Mankowski abstained
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ADJOURNMENT

Moved and seconded, by a roll call vote of 3-0, with Member Mankowski abstaining, 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 17, 2023, by a vote of 4-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board

BOARD MEETING DATES 2024

All meetings begin at 11:00 AM

The Board will conduct its meetings from its Springfield Videoconference Room 1244 N,
First Floor 1021 N. Grand Avenue East, Springfield, Illinois

Thursday, January 4
Thursday, January 18
Thursday, February 1
Thursday, February 15
Thursday, March 7
Thursday, March 21
Thursday, April 4
Thursday, April 18
Thursday, May 2
Thursday, May 16
Thursday, June 6
Thursday, June 20
Thursday, July 11
Thursday, July 25
Thursday, August 8
Thursday, August 22
Thursday, September 5
Thursday, September 19
Thursday, October 3
Thursday, October 17
Thursday, November 7
Thursday, November 21
Thursday, December 5
Thursday, December 19