



IPC

Illinois Pollution Control Board

BOARD MEETING MINUTES

September 7, 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.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the Board’s August 17, 2023 regular open meeting were approved by a roll call vote of 4-0.

RULEMAKINGS

| | | |
|--|--|--|
| | | |
|--|--|--|

ADJUSTED STANDARDS

| | | |
|--------------------------------|--|-----------------------|
| <u>AS 21-1</u> | <u>Petition of Midwest Generation, LLC for an Adjusted Standard from 35 Ill. Adm. Code 845.740(a) and a Finding of Inapplicability of 35 Ill. Adm. Code 845 (Joliet 29 Station) (Land) – The Board granted Midwest Generation’s motion to voluntarily withdraw its adjusted standard petition for Pond 2 and dismissed the case.</u> | 4-0 roll call vote |
|--------------------------------|--|-----------------------|

ADMINISTRATIVE CITATIONS

| | | |
|--|--|--|
| | | |
|--|--|--|

TIME-LIMITED WATER QUALITY STANDARDS

| | | |
|--|--|--|
| | | |
|--|--|--|

ADJUDICATORY CASES

| | | |
|--|---|-------------------------------|
| <p><u>PCB 18-11</u></p> | <p><u>Sierra Club; Prairie Rivers Network; National Association for the Advancement of Colored People v. City of Springfield, Office of Public Utilities d/b/a City Water, Light and Power</u> (Water – Enforcement, Citizens) – The Board granted the Citizen Groups’ renewed motion for partial summary judgment. Accordingly, the Board found that CWLP violated Section 12(a) of the Environmental Protection Act (415 ILCS 5/12(a)) and Sections 610.115, 620.301(a), and 620.405 of the Board’s groundwater rules (35 Ill. Adm. Code 620.115, 620.301(a), 620.405) at monitoring wells AP-1R, AP-2, AP-2R, and AP-3.</p> | <p>4-0 roll call vote</p> |
| <p><u>PCB 23-42</u></p> | <p><u>People of the State of Illinois v. US Citgo Oil, Inc.</u> (Air – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment. The Board therefore found that US Citgo Oil 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 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 US Citgo Oil to pay a \$10,000 civil penalty, as the People’s motion requested.</p> | <p>4-0 roll call vote</p> |
| <p><u>PCB 23-81</u></p> | <p><u>Paul Christian Pratapas v. M/I Homes</u> (Water – Enforcement, Citizen) – The Board denied M/I’s motion for sanctions and motion to dismiss with prejudice. The Board dismissed the case, however, because Pratapas failed to timely file an amended complaint.</p> | <p>4-0 roll call vote</p> |
| <p><u>PCB 23-101</u></p> | <p><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) – In this enforcement action concerning a Cook County gas station, the Board granted the People’s motion to dismiss David R. Heidner without prejudice. Further, upon receiving a stipulation, a proposed settlement, and an agreed motion for hearing relief from the People and the remaining respondents, the Board directed the Clerk to provide the required newspaper notice.</p> | <p>4-0 roll call vote</p> |

| | | |
|-----------------------------------|---|-----------------------|
| <u>PCB 23-104</u> | <u>People of the State of Illinois v. 76 Enterprises, Inc.</u> (Air – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment. The Board therefore found that 76 Enterprises violated Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2022)) 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)), as the People’s complaint alleged. The Board also ordered 76 Enterprises to pay a \$10,000 civil penalty, as the People’s motion requested. | 4-0 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) – In this enforcement action concerning a Lake 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) (2022)), accepted a stipulation and proposed settlement, and ordered BP AM PM to pay a \$5,000 civil penalty. | 4-0 roll call vote |
| <u>PCB 23-116</u> | <u>CID Recycling & Disposal Facility v. Illinois Environmental Protection Agency</u> (Land, RCRA – Permit Appeal) – Because CID Recycling & Disposal Facility failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket. | 4-0 roll call vote |
| <u>PCB 23-123</u> | <u>People of the State of Illinois v. Tennis Dairy Farm, LLP</u> (Water – Enforcement) – In this enforcement action concerning a Wabash County animal feeding operation, 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 a stipulation and proposed settlement, and ordered Tennis Dairy Farm to pay a \$7,200 civil penalty and to cease and desist from further violations. The Board therefore denied as moot Tennis Dairy Farm’s motion for extension of time to answer the complaint. | 4-0 roll call vote |
| <u>PCB 23-132</u> | <u>People of the State of Illinois v. Midwest Trailer Manufacturing, LLC</u> (Land, RCRA – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a Henry County steel dump trailer manufacturing facility, the Board directed the Clerk to provide the required newspaper notice. | 4-0 roll call vote |

| | | |
|----------------------------------|---|-----------------------|
| <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) – In this enforcement action concerning Vertex Chemical’s St. Clair County facility for manufacturing and distributing bleach, methanol-based windshield washer fluid, and antifreeze, 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 a stipulation and proposed settlement, and ordered Vertex Chemical to pay a civil penalty of \$78,850 and avoided permit fees of \$21,150 and to cease and desist from further violations. | 4-0 roll call vote |
| <u>PCB 24-13</u> | <u>People of the State of Illinois v. Kappa Products Corporation</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 Cook County grease-rendering facility, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings. | 4-0 roll call vote |
| <u>PCB 24-14</u> | <u>People of the State of Illinois v. Norma Bonelli-Zook d/b/a Fountain Valley Mobile Home Park</u> (Water, NPDES – 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 Champaign County mobile home park, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings. | 4-0 roll call vote |
| <u>PCB 24-15</u> | <u>People of the State of Illinois v. Cores For You, 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 concerning a Hancock County core-making facility, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings. | 4-0 roll call vote |
| <u>PCB 24-16</u> | <u>People of the State of Illinois v. Nasser Yafai, Quick Gas & Mini Mart, Inc., CYPR Harvey, Inc. d/b/a Quick Gas & Mini Mart, Inc., and Harvey Real Estate, Inc.</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning respondents’ gas station in Cook County. | 4-0 roll call vote |
| <u>PCB 24-17</u> | <u>People of the State of Illinois v. Crystal Cold, LLC</u> (Land, RCRA – Enforcement) – The Board accepted the People’s complaint for hearing concerning Crystal Cold’s refrigeration business in Douglas County. | 4-0 roll call vote |

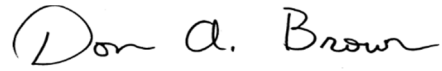
OTHER ITEMS

| | | |
|--|---|-----------------------|
| | The Board granted the Chair’s motion under Section 2(c)(4) of the Open Meetings Act (5 ILCS 120/2(c)(4) (2022)) to hold a Closed Deliberative Session on Thursday, September 14, 2023, at 10:00 a.m. regarding <u>Jeet Singh d/b/a Aman Food & Gas v. Illinois Environmental Protection Agency, PCB 23-90 (UST Appeal)</u> (public hearing held June 22, 2023). | 4-0 roll call vote |
|--|---|-----------------------|

ADJOURNMENT

Moved and seconded, by a roll call vote of 4-0, 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 September 21, 2023, by a vote of 4-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board