



IPC

Illinois Pollution Control Board

BOARD MEETING MINUTES

October 5, 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.

ANNOUNCEMENTS

Chair Currie welcomed members of the public and staff.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the Board’s September 21, 2023 regular open meeting were approved by a roll call vote of 4-0.

RULEMAKINGS

<u>R23-15</u>	<u>National Ambient Air Quality Standards (NAAQS), USEPA Amendments (July 1, 2022 through December 31, 2022) (Air)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.	4-0 roll call vote
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ADJUSTED STANDARDS

<u>AS 21-3</u>	<u>Midwest Generation LLC’s Petition for an Adjusted Standard and a Finding of Inapplicability for the Waukegan Station (Land) – The Board accepted Midwest Generation, LLC’s second amended petition for adjusted standard and denied its motion to stay the proceeding.</u>	4-0 roll call vote
<u>AS 24-1</u>	<u>Petition of ExxonMobil Oil Corporation for an Adjusted Standard from 35 Ill. Adm. Code 216.361, 35 Ill. Adm. Code 216.103, and 35 Ill. Adm. Code 216.104 (Air) – The Board accepted ExxonMobil Oil Corporation’s petition for adjusted standard and granted IEPA’s motion to stay the proceeding for 90 days, i.e., until December 27, 2023.</u>	4-0 roll call vote
<u>AS 24-2</u>	<u>Petition of East Dubuque Nitrogen Fertilizers, LCC for an Adjusted Standard (Air) – The Board accepted East Dubuque Nitrogen Fertilizers, LLC’s petition for adjusted standard and granted IEPA’s motion to stay the proceeding for 90 days, i.e., until December 27, 2023.</u>	4-0 roll call vote
<u>AS 24-3</u>	<u>Petition of Marathon Petroleum Company, LP for an Adjusted Standard from 35 Ill. Adm. Code Part 201 and Section 216.361 (Air) – The Board accepted Marathon Petroleum Company, LP’s amended petition for adjusted standard and granted IEPA’s motion to stay the proceeding for 90 days, i.e., until December 27, 2023.</u>	4-0 roll call vote
<u>AS 24-5</u>	<u>Petition of Rain CII Carbon LLC for an Adjusted Standard from 35 Ill. Adm. Code 201.149, 212.123, 212.322, and 215.301 (Air) – The Board accepted Rain CII Carbon LLC’s amended petition for adjusted standard and granted IEPA’s motion to stay the proceeding for 90 days, i.e., until December 27, 2023.</u>	4-0 roll call vote

ADMINISTRATIVE CITATIONS

<u>AC 24-1</u>	<u>Illinois Environmental Protection Agency v. Leslie Mandrell and Thomas Fann d/b/a Fann Tree Service (Land) – After respondents failed to timely file a petition to contest the administrative citation, the Board found that they violated Section 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2022)), as alleged. Because there were two violations of Section 21(p), the Board ordered respondents to pay a total civil penalty of \$3,000, reflecting the statutory penalty of \$1,500 per violation.</u>	4-0 roll call vote
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TIME-LIMITED WATER QUALITY STANDARDS

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ADJUDICATORY CASES

<p><u>PCB 13-15</u></p>	<p><u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation, LLC (Land, Citizens – Enforcement)</u> – The Board denied the Environmental Groups’ appeal of the hearing officer’s rulings on economic impact testimony. After granting the Environmental Groups’ appeal of the hearing officer’s ruling on Midwest Generation, LLC’s objection to Exhibits 1331 and 1332, the Board admitted both exhibits in their entirety. The Board denied Midwest Generation, LLC’s appeals of the hearing officer’s rulings to admit Mark Quarles’ opinions and reports, deny objection to Jonathan Shefftz’ opinions, and admit the Environmental Groups’ Exhibit 1408.</p>	<p>4-0 roll call vote</p>
<p><u>PCB 22-70</u></p>	<p><u>People of the State of Illinois v. KJS Properties LLC (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.</p>	<p>4-0 roll call vote</p>
<p><u>PCB 22-77</u></p>	<p><u>People of the State of Illinois v. Lala Kala, Inc. (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 DuPage County gas station, the Board directed the Clerk to provide the required newspaper notice.</p>	<p>4-0 roll call vote</p>
<p><u>PCB 23-5</u></p>	<p><u>People of the State of Illinois v. Khalid Siddiqui (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.</p>	<p>4-0 roll call vote</p>
<p><u>PCB 23-28</u></p>	<p><u>People of the State of Illinois v. Shabeena Afridi, individually and d/b/a One Stop Gas Station, and Arathi Property, Inc. (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.</p>	<p>4-0 roll call vote</p>
<p><u>PCB 23-92</u></p>	<p><u>Bunge Milling, Inc. v. Illinois Environmental Protection Agency (Air, FESOP – Permit Appeal)</u> – No action taken.</p>	<p>Held</p>

<u>PCB 23-115</u>	<u>People of the State of Illinois v. Shabeena Afridi, individually and d/b/a One Stop Gas Station, and Arathi Property, Inc. (Air – Enforcement)</u> – The Board accepted for hearing the People’s amended complaint concerning respondents’ Lake County gas station.	4-0 roll call vote
<u>PCB 23-126</u>	<u>Mullins Foods Products and Angell Realty XII, LLC v. Illinois Environmental Protection Agency (UST Appeal)</u> – Because Mullins Food Products and Angell Realty XII, LLC 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 23-127</u>	<u>Maher Lumber Company v. Illinois Environmental Protection Agency (UST Appeal)</u> – Because Maher Lumber Company 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 24-10</u>	<u>People of the State of Illinois v. Redline Metals, Inc. (Water, NPDES – 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 Kane County metal scrapyards, the Board directed the Clerk to provide the required newspaper notice.	4-0 roll call vote
<u>PCB 24-12</u>	<u>People of the State of Illinois v. Deer View, LLC and Professional Swine Management, LLC (Water, NPDES – Enforcement)</u> – In this enforcement action concerning a farrow-to-wean swine operation in Hancock County, 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, ordered Deer View, LLC to pay a \$9,000 civil penalty, ordered Professional Swine Management, LLC to pay a \$15,000 civil penalty, and ordered both respondents to cease and desist from further violations.	4-0 roll call vote
<u>PCB 24-19</u>	<u>Casey’s Retail Company v. Illinois Environmental Protection Agency (UST Appeal)</u> – The Board granted the parties’ request to extend the appeal period to December 28, 2023.	4-0 roll call vote
<u>PCB 24-20</u>	<u>RDK Ventures, LLC v. Illinois Environmental Protection Agency (UST Appeal)</u> – The Board granted the parties’ request to extend the appeal period to January 16, 2024.	4-0 roll call vote

<u>PCB 24-21</u>	<u>People of the State of Illinois v. AEP NVH OPCO, LLC d/b/a Applied Acoustics International (Air – Enforcement)</u> – 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 sound dampening pad production 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 24-22</u>	<u>Flikkema Farms v. Illinois Environmental Protection Agency (Water – Tax Certification)</u> – The Board found and certified that Flikkema Farms’ livestock waste management facilities in Carroll County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).	4-0 roll call vote
<u>PCB 24-23</u>	<u>Conserv FS, Inc. v. Illinois Environmental Protection Agency (Water – Tax Certification)</u> – The Board found and certified that Conserv FS, Inc.’s fertilizer and agrichemical storage facilities in DeKalb County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).	4-0 roll call vote

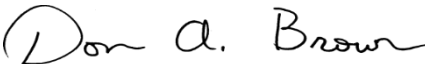
OTHER ITEMS

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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 October 19, 2023, by a vote of 4-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board