



IPC B

Illinois Pollution Control Board

BOARD MEETING MINUTES

FEBRUARY 15, 2024

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. The Chair and Members Van Wie and Gibson, who were physically present in Room N-505, answered present. The Chair then made a motion under Section 7(a)(iv) of the Open Meetings Act (5 ILCS 120/7(a)(iv) (2022)) for Member Mankowski to attend the meeting telephonically as he was prevented from physically attending because of unexpected childcare obligations. The Chair’s motion was approved by a roll call vote of 3-0, after which Member Mankowski answered present.

ANNOUNCEMENTS

None.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the Board’s February 1, 2024 regular open meeting were approved by a roll call vote of 4-0.

RULEMAKINGS

<u>R18-25</u>	<u>Amendments to 35 Ill. Adm. Code Subtitle E: Agriculture Related Water Pollution (Water)</u> – The Board adopted a final opinion and order in this rulemaking to non-substantively amend the Board’s agriculture-related water pollution rules.	4-0 roll call vote
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<u>R24-9</u>	<u>SDWA Update, USEPA Amendments (July 1, 2023 through December 31, 2023)</u> (Public Water Supply) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend the National Primary Drinking Water Regulations (NPDWR) during the update period of July 1, 2023 through December 31, 2023.	4-0 roll call vote
<u>R24-11</u>	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Regulations (July 1, 2023 through December 31, 2023)</u> (Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding municipal solid waste landfill (MSWLF) regulations during the update period of July 1, 2023 through December 31, 2023.	4-0 roll call vote
<u>R24-13</u>	<u>UST Update, USEPA Amendments (July 1, 2023 through December 31, 2023)</u> (Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding underground storage tank (UST) regulations during the update period of July 1, 2023 through December 31, 2023.	4-0 roll call vote
<u>R24-16</u>	<u>Definition of VOM, USEPA Amendments (July 1, 2023 through December 31, 2023)</u> (Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its corresponding air pollution control regulations during the update period of July 1, 2023 through December 31, 2023.	4-0 roll call vote

ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

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TIME-LIMITED WATER QUALITY STANDARDS

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ADJUDICATORY CASES

<u>PCB 21-112</u>	<u>Brandis Aircraft v. Illinois Environmental Protection Agency</u> (Land, RCRA – Permit Appeal) – The Board granted Brandis Aircraft’s unopposed motion for voluntary dismissal, dismissed the appeal, and closed the docket.	4-0 roll call vote
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<u>PCB 22-27</u>	<u>J.D. Streett & Company, Inc. v. Illinois Environmental Protection Agency</u> (UST Appeal) – The Board partially granted J.D. Streett’s request to authorize payment of attorney’s fees. The Board directed IEPA to reimburse J.D. Streett \$3,375.96 in legal fees from the Underground Storage Tank (UST) Fund under Section 57.8(l) of the Environmental Protection Act (415 ILCS 5/57.8(l) (2022)).	4-0 roll call vote
<u>PCB 23-112</u>	<u>People of the State of Illinois v. Inland-Frycek, Inc. and 969 Northwest Hwy LLC</u> (Land, Water – Enforcement) – In this enforcement action concerning 969 Northwest Hwy’s Cook County property at which there is a former 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 969 Northwest Hwy to pay a \$8,800 civil penalty and to cease and desist from further violations.	4-0 roll call vote
<u>PCB 23-121</u>	<u>People of the State of Illinois v. Chicago Magnesium Casting Company</u> (Air – Enforcement) – In this enforcement action concerning Chicago Magnesium Casting’s magnesium and aluminum foundry in Cook 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 a stipulation and proposed settlement, and ordered Chicago Magnesium Casting to pay a \$10,000 civil penalty and to cease and desist from further violations.	4-0 roll call vote
<u>PCB 24-26</u>	<u>BP Products North America Inc. v. Illinois Environmental Protection Agency</u> (Land, RCRA – Permit Appeal) – The Board accepted for hearing BP Products North America’s appeal of this IEPA determination to issue a renewed Resource Conservation and Recovery Act (RCRA) post-closure permit with conditions for the Riverfront facility in Madison County.	4-0 roll call vote
<u>PCB 24-27</u>	<u>CIMA Developers LP v. Illinois Environmental Protection Agency</u> (UST Appeal) – Because CIMA Developers 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 24-28</u>	<u>CIMA Developers LP v. Illinois Environmental Protection Agency</u> (UST Appeal) – Because CIMA Developers 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 24-29</u>	<u>BFI Waste Systems of North America, LLC v. Illinois Environmental Protection Agency</u> (Land, RCRA – Permit Appeal) – The Board accepted for hearing BFI Waste Systems’ appeal of this IEPA determination to issue a renewed Resource Conservation and Recovery Act (RCRA) post-closure permit with conditions for the Davis Junction Landfill in Ogle County.	4-0 roll call vote
<u>PCB 24-48</u>	<u>Illinois Power Resources Generating, LLC v. Illinois Environmental Protection Agency</u> (Land, CCR – Appeal) – The Board granted IPRG’s unopposed motion to stay the requirements of 35 Ill. Adm. Code 845.650(d), 845.660, 845.670, and 845.680 as they apply to specified pH exceedances at the Gypsum Management Facility Pond, a coal combustion residual (CCR) surface impoundment at IPRG’s Duck Creek Power Plant in Fulton County.	4-0 roll call vote
<u>PCB 24-50</u>	<u>Qik-N-EZ v. Illinois Environmental Protection Agency</u> (UST Appeal) – The Board granted the parties’ request to extend the appeal period to May 13, 2024.	4-0 roll call vote
<u>PCB 24-51</u>	<u>Aero Plating Works v. Illinois Environmental Protection Agency</u> (Land, RCRA – Permit Appeal) – The Board granted the parties’ request to extend the appeal period to May 16, 2024.	4-0 roll call vote
<u>PCB 24-52</u>	<u>People of the State of Illinois v. Clean Cut Lawn Care, LLC</u> (Land, Air – Enforcement) – The Board accepted for hearing the People’s complaint concerning Clean Cut’s lawn care and landscaping business and its clean construction or demolition debris recycling facility, both in Kankakee County.	4-0 roll call vote
<u>PCB 24-53</u>	<u>Dynegy Midwest Generation, LLC v. Illinois Environmental Protection Agency</u> (Land, CCR – Appeal) – The Board accepted for hearing this appeal involving a coal combustion residual (CCR) surface impoundment (New East Ash Pond) at DMG’s Vermilion Power Plant in Vermilion County. The Board also reserved ruling on DMG’s motion for partial stay.	4-0 roll call vote
<u>PCB 24-54</u>	<u>People of the State of Illinois v. All American Ready Mix, Inc.</u> (Water, NPDES – Enforcement) – The Board accepted for hearing the People’s complaint concerning All American’s ready mixed concrete facility in Cass County.	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 March 7, 2024, by a vote of 4-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don Anthony Brown, Clerk
Illinois Pollution Control Board