

Fox, Tim

From: mike-jem@consolidated.net
Sent: Wednesday, April 2, 2025 11:50 AM
To: Fox, Tim
Subject: RE: [External] Subject: Follow-up on Citizen Complaint Submission and Denial
Attachments: Citizens Complaint IPCB.docx

Dear Mr. Fox,

Thank you for your response and for providing information regarding the complaint process.

I wanted to follow up to confirm that I am currently checking on the status of a citizen complaint that was filed on January 24, 2025. For reference, I have enclosed the complaint so you can see the grave concerns surrounding this matter.

Additionally, if I have any further questions or require additional guidance, would you be the appropriate person to reach out to? Please let me know if there is a different point of contact, I should be aware of.

I appreciate your time and assistance, and I look forward to your response.

Best regards,

Michael Laurenzana

mike-jem@consolidated.net

217-899-7605

From: Fox, Tim <Tim.Fox@illinois.gov>
Sent: Wednesday, April 2, 2025 9:44 AM
To: mike-jem@consolidated.net
Cc: Brown, Don <Don.Brown@illinois.gov>; Tipsord, Marie <Marie.Tipsord@illinois.gov>
Subject: RE: [External] Subject: Follow-up on Citizen Complaint Submission and Denial

Mr. Laurenzana:

The only filings you've submitted to the Board are in PCB 25-27, docketed as a permit appeal and dismissed on 1/23/25, and in PCB 25-43, docketed as a formal citizen's enforcement complaint and dismissed on 3/20/25. Neither is now pending before the Board. If you have any action pending before any other agency such as the IEPA or any unit of local government, you will need to contact them to determine the status of it.

My email forwarded below addresses most of the formalities you inquire about. As addressed before, whether described as guidance, strategy, or any similar term, “[t]he Board cannot provide you with legal advice. If the Board accepts your formal complaint, you will generally need to prepare and file other documents with the Board, as well as formally present your case at a public hearing. Board employees cannot prepare these documents for you or speak on your behalf.” You may have an attorney file an appearance and represent you before the Board.

The enforcement provisions under Title VIII of the Environmental Protection Act can be found through this link to the General Assembly’s webpage:

<https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=041500050HTit%2E+VIII&ActID=1585&ChapterID=36&SeqStart=44200000&SeqEnd=45000000>

Part 103 of the Board’s procedural rules, which addresses enforcement actions, can be found through this link:

<https://pcb.illinois.gov/documents/dsweb/Get/Document-39326/>

From: mike-jem@consolidated.net <mike-jem@consolidated.net>
Sent: Tuesday, April 1, 2025 4:45 PM
To: Fox, Tim <Tim.Fox@illinois.gov>
Subject: RE: [External] Subject: Follow-up on Citizen Complaint Submission and Denial

Dear Mr. Fox,

Michael Laurenzana here. Thank you for forwarding the information regarding complaint procedures. I appreciate the guidance provided in the March 20, 2025, order and the explanatory materials.

I have already filed a Citizen Complaint, and I would like to understand the status of that filing. Specifically, I seek clarification on whether filing a formal complaint would cancel the Citizen Complaint or if I may proceed with both complaints simultaneously. Additionally, I would like to confirm any next steps required on my part.

Separately, I am seeking guidance regarding Central Commodities' construction of an Anhydrous Ammonia Bulk Storage Facility without the proper EPA permitting. Given the potential environmental and regulatory implications, I would appreciate any guidance on the appropriate course of action. Furthermore, I would like to know what timeline is available for me to proceed with action regarding this matter. Any information you can provide regarding relevant regulations, enforcement processes, or next steps would be greatly appreciated.

Additionally, I would like to confirm whether there are any fees associated with filing a formal complaint. If so, I would appreciate instructions on how to proceed with the payment. If there is another department or contact, I should reach out to regarding fees and payment instructions, please let me know.

I would appreciate a response at your earliest convenience, as I aim to proceed appropriately within the necessary timeframe.

Thank you for your time and assistance. Please let me know how best to proceed.

Best regards,

From: Fox, Tim <Tim.Fox@illinois.gov>

Sent: Tuesday, April 1, 2025 2:47 PM

To: mike-jem@consolidated.net

Cc: Brown, Don <Don.Brown@illinois.gov>; Tipsord, Marie <Marie.Tipsord@illinois.gov>

Subject: FW: [External] Subject: Follow-up on Citizen Complaint Submission and Denial

Mr. Laurenzana:

The Board's Clerk Don Brown forwarded your recent email to me.

In its March 20, 2025 order dismissing PCB 25-43, the Board stated that "[i]f Mr. Laurenzana wishes, he may file a new complaint, which must meet the requirements of the Act and Board rules and would be treated as a new case and assigned a new docket number."

Information on filing a formal complaint is provided through this link:

<https://pcb.illinois.gov/documents/dsweb/Get/Document-87676/>

Although I believe the Board's staff previously provided you with this information, please note the heading "Explanatory Materials:"

"Any person can file a formal complaint with the Board. When you file a formal complaint, you, as the "complainant," start an enforcement action before the Board. . . .

By filing a formal complaint, you assume the responsibility to prove to the Board that the individual or entity you are complaining about, called the "respondent," has committed a violation. Your formal complaint must specifically allege which provision of the following you believe the respondent has violated:

- The Environmental Protection Act (Act)
- The Board's regulations
- A Board order
- A permit issued by the Illinois Environmental Protection Agency (IEPA).

IEPA is not required to investigate your allegations. The Board cannot provide you with legal advice. If the Board accepts your formal complaint, you will generally need to prepare and file other documents with the Board, as well as formally present your case at a public hearing. Board employees cannot prepare these documents for you or speak on your behalf."

These materials also provide information on filing a complaint with the Board and also on the requirement to serve a formal complaint and document that service. It also describes the general process the Board follows when it receives a citizen's complaint.

Tim Fox, Illinois Pollution Control Board

From: mike-jem@consolidated.net <mike-jem@consolidated.net>

Sent: Monday, March 31, 2025 3:40 PM

To: Brown, Don <Don.Brown@illinois.gov>

Subject: [External] Subject: Follow-up on Citizen Complaint Submission and Denial

March 31, 2025

Dear Mr. Brown,

My initial filing was denied, with the denial letter stating that the NPDES permit did not include an Illinois Environmental Protection Agency (IEPA) letter confirming that Central Commodities FS was covered by the permit (Permit ID ILR10ZELD). However, this information was provided to us via email directly from the EPA. Additionally, my filing was submitted on time and should have included a timestamp verifying electronic delivery.

It is important to note that, regardless of the permit status, the construction of the anhydrous ammonia bulk storage facility has already been completed, which should be considered in this case. Furthermore, the denial letter indicated uncertainty about whom I was representing. My letter explicitly states that I am representing myself on behalf of the citizens, and I believe the phrase "I represent myself" should have clarified this.

I was also informed by IPCB staff that no fee was required for my submission. However, the denial letter referenced unpaid fees. If a fee is necessary, I would appreciate clarification on the correct method for submission, as I have not found a way to process it through the website.

Additionally, I was granted an extension to appeal, but I was unaware of this allowance until I received the denial letter. As a result, I was unable to act within the given timeframe. I kindly request reconsideration of my application or guidance on further action. Additionally, I previously requested a follow-up regarding my Citizen Complaint submission but have not received a response. I would appreciate confirmation that all necessary steps have been completed and clarification on any remaining requirements.

Furthermore, I want to highlight the serious risk posed by this facility. If there were a release, over 90% of the town would need to evacuate. Prevailing winds from the southeast would direct the contaminants directly toward the township, endangering residents and creating an urgent public safety concern. This potential impact must be taken into account when reviewing this case.

Thank you for your time and attention to this matter. I look forward to your response.

Sincerely,

Michael Laurenzana

1 Sarah Lane

Kincaid, IL 62540

P.O. Box 1099

mike-jem@consolidated.net

217-899-7605

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