



# IPC

Illinois Pollution Control Board

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## BOARD MEETING MINUTES

September 22, 2022

11:00 a.m.

100 W. Randolph St.  
Chicago, IL  
Room 2-025

### ROLL CALL

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The Clerk of the Board called the roll. The Chair and Members Palivos and Van Wie, all of whom were physically present in Room 2-025, answered present. The Chair then made a motion under Section 7(a)(i) of the Open Meetings Act (5 ILCS 120/7(a)(i) (2020)) for Member Santos to attend the meeting telephonically as she was prevented from physically attending because of personal illness. The Chair's motion was approved by a roll call vote of 3-0, after which Member Santos answered present. The Chair then made a motion under Section 7(a)(iii) of the Open Meetings Act (5 ILCS 120/7(a)(iii) (2020)) for Member Gibson to attend the meeting telephonically as she was prevented from physically attending because of a family emergency. The Chair's motion was approved by a roll call vote of 4-0, after which Member Gibson answered present.

### ANNOUNCEMENTS

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None

### PUBLIC REMARKS

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None

### APPROVAL OF MINUTES

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The minutes of the Board's August 25, 2022 regular open meeting were approved by a roll call vote of 5-0.

**RULEMAKINGS**

<p><a href="#"><u>R20-19(A)</u></a></p>	<p><u>Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments: Proposed New 35 Ill. Adm. Code 845 (Sub Docket A) (Land)</u> – The Board granted the Illinois Environmental Protection Agency’s and the Illinois Environmental Regulatory Group’s respective motions to extend the deadline to November 4, 2022, for participants to respond to the Environmental Groups’ motion to modify Part 845.</p>	<p>5-0 roll call vote</p>
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**ADJUSTED STANDARDS**

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**ADMINISTRATIVE CITATIONS**

<p><a href="#"><u>AC 23-2</u></a></p>	<p><u>County of LaSalle v. Gerald Copeland (Land)</u> – After Copeland failed to timely file a petition to contest the County of LaSalle’s administrative citation, the Board found that Copeland violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2020)), as alleged. Because there was one violation of Section 21(p), the Board ordered Copeland to pay a total civil penalty of \$1,500, reflecting the statutory penalty of \$1,500 per violation.</p>	<p>5-0 roll call vote</p>
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**TIME-LIMITED WATER QUALITY STANDARDS**

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**ADJUDICATORY CASES**

<p><a href="#"><u>PCB 11-50</u></a></p>	<p><u>People of the State of Illinois v. The City of Morris and Community Landfill Company Inc. (Land – Enforcement)</u> – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a Grundy County special waste and municipal solid waste landfill, the Board directed the Clerk to provide the required newspaper notice of the settlement-related filings.</p>	<p>4-0 roll call vote Van Wie abstained</p>
<p><a href="#"><u>PCB 19-87</u></a></p>	<p><u>James C. Niebrugge Marital Share Two Trust v. Illinois Environmental Protection Agency (UST Appeal)</u> – The Board granted James C. Niebrugge Marital Share Two Trust’s motion to voluntarily dismiss this appeal concerning the Trust’s site in Wayne County.</p>	<p>5-0 roll call vote</p>

<a href="#"><u>PCB 21-29</u></a>	<u>People of the State of Illinois v. LMS Industries, LLC and Top Metal Buyers, Inc.</u> (Air, 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 Top Metal and LMS’ scrap metal recycling facility in St. Clair County, the Board directed the Clerk to provide the required newspaper notice of the settlement-related filings.	5-0 roll call vote
<a href="#"><u>PCB 22-24</u></a>	<u>People of the State of Illinois v. Khalid Siddiqui, d/b/a Citgo Gas Station</u> (Air – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment. The Board therefore found that Siddiqui violated Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2020)) and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board’s air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C)), as alleged in the People’s complaint. The Board also ordered Siddiqui to pay a \$10,000 civil penalty.	5-0 roll call vote
<a href="#"><u>PCB 22-45</u></a>	<u>Stericycle, Inc. v. Illinois Environmental Protection Agency</u> (Land – Permit Appeal) – The Board granted Stericycle’s motion to voluntarily dismiss its appeal concerning its incinerator facility in Dewitt County.	5-0 roll call vote
<a href="#"><u>PCB 22-48</u></a>	<u>People of the State of Illinois v. St. Mary Fuel Co. d/b/a Clark</u> (Air – Enforcement) – In this enforcement action concerning a Cook 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) (2020)), accepted a stipulation and proposed settlement, and ordered St. Mary Fuel to pay a \$5,000 civil penalty and to cease and desist from further violations.	5-0 roll call vote
<a href="#"><u>PCB 22-62</u></a>	<u>People of the State of Illinois v. Cores for You, Inc. and Precision Foundry Tooling, Ltd.</u> (Water, Land, RCRA – Enforcement) – In this enforcement action concerning a site in Hancock County and another in Hamilton 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) (2020)), accepted a stipulation and proposed settlement, and ordered Cores for You and Precision Foundry Tooling to pay a \$20,500 civil penalty and to cease and desist from further violations.	5-0 roll call vote
<a href="#"><u>PCB 22-66</u></a>	<u>Brandis Aircraft v. Illinois Environmental Protection Agency</u> (Land, RCRA – Permit Appeal) – Because Brandis Aircraft failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket.	5-0 roll call vote

<a href="#"><u>PCB 22-83</u></a>	<u>People of the State of Illinois v. Ibrahim Mubarak, individually and d/b/a Gulf</u> (Air – Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment. The Board therefore found that Mubarak violated Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2020)) and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board’s air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C)), as alleged in the People’s complaint. The Board also ordered Mubarak to pay a \$10,000 civil penalty.	5-0 roll call vote
<a href="#"><u>PCB 23-12</u></a>	<u>Aqua Illinois, Inc. v. Illinois Environmental Protection Agency</u> (Permit Appeal – Public Water Supply) – The Board granted Aqua’s motions to voluntarily withdraw its permit appeal as to Additional Conditions 3, 4, and 5, and therefore denied as moot the Agency’s motion to dismiss as to those conditions. The Board also denied the Agency’s motion to dismiss the appeal as to Additional Condition 6.	5-0 roll call vote
<a href="#"><u>PCB 23-15</u></a>	<u>PQ LLC v. Illinois Environmental Protection Agency</u> (Permit Appeal – Air) – The Board granted PQ’s motion to stay the contested permit condition.	5-0 roll call vote
<a href="#"><u>PCB 23-20</u></a>	<u>People of the State of Illinois v. Mahalaxmi LLC</u> (Air – Enforcement) – In this enforcement action concerning a Cook 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) (2020)), accepted a stipulation and proposed settlement, and ordered Mahalaxmi to pay a \$5,000 civil penalty and to cease and desist from further violations.	5-0 roll call vote
<a href="#"><u>PCB 23-32</u></a>	<u>People of the State of Illinois v. Lake Petroleum Inc.</u> (Air – Enforcement) – In this enforcement action concerning a McHenry 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) (2020)), accepted a stipulation and proposed settlement, and ordered Lake Petroleum to pay a \$5,000 civil penalty and to cease and desist from further violations.	5-0 roll call vote
<a href="#"><u>PCB 23-34</u></a>	<u>People of the State of Illinois v. PPC Flexible Packaging, LLC</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning PPC Flexible Packaging’s flexographic printing facility in Lake County.	5-0 roll call vote
<a href="#"><u>PCB 23-35</u></a>	<u>People of the State of Illinois v. 3803 Roosevelt LLC, d/b/a BP</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning BP’s gas station in Cook County.	5-0 roll call vote

<a href="#"><u>PCB 23-36</u></a>	<u>People of the State of Illinois v. R &amp; D # 1 INC., d/b/a BP Gas Station</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning BP’s gas station in Cook County.	5-0 roll call vote
<a href="#"><u>PCB 23-40</u></a>	<u>People of the State of Illinois v. Hussein Saleh, an individual, d/b/a Amir Citgo</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Amir Citgo’s gas station in Cook County.	5-0 roll call vote
<a href="#"><u>PCB 23-41</u></a>	<u>People of the State of Illinois v. 502 Garfield Properties, LLC d/b/a Four Seasons Citgo, Hussein Saleh, Ali Musa, and Naswer M. Ali</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Garfield’s gas station in Cook County.	5-0 roll call vote
<a href="#"><u>PCB 23-42</u></a>	<u>People of the State of Illinois v. US Citgo Oil, Inc.</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning US Citgo’s gas station in McHenry County.	5-0 roll call vote

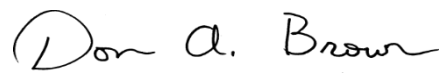
**OTHER ITEMS**

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**ADJOURNMENT**

Moved and seconded, by a roll call vote of 5-0, 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 6, 2022, by a vote of 5-0.



Don Anthony Brown, Clerk  
Illinois Pollution Control Board