



# IPC B

Illinois Pollution Control Board

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## BOARD MEETING MINUTES

May 4, 2023

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, 1<sup>st</sup> Floor

### ROLL CALL

The Clerk of the Board called the roll. All three Board Members answered present.

### ANNOUNCEMENTS

None.

### PUBLIC REMARKS

None.

### APPROVAL OF MINUTES

The minutes of the Board’s April 6, 2023 regular open meeting and April 13, 2023 Closed Deliberative Session were approved by a roll call vote of 3-0.

### RULEMAKINGS

<a href="#"><u>R18-26</u></a>	<u>Amendments to 35 Ill. Adm. Code Subtitle F: Public Water Supplies (Public Water Supply)</u> – The Board adopted a final opinion and order adopting non-substantive amendments to its public water supply rules.	3-0 roll call vote
<a href="#"><u>R18-28</u></a>	<u>Amendments to 35 Ill. Adm. Code Subtitle I: Atomic Radiation (Atomic Radiation)</u> – The Board adopted a final opinion and order adopting non-substantive amendments to its atomic radiation rules.	3-0 roll call vote

<a href="#"><u>R23-17</u></a>	<u>Proposed 35 Ill. Adm. Code 820 General Construction or Demolition Debris Recovery Facilities</u> (Land) – The Board adopted a second-notice opinion and order in this rulemaking to create a new Part 820 of the Board’s waste disposal regulations, which would establish rules for permitting, operating, and closing general construction or demolition debris (GCDD) recovery facilities.	3-0 roll call vote
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**ADJUSTED STANDARDS**

<a href="#"><u>AS 21-1</u></a>	<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)</u> (Land) The Board found that additional testing is required and set a four-month deadline for Midwest Generation to complete both the shake test as well as the liner integrity testing.	3-0 roll call vote
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**ADMINISTRATIVE CITATIONS**

<a href="#"><u>AC 23-7</u></a>	<u>Illinois Environmental Protection Agency v. John Tuttle and James Musser</u> (Land) – After respondents failed to timely file a petition to contest the administrative citation, the Board found that they violated Sections 21(p)(1), 21(p)(7), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7), 55(k)(1) (2020)), as alleged. Because there were three violations of Section 21(p), the Board ordered respondents to pay a total civil penalty of \$4,500, reflecting the statutory penalty of \$1,500 per violation.	3-0 roll call vote
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**TIME-LIMITED WATER QUALITY STANDARDS**

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**ADJUDICATORY CASES**

<a href="#"><u>PCB 19-79</u></a>	<u>Parker’s Gas &amp; More, Inc. v. Illinois Environmental Protection Agency</u> (UST Appeal) - The Board granted Parker’s Gas & More (Parker) motion to take official notice of Exhibits A and B. The Board denied the Illinois Environmental Protection Agency’s (IEPA) motion to overrule the hearing officer and to strike the testimony of Parker’s witness, Mr. Dudas. The Board ordered IEPA to reimburse Parker the \$3,755.42 deducted from Parker’s request for reimbursement.	3-0 roll call vote
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<a href="#"><u>PCB 22-67</u></a>	<u>People of the State of Illinois v. Swenson Spreader, LLC</u> (Air, FESOP – Enforcement) - Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a facility located at 127 Walnut Street, Lindenwood, Ogle County, the Board directed the Clerk to provide the required newspaper notice.	3-0 roll call vote
<a href="#"><u>PCB 22-95</u></a>	<u>People of the State of Illinois v. Super Krish, Inc.</u> (Air – Enforcement) - The Board accepted the amended complaint in this enforcement action concerning a Lake County gas station. The Clerk is directed to provide public notice of the stipulation, proposed settlement, and request for hearing relief.	3-0 roll call vote
<a href="#"><u>PCB 23-17</u></a>	<u>People of the State of Illinois v. Deen Ltd.</u> (Air – Enforcement) - 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.	3-0 roll call vote
<a href="#"><u>PCB 23-18</u></a>	<u>People of the State of Illinois v. Veer Petro Inc.</u> (Air – Enforcement) - 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.	3-0 roll call vote
<a href="#"><u>PCB 23-72</u></a>	<u>Paul Christian Pratapas v. First Class Outdoor Services</u> (Water – Enforcement, Citizen) - The Board directed Paul Christian Pratapas to file by June 5, 2023, the required proof that he served the complaint on First Class Outdoor Services, or the Board will dismiss this proceeding.	3-0 roll call vote
<a href="#"><u>PCB 23-94</u></a>	<u>People of the State of Illinois v. Lorel Avenue Food Mart &amp; Fuel Inc.</u> (Air – Enforcement) - 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.	3-0 roll call vote
<a href="#"><u>PCB 23-95</u></a>	<u>People of the State of Illinois v. Jim’s Formal Wear LLC</u> (Air – Enforcement) - In this enforcement action concerning Jim’s Formal Wear’s drycleaning operations located in Trenton, Clinton 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 the parties’ stipulation and proposed settlement, and ordered Jim’s Formal Wear, to pay a civil penalty of \$6,550 and to cease and desist from further violations.	3-0 roll call vote

<a href="#"><u>PCB 23-99</u></a>	People of the State of Illinois v. Mohammed Abdallah (Air – Enforcement) - 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.	3-0 roll call vote
<a href="#"><u>PCB 23-108</u></a>	People of the State of Illinois v Department of Transportation of the State of Illinois (Noise – Enforcement) - The Board granted IDOT’s motion for extension of time to file a motion in response to the complaint to June 5, 2023. The Board also accepted the complaint for hearing but directed the People to file an amended complaint within 30 days.	3-0 roll call vote
<a href="#"><u>PCB 23-110</u></a>	People of the State of Illinois v CJ Masonry Brick, LLC (Water – 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 Lake County site, the Board directed the Clerk to provide the required newspaper notice of the settlement-related filings.	3-0 roll call vote
<a href="#"><u>PCB 23-111</u></a>	People of the State of Illinois v CST Industries, Inc. (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 DeKalb County facility, the Board directed the Clerk to provide the required newspaper notice of the settlement-related filings.	3-0 roll call vote
<a href="#"><u>PCB 23-112</u></a>	People of the State of Illinois v Inland-Frycek, Inc. and 969 Northwest Hwy LLC (Land – Enforcement) – The Board accepted for hearing the People’s complaint against Inland-Frycek, Inc. and 969 Northwest Hwy LLC. The complaint concerns property owned by 969 LLC that is a former gasoline station located in Park Ridge, Cook County.	3-0 roll call vote
<a href="#"><u>PCB 23-113</u></a>	People of the State of Illinois v Okaw Truss, Inc. (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 Douglass County site, the Board directed the Clerk to provide the required newspaper notice of the settlement-related filings.	3-0 roll call vote

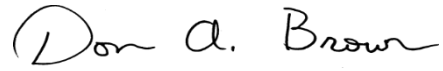
**OTHER ITEMS**

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**ADJOURNMENT**

Moved and seconded, by a roll call vote of 3-0, 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 May 18, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don Anthony Brown, Clerk  
Illinois Pollution Control Board