



# IPC

Illinois Pollution Control Board

## BOARD MEETING MINUTES

**July 6, 2023**

**11:00 a.m.**

### Videoconference

160 N. LaSalle St.  
Chicago, IL  
Room N-502

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 June 15, 2023 regular open meeting were approved by a roll call vote of 3-0.

### **RULEMAKINGS**

<a href="#"><u>R23-15</u></a>	<u>National Ambient Air Quality Standards (NAAQS), USEPA Amendments (July 1, 2022, through December 31, 2022) (Air)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.	3-0 roll call vote
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<a href="#"><u>R23-17</u></a>	Proposed 35 Ill. Adm. Code 820 General Construction or Demolition <u>Debris Recovery Facilities</u> (Land) – The Board adopted a new Part 820 of the Board’s waste disposal rules to establish rules for permitting, operating, and closing general construction or demolition debris (GCDD) recovery facilities.	3-0 roll call vote
<a href="#"><u>R23-18(A)</u></a>	<p><u>Amendments to 35 Ill. Adm. Code Parts 201, 201, and 212</u> (Air) – The Board denied the request of the American Petroleum Institute (API) to delay the effective date of the final rule in the main docket, R23-18. The Board also denied API’s request that the Board opine as to whether the effective date of the R23-18 final rule would be stayed for anyone who timely petitions the Board for a variance or adjusted standard. The Board granted API’s request for expedited review in this sub-docket but denied the part of the request asking that any rule adopted in the sub-docket have the same effective date as the rule in the main docket.</p> <p>The Board also provided that, to be considered in this sub-docket, any rulemaking proposals for alternative standards during startup, shutdown, or malfunction (SSM) must be filed by August 7, 2023. By August 14, 2023, anyone may request public hearing on any such proposals. Finally, the Board stated that at its August 17, 2023 meeting, it would propose for first notice the SSM rules received, without commenting on their substantive merit, and direct the hearing officer to set one or more public hearings on those rules as specified by the Board.</p>	3-0 roll call vote

**ADJUSTED STANDARDS**

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**ADMINISTRATIVE CITATIONS**

<a href="#"><u>AC 23-12</u></a>	<u>Illinois Environmental Protection Agency v. Robert C. Crowder Trust, Mary E. McClelland Trust, and Max McClelland</u> (Land) – The Board accepted for hearing respondents’ petition to contest the administrative citation.	3-0 roll call vote
<a href="#"><u>AC 23-13</u></a>	<u>County of LaSalle v. Amy Copeland</u> (Land) – After Copeland failed to timely file a petition to contest the administrative citation, the Board found that she violated Section 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2020)), as alleged. Because there were two violations of Section 21(p), the Board ordered Copeland to pay a total civil penalty of \$3,000, reflecting the statutory penalty of \$1,500 per violation.	3-0 roll call vote

**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) – In this underground storage tank (UST) appeal involving an Adams County gas station, the Board granted Parker’s Gas & More’s request for reimbursement of legal fees and therefore directed IEPA to pay from the UST Fund \$20,054 in legal fees, as well as the \$3,755.42 deducted from Parker’s request for reimbursement.	3-0 roll call vote
<a href="#"><u>PCB 23-58</u></a>	<u>Paul Christian Pratapas v. D.R. Horton, Inc. and Earthworks Environmental, LLC</u> (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.	3-0 roll call vote
<a href="#"><u>PCB 23-59</u></a>	<u>Paul Christian Pratapas v. D.R. Horton, Inc. and Earthworks Environmental, LLC</u> (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.	3-0 roll call vote
<a href="#"><u>PCB 23-63</u></a>	<u>Paul Christian Pratapas v. Pulte Home Company, LLC</u> (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.	3-0 roll call vote
<a href="#"><u>PCB 23-72</u></a>	<u>Paul Christian Pratapas v. First Class Outdoor Services</u> (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.	3-0 roll call vote
<a href="#"><u>PCB 23-84</u></a>	<u>People of the State of Illinois v. John C. Justice, d/b/a Microcosm</u> (Air – Enforcement) – The Board granted the People’s motion to dismiss the complaint without prejudice and closed the docket.	3-0 roll call vote
<a href="#"><u>PCB 23-85</u></a>	<u>Paul Christian Pratapas v. Lexington Homes and the Illinois Environmental Protection Agency</u> (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.	3-0 roll call vote
<a href="#"><u>PCB 23-100</u></a>	<u>John Deere Harvester v. Illinois Environmental Protection Agency</u> (UST Appeal) – Because John Deere Harvester failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket.	3-0 roll call vote

<a href="#"><u>PCB 23-105</u></a>	<u>People of the State of Illinois v. R &amp; D #4, Inc. d/b/a BP AM PM Gas Station</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 Lake County gas station, the Board directed the Clerk to provide the required newspaper notice.	3-0 roll call vote
<a href="#"><u>PCB 23-119</u></a>	<u>People of the State of Illinois v. B.O.L., Inc.</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 the parties’ stipulation and proposed settlement, and ordered B.O.L. to pay a civil penalty of \$5,000 and to cease and desist from further violations.	3-0 roll call vote
<a href="#"><u>PCB 23-128</u></a>	<u>People of the State of Illinois v. Swan Surfaces, LLC</u> (Air, CAAPP – 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 Marion County solid surfaces manufacturing facility, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.	3-0 roll call vote
<a href="#"><u>PCB 23-129</u></a>	<u>People of the State of Illinois v. Leif’s Auto Salvage, Inc.</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Leif’s automobile salvage facility in Carroll County.	3-0 roll call vote
<a href="#"><u>PCB 23-130</u></a>	<u>People of the State of Illinois v. Leisure Properties, LLC d/b/a Crownline Boats</u> (Air, CAAPP – 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 Franklin County boat manufacturing facility, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.	3-0 roll call vote
<a href="#"><u>PCB 23-131</u></a>	<u>T5@Chicago II, LP v. Illinois Environmental Protection Agency</u> (Air – Variance) – The Board directed T5 to file an amended petition addressing the identified deficiencies by August 7, 2023.	3-0 roll call vote
<a href="#"><u>PCB 23-132</u></a>	<u>People of the State of Illinois v. Midwest Trailer Manufacturing, LLC</u> (Land, RCRA – Enforcement) – The Board accepted the People’s complaint for hearing concerning Midwest Trailer’s steel dump trailer manufacturing facility in Henry County.	3-0 roll call vote

<a href="#"><u>PCB 23-134</u></a>	<u>People of the State of Illinois v. Robert Wietholder, Desmond Jarvis, and Bob Jarvis</u> (Land, Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning a waste collection facility in Adams County.	3-0 roll call vote
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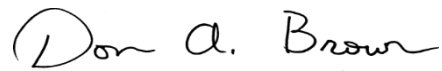
**OTHER ITEMS**

	By a 3-0 roll call vote, the Board granted the Chair’s Motion to adopt a proclamation honoring, upon his retirement, Michael J. McCambridge, Senior Attorney, for his thirty-five years of service to the State of Illinois.	
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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 July 20, 2023, by a vote of 3-0.




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Don Anthony Brown, Clerk  
Illinois Pollution Control Board