



# ENVIRONMENTAL REGISTER

August 4, 2023 – Number 766

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A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

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<https://pcb.illinois.gov/>

## BOARD MEMBERS

- ❖ Barbara Flynn Currie, Chair
- ❖ Jennifer Van Wie
- ❖ Michelle Gibson
- ❖ Michael D. Mankowski

The **Illinois Pollution Control Board** is an independent, five-member board that adopts environmental control regulations and decides enforcement actions and other environmental cases for the State of Illinois.

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# CHAIR'S UPDATE

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In this issue of the *Environmental Register*, I highlight three Public Acts from the 2023 session of the 103rd General Assembly, each of which amended the Environmental Protection Act (415 ILCS 5). I also introduce and welcome the newest Board Member.

## **Public Act 103-333**

Effective January 1, 2024, Public Act 103-333 amends the Environmental Protection Act by adding definitions and rulemaking provisions concerning limestone residual material generated from treating drinking water. First, Public Act 103-333 amends the definition of “pollution control facility” in Section 3.330 by adding—to the list of sites *not* considered pollution control facilities—the “portion of a mine used for the placement of limestone residual materials generated from the treatment of drinking water by a municipal utility in accordance with rules adopted under Section 22.63.” Second, Public Act 103-333 adds Section 22.63 to the Environmental Protection Act. Under Section 22.63, the Board “shall adopt rules for the placement of limestone residual materials generated from the treatment of drinking water by a municipal utility in an underground limestone mine located in whole or in part within the municipality that operates the municipal utility.” The rules “shall be consistent with the Board’s Underground Injection Control regulations for Class V wells, provided that the rules shall allow for the limestone residual materials to be delivered to and placed in the mine by means other than an injection well.” And for Section 22.63, “limestone residual material” means “limestone residual generated from the treatment of drinking water at a publicly-owned drinking water treatment plant.”

## **Public Act 103-93**

Public Act 103-93 takes effect on January 1, 2024. It adds Section 13.10 to the Environmental Protection Act. Section 13.10 requires the Illinois Environmental Protection Agency (IEPA), by March 1, 2024, to make publicly available on its website specified information about microplastics. That information must include a description of microplastics and their effects on aquatic life and human health, as well as “any federal and State regulatory actions taken to address microplastics and their effects on aquatic life and human health.” IEPA must update the website as additional information about microplastics in Illinois becomes available. In addition, by October 1, 2024, IEPA must submit a report to the General Assembly and the Governor that provides “an overview of any [IEPA] actions relating to microplastics, a comparative analysis of actions in other states regarding microplastics in the environment, and information on the latest guidance from the United States Environmental Protection Agency.”

## **Public Act 103-167**

Public Act 103-167 became effective on June 30, 2023. It amended Section 17.12 of the Environmental Protection Act, within that statute’s Title IV on public water supplies. Under the amendment, beginning in 2023, each municipality with a population over 1,000,000 inhabitants must publicly post on its website data describing its progress toward replacing lead service lines.



Beginning in 2024, the municipality must annually update this data on its website and continue doing so until all lead service lines within the municipality have been replaced.

I note other Public Acts from the 2023 session amending the Environmental Protection Act: P.A. 103-168 (agreed extensions of time under the Section 31(a) pre-referral process); P.A. 103-172 (Site Remediation Program fees); P.A. 103-230 (refrigerant use); and P.A. 103-342 (incidental sale of finished compost). For more legislative information, please consult the [Illinois General Assembly's website](#).

I conclude with news of a new Board Member. I am delighted to announce that Governor JB Pritzker appointed Michael D. Mankowski to the Board last month. Board Member Mankowski brings a wealth of experience with him. He served as the Director of the Office of Oil and Gas Resource Management at the Illinois Department of Natural Resources. Before that, he worked as an Assistant Attorney General in the Springfield Civil Environmental Bureau of the Illinois Attorney General's Office. I warmly welcome him on behalf of everyone at the Board.

Sincerely,



Barbara Flynn Currie  
Chair



# RULEMAKING UPDATE

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## Board Adopts Non-Substantive Amendments to Public Water Supply Rules

On May 4, 2023, the Board adopted non-substantive amendments to its public water supply rules, affecting nine of the ten parts of the Board's Subtitle F rules, *i.e.*, Parts 601 through 604, Part 611, and Parts 615 through 618 of Title 35 of the Illinois Administrative Code. The rulemaking is part of a larger undertaking by the Board to update its rules across multiple media and subjects. These amendments remove unnecessary language, replace outdated text, update statutory references, and reorganize provisions for clarity.

During this rulemaking, the Board held public hearings and received testimony and public comment from the Illinois Environmental Protection Agency. In addition, the Joint Committee on Administrative Rules (JCAR) suggested numerous non-substantive changes to the proposed rules that are reflected in the final rules. At its April 18, 2023 meeting, JCAR issued a Certification of No Objection to the amendments. Upon filing with the Secretary of State, the amendments take effect.

The rulemaking is captioned Amendments to 35 Ill. Adm. Code Subtitle F: Public Water Supply, docket R18-26. Here are links to the Board's [final opinion and order](#), as well as its [addendum](#), which includes the text of the adopted amendments. On May 18, 2023, the Board issued an [order](#) and [corrected addendum](#) to remedy minor errors and discrepancies in the final rule text. For more information, please contact Vanessa Horton at [vanessa.horton@illinois.gov](mailto:vanessa.horton@illinois.gov).

## Board Adopts Non-Substantive Amendments to Atomic Radiation Rules

On May 4, 2023, the Board adopted non-substantive amendments to its atomic radiation rules, affecting both Parts of the Board's Subtitle I rules, *i.e.*, Parts 1000 and 1010 of Title 35 of the Illinois Administrative Code. The rulemaking is part of a larger undertaking by the Board to update its rules across multiple media and subjects. These amendments remove unnecessary language, replace outdated text, update statutory references, and reorganize provisions for clarity.

During this rulemaking, the Board held public hearings and received testimony and public comment from the Illinois Emergency Management Agency and the Illinois Environmental Protection Agency. In addition, the Joint Committee on Administrative Rules (JCAR) suggested numerous non-substantive changes to the proposed rules that are reflected in the final rules. At its April 18, 2023 meeting, JCAR issued a Certification of No Objection to the amendments. Upon filing with the Secretary of State, the amendments take effect.

The rulemaking is captioned Amendments to 35 Ill. Adm. Code Subtitle I: Atomic Radiation, docket R18-28. Here is the link to the Board's [final opinion and order](#). The addendum containing the text of the adopted amendments is available [here](#). For more information, please contact Carlie Leoni at [carlie.leoni@illinois.gov](mailto:carlie.leoni@illinois.gov).



## Board Proposes “Identical-in-Substance” Amendments to Drinking Water Rules

On June 1, 2023, the Board proposed—for public comment—amendments to Illinois’ primary drinking water regulations at 35 Ill. Adm. Code 611. The proposed amendments are “identical in substance” to rule amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2020 and the second half of 2021. Among its amendments, USEPA revised standards for lead in plumbing fixtures and plumbing materials, adopted the Lead and Copper Rule Revisions (LCRR), and approved new alternative test procedures (ATPs) for demonstrating compliance with the National Primary Drinking Water Regulations.

In addition to the revisions prompted by USEPA’s updates, the Board found more amendments necessary. For example, the Board corrected the Radionuclides Rule. The Board also removed several rules applicable to unfiltered system suppliers using surface water sources and groundwater under the direct influence of surface water.

In addition, the Board found that unavoidable delay required extending the deadline for completing the amendments to October 1, 2023. The Board will receive public comments on this proposal for at least 45 days following its publication in the *Illinois Register*. The Board expects to file any adopted rules with the Secretary of State immediately after adoption, likely by September 18, 2023.

The Board’s rulemaking is captioned [SDWA Update, USEPA Amendments \(July 1, 2020 through December 31, 2020\)](#) and [SDWA Update, USEPA Amendments \(July 1, 2021 through December 31, 2021\)](#), dockets R21-10 and R22-2 (consol.). Here are links to (1) the Board’s [opinion and order](#) and (2) the Board’s [addendum](#), which includes the proposed rule text. For more information, please contact Carlie Leoni at [carlie.leoni@illinois.gov](mailto:carlie.leoni@illinois.gov).

## Board Proposes “Identical-in-Substance” Amendments to Drinking Water Rules

On June 1, 2023, the Board proposed—for public comment—amendments to Illinois’ primary drinking water regulations at 35 Ill. Adm. Code 611. The proposed amendments are “identical in substance” to rule amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2022. Specifically, on August 17, 2022, USEPA approved seven new alternative test procedures (ATPs) for demonstrating compliance with the National Primary Drinking Water Regulations.

Additionally, the Board found that unavoidable delay required extending the deadline for completing the amendments to October 1, 2023. The Board will receive public comments on this proposal for at least 45 days following its publication in the *Illinois Register*. The Board expects to file any adopted rules with the Secretary of State immediately after adoption, likely by August 7, 2023.

The Board’s rulemaking is captioned [SDWA Update, USEPA Amendments \(July 1, 2022 through December 31, 2022\)](#), docket R23-9. Here are links to (1) the Board’s [opinion and order](#), which includes the proposed rule text, and (2) the Board’s [addendum](#), which provides tables of



information concerning the rulemaking. For more information, please contact Daniel Pauley at [daniel.pauley@illinois.gov](mailto:daniel.pauley@illinois.gov).

### **Board Proposes “Identical-in-Substance” Amendments to Ambient Air Quality Standards**

On July 6, 2023, the Board proposed amendments to keep Illinois’ ambient air quality standards identical in substance to the National Ambient Air Quality Standards (NAAQS). The amendments reflect action taken by the United States Environmental Protection Agency (USEPA) during the second half of 2022. Specifically, USEPA updated its *List of Designated Reference and Equivalent Methods* to modify existing method designations and designated a new Federal Equivalent Method (FEM) for fine particulate matter (PM<sub>2.5</sub>) in ambient air. In addition, although it requires no Board action, the Board noted that on October 7, 2022, USEPA redesignated the Chicago area as moderate nonattainment under the 2015 eight-hour ozone NAAQS.

The Board submitted the proposed amendments for publication in the *Illinois Register* and will receive public comments for at least 45 days after publication. The Board will also hold a public hearing on August 17, 2023, to satisfy federal requirements for revising the State Implementation Plan after the Board adopts the amendments. The Board expects to adopt the final rules in October of this year.

The Board’s rulemaking is captioned National Ambient Air Quality Standards Update, USEPA Regulations (July 1, 2022 through December 31, 2022), docket R23-15. Here is a link to the Board’s [opinion and order](#), which includes the text of the proposed amendments. For more information, please contact Vanessa Horton at [vanessa.horton@illinois.gov](mailto:vanessa.horton@illinois.gov).

### **Board Adopts GCDD Recovery Facility Rules**

On July 6, 2023, the Board adopted final rules for permitting, operating, and closing general construction or demolition debris (GCDD) recovery facilities. The rules create a new Part of the Board’s waste disposal rules, *i.e.*, Part 820 of Title 35 of the Illinois Administrative Code.

This rulemaking began when the Illinois Environmental Protection Agency (IEPA) filed a proposal with the Board to comply with Public Act 102-310 (eff. Aug. 6, 2021). As required, IEPA proposed GCDD recovery facility rules within one year after the Public Act’s effective date. And as that new law required, the Board adopted final rules within one year after receiving IEPA’s proposal.

During this rulemaking, the Board held two public hearings, received testimony from IEPA, and received a public comment from the Illinois Attorney General’s Office. At its June 13, 2023 meeting, the Joint Committee on Administrative Rules issued a Certification of No Objection to the rules. The rules became effective on July 6, 2023.

The rulemaking is captioned Proposed 35 Ill. Adm. Code 820 General Construction or Demolition Debris Recovery Facilities, docket R23-17. Here is a link to the Board’s [final](#)



[opinion and order](#). The Board’s addendum containing the text of the adopted rules is [here](#). For more information, please contact Chloe Salk at [chloe.salk@illinois.gov](mailto:chloe.salk@illinois.gov).

### **Board Agrees to Expedited Review of Alternative Standards During SSM Events**

On June 12, 2023, the American Petroleum Institute (API) filed a motion requesting that the Board (1) delay, until the sub-docket rulemaking (R23-18(A)) concludes, the effective date of the air pollution control amendments being considered in the main docket rulemaking (R23-18) for those seeking alternative standards in the sub-docket; (2) clarify that the effective date of the R23-18 final amendments would be stayed for anyone filing for an adjusted standard within 20 days after their effective date; (3) clarify that the effective date of the R23-18 final amendments would be stayed for anyone filing for a variance within 20 days after their effective date; and (4) expeditiously review, in the sub-docket, proposed alternative standards for startup, shutdown, and malfunction (SSM) events so that any sub-docket final rules would have the same effective date as the R23-18 final amendments.

On July 6, 2023, the Board issued an order denying API’s request to delay the effective date of the R23-18 final amendments, denying API’s two requests for clarification, and granting in part and denying in part API’s request for expedited review. Consistent with expedited review, the Board directed that anyone who wished to file a rulemaking proposal for alternative standards during SSM events do so by August 7, 2023. Further, by August 14, 2023, anyone, regardless of whether they filed a proposal, could request that one or more hearings be held on any proposal filed in the sub-docket. The Board also stated that at its August 17, 2023 meeting, the Board would issue an order directing its Clerk to publish a single first-notice proposal in the *Illinois Register*. The Board explained it would do so without commenting on the proposal’s substantive merits. Finally, the Board noted that in the August 17, 2023 order, the Board would also direct the hearing officer to expeditiously schedule one or more public hearings on the proposal as specified by the Board.

At its July 20, 2023 meeting, the Board adopted final amendments in the main docket, [R23-18](#). Those amendments became effective on July 25, 2023. They removed provisions that had allowed the Illinois Environmental Protection Agency to grant emission sources advance permission to continue operating during a malfunction or breakdown or violate emission standards during startup. The United States Environment Protection Agency found those provisions inconsistent with the Clean Air Act.

This sub-docket rulemaking is captioned [Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212](#), docket R23-18(A). Here is a link to the Board’s July 6, 2023 [order](#). For more information, please contact Chloe Salk at [chloe.salk@illinois.gov](mailto:chloe.salk@illinois.gov).

### **Board Adopts Clean Air Act “Fast-Track” Amendments**

On July 20, 2023, the Board adopted final amendments to its air pollution control rules. The amendments removed provisions that had allowed the Illinois Environmental Protection Agency (IEPA) to grant emission sources advance permission to continue operating during a malfunction or breakdown or violate emission standards during startup. Under those provisions, compliance





with IEPA’s advance permission gave the source a “prima facie” defense to an enforcement action resulting from exceeding emission limits during a startup, malfunction, or breakdown. The United States Environment Protection Agency (USEPA) found the provisions inconsistent with the Clean Air Act.

The adopted amendments impact three Parts of the Board’s air pollution rules, *i.e.*, Parts 201, 202, and 212 of Title 35 of the Illinois Administrative Code. IEPA filed the proposal under the “fast-track” procedures of Section 28.5 of the Environmental Protection Act, which required the Board to proceed toward adoption by meeting a series of specific deadlines. During the rulemaking, the Board held two public hearings, heard testimony, and received public comment.

At its June 13, 2023 meeting, the Joint Committee on Administrative Rules (JCAR) considered the Board’s second-notice proposal but, with the Board’s concurrence, extended the second-notice period. At its July 18, 2023 meeting, JCAR issued [Statements of Objection](#) to the proposed amendments. The Board submitted [responses](#) to JCAR’s objections and respectfully declined to withdraw or modify its proposal.

The final amendments adopted by the Board at its July 20, 2023 meeting became effective on July 25, 2023. To avoid mandatory sanctions against the State of Illinois under the Clean Air Act, IEPA must, by August 11, 2023, submit to USEPA an approvable State Implementation Plan revision that includes the final amendments.

The rulemaking is captioned [Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212](#), docket R23-18. Here is a link to the Board’s [final opinion and order](#), which includes the text of the adopted amendments. On an expedited basis in the sub-docket rulemaking captioned [Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212](#), docket [R23-18\(A\)](#), the Board will consider alternative standards for startup, shutdown, and malfunction (SSM) events. For more information, please contact Chloe Salk at [chloe.salk@illinois.gov](mailto:chloe.salk@illinois.gov).





# BOARD ACTIONS

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**May 4, 2023 Regular Meeting**

**By videoconference in Chicago and Springfield**

## **RULEMAKING**

### **R18-26**

Amendments to 35 Ill. Adm. Code Subtitle F: Public Water Supplies (Public Water Supply) – The Board adopted a final opinion and order adopting non-substantive amendments to its public water supply rules.

### **R18-28**

Amendments to 35 Ill. Adm. Code Subtitle I: Atomic Radiation (Atomic Radiation) – The Board adopted a final opinion and order adopting non-substantive amendments to its atomic radiation rules.

### **R23-17**

Proposed 35 Ill. Adm. Code 820 General Construction or Demolition Debris Recovery Facilities (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.

## **ADJUSTED STANDARDS**

### **AS 21-1**

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) (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.

## **ADMINISTRATIVE CITATIONS**

### **AC 23-7**

Illinois Environmental Protection Agency v. John Tuttle and James Musser (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.

## **ADJUDICATORY CASES**

### **PCB 19-79**

Parker’s Gas & More, Inc. v. Illinois Environmental Protection Agency (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, Dudas. The Board ordered IEPA to reimburse Parker the \$3,755.42 deducted from Parker’s request for reimbursement.



- [PCB 22-67](#) People of the State of Illinois v. Swenson Spreader, LLC (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.
- [PCB 22-95](#) People of the State of Illinois v. Super Krish, Inc. (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.
- [PCB 23-17](#) People of the State of Illinois v. Deen Ltd. (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.
- [PCB 23-18](#) People of the State of Illinois v. Veer Petro Inc. (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.
- [PCB 23-72](#) Paul Christian Pratapas v. First Class Outdoor Services (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.
- [PCB 23-94](#) People of the State of Illinois v. Lorel Avenue Food Mart & Fuel Inc. (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.
- [PCB 23-95](#) People of the State of Illinois v. Jim’s Formal Wear LLC (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.



- [PCB 23-99](#) 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.
- [PCB 23-108](#) 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.
- [PCB 23-110](#) 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.
- [PCB 23-111](#) 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.
- [PCB 23-112](#) 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.
- [PCB 23-113](#) 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.

**May 18, 2023 Regular Meeting**  
**By videoconference in Chicago and Springfield**

**RULEMAKING**

- [R18-26](#) Amendments to 35 Ill. Adm. Code Subtitle F: Public Water Supplies (Public Water Supply) – To address a clerical error and non-substantive discrepancies in the public water supply rules adopted on May 4, 2023, the Board issued an order correcting those rules *nunc pro tunc*.



## ADJUSTED STANDARDS

[AS 21-1](#) 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) (Land) – The Board found that 35 Ill. Adm. Code 845 does not apply to Ponds 1 and 3 at Midwest Generation’s Joliet 29 Station. The Board required that the ponds never be used for the treatment, storage, or disposal of coal combustion residuals.

## ADMINISTRATIVE CITATIONS

[AC 23-8](#) Illinois Environmental Protection Agency v. Cody Smith (Land) – After Smith failed to timely file a petition to contest the administrative citation, the Board found that he 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 Smith to pay a total civil penalty of \$3,000, reflecting the statutory penalty of \$1,500 per violation.

[AC 23-9](#) County of LaSalle v. Daniel Partridge, Shirley Partridge, and Four-Star Campground (Land) – After respondents failed to timely file a petition to contest the administrative citation, the Board found that they violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2020)), as alleged. Because there was one violation of Section 21(p), the Board ordered respondents to pay a total civil penalty of \$1,500, reflecting the statutory penalty of \$1,500 per violation.

[AC 23-10](#) County of LaSalle v. Gregory Cravatta (Land) – After Cravatta failed to timely file a petition to contest the administrative citation, the Board found that he violated Section 21(p)(1), (p)(3), (p)(6), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(6), (p)(7) (2020)), as alleged. Because there were four violations of Section 21(p), the Board ordered Cravatta to pay a total civil penalty of \$6,000, reflecting the statutory penalty of \$1,500 per violation.

## ADJUDICATORY CASES

[PCB 22-69](#) Sierra Club and Prairie Rivers Network v. Illinois Environmental Protection Agency and Williamson Energy LLC (Permit Appeal – Third Party, NPDES) – The Board granted IEPA’s and Williamson Energy’s respective motions for summary judgment and denied petitioners’ motion on the issues of the chloride limit and the protection of mussels. The Board granted petitioners’ motion for summary judgment and denied IEPA’s and Williamson Energy’s respective motions for summary judgment on the issue of chloride monitoring. The Board denied the parties’ respective motions for summary judgment on the issues of protection of existing uses; compliance with limits for sulfate, nickel, iron, and copper; the Antidegradation Assessment; the reasonable potential analysis; discharges to Pond Creek; cumulative effects of chloride discharges; and the history of violations. Finally, the Board directed the hearing officer to proceed to hearing on issues not resolved on summary judgment.



- [PCB 22-97](#) People of the State of Illinois v. Ramachandra Reddy, individually and d/b/a BP Amoco Gas Station (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 BP Amoco to pay a civil penalty of \$5,000 and to cease and desist from further violations.
- [PCB 23-54](#) Paul Christian Pratapas v. Wagner Farms by Pulte Homes (Water, NPDES – Enforcement, Citizen) – No action taken.
- [PCB 23-57](#) Paul Christian Pratapas v. Chelsea Manor by M/I Homes (Water, NPDES – Enforcement, Citizen) – No action taken.
- [PCB 23-58](#) Paul Christian Pratapas v. D.R. Horton, Inc. and Earthworks Environmental, LLC (Water, NPDES – Enforcement, Citizen) – The Board granted Horton’s and Earthworks’ respective motions to not accept the complaint for failure to serve. The Board directed Pratapas to file by June 19, 2023, the required proof that he served his complaint on respondents or face dismissal of the complaint. Finally, the Board directed the Clerk to correct Horton’s name in the docket.
- [PCB 23-59](#) Paul Christian Pratapas v. D.R. Horton, Inc. and Earthworks Environmental, LLC (Water – Enforcement, Citizen) – The Board granted Horton’s and Earthworks’ respective motions to not accept the complaint for failure to serve. The Board directed Pratapas to file by June 19, 2023, the required proof that he served his complaint on respondents or face dismissal of the complaint. Finally, the Board directed the Clerk to correct Horton’s name in the docket.
- [PCB 23-63](#) Paul Christian Pratapas v. Pulte Home Company, LLC (Water, NPDES – Enforcement, Citizen) – The Board granted Pulte’s motion to not accept the complaint for failure to serve. The Board directed Pratapas to file by June 19, 2023, the required proof that he served his complaint on Pulte or face dismissal of the complaint. Finally, the Board directed the Clerk to correct Pulte’s name in the docket.
- [PCB 23-85](#) Paul Christian Pratapas v. Lexington Homes and the Illinois Environmental Protection Agency (Water, NPDES – Enforcement, Citizen) – The Board directed Pratapas to file by June 19, 2023, the required proof that he served his complaint on respondents or face dismissal of the complaint.



[PCB 23-107](#) Protect West Chicago v. City of West Chicago, West Chicago City Council, and Lakeshore Recycling Systems, LLC (Land – Third-Party Pollution Control Facility Siting Appeal)

[PCB 23-109](#) People Opposing DuPage Environmental Racism v. City of West Chicago and Lakeshore Recycling Systems (Land – Third-Party Pollution Control Facility Siting Appeal) – The Board granted Lakeshore’s motion to consolidate PCB 23-107 and PCB 23-109. The Board granted Protect West Chicago’s motion for leave to amend its petition and accepted the amended petition for hearing. The Board granted West Chicago and City Council’s motion to supplement the record. Finally, the Board denied Lakeshore’s motion to vacate and strike the Board’s April 6, 2023 order.

[PCB 23-114](#) People of the State of Illinois v Green Meadows Estates of Rockford, LLC and Green Meadows Estates MHC, LLC (Public Water Supply – 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 Winnebago County mobile home park, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.

[PCB 23-115](#) People of the State of Illinois v Shivam Energy Inc., a dissolved Illinois corporation (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Shivam’s gas station in Lake County.

**June 1, 2023 Regular Meeting**  
**By videoconference in Chicago and Springfield**

**RULEMAKING**

[R21-10](#) SDWA Update, USEPA Amendments (July 1, 2020 through December 31, 2020)

[R22-2](#)  
[Consol.](#) SDWA Update, USEPA Amendments (January 1, 2021 through June 30, 2021) (Public Water Supply) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.

[R23-9](#) SDWA Update, USEPA Amendments (July 1, 2022 through December 31, 2022) (Public Water Supply) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.



## ADJUDICATORY CASES

[PCB 22-67](#) People of the State of Illinois v. Swenson Spreader, LLC (Air, FESOP – Enforcement) – In this enforcement action concerning an Ogle County facility 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 Swenson to pay a civil penalty of \$65,000 and to cease and desist from further violations.

[PCB 22-95](#) People of the State of Illinois v. BankFinancial, N.A., f/k/a BankFinancial, F.S.B., not personally but solely as Trustee under that certain Trust Agreement dated November 30, 2004 and known as Trust No. 010797 (Air – Enforcement) – In this enforcement action concerning a Lake 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 Bank Financial to pay a civil penalty of \$5,000 and to cease and desist from further violations.

[PCB 23-17](#) People of the State of Illinois v. Deen Ltd. (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 Deen to pay a civil penalty of \$500 and to cease and desist from further violations.

[PCB 23-18](#) People of the State of Illinois v. Veer Petro Inc. (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 Veer Petro to pay a civil penalty of \$5,000 and to cease and desist from further violations.

[PCB 23-54](#) Paul Christian Pratapas v. Pulte Home Company, LLC (Water, NPDES – Enforcement, Citizen) – The Board granted Pulte’s motion to not accept the complaint for failure to serve. The Board directed the Clerk to correct Pulte’s name in the docket. Finally, the Board dismissed the complaint for failure to correct service errors.

[PCB 23-57](#) Paul Christian Pratapas v. Chelsea Manor by M/I Homes (Water, NPDES – Enforcement, Citizen) – The Board denied M/I’s motion for sanctions and motion to dismiss with prejudice. The Board dismissed the complaint for failure to correct service errors.





- [PCB 23-60](#) Paul Christian Pratapas v. Lexington Trace LLC (Water – Enforcement, Citizen) – The Board granted Lexington’s motion for extension of time to file out of time and extension of time to file motion to dismiss. The Board also granted Lexington’s motion to not accept the complaint for failure to serve. The Board directed Pratapas to file by July 3, 2023, the required proof that he served his complaint on respondent or face dismissal of the complaint. Finally, Board directed the Clerk to correct respondent’s name in the docket.
- [PCB 23-62](#) Paul Christian Pratapas v. Charleston Building and Development and Ozinga Concrete Yard #281 (Water – Enforcement, Citizen) – The Board denied Charleston’s and Ozinga’s respective motions to not accept the complaint for failure to serve. The Board directed Pratapas to file by June 19, 2023, the required proof that he served his complaint on respondents or face dismissal of the complaint. Finally, the Board directed the Clerk to correct Ozinga’s name in the docket.
- [PCB 23-64](#) Paul Christian Pratapas v. Cantera Development Holdings, LLC (Water, NPDES – Enforcement, Citizen) – The Board granted Cantera’s motion to not accept the complaint for failure to serve. The Board directed Pratapas to file by June 19, 2023, the required proof that he served his complaint on respondents or face dismissal of the complaint. Finally, the Board directed the Clerk to correct Cantera’s name in the docket.
- [PCB 23-67](#) Paul Christian Pratapas v. Lakewest Custom Homes, Rathbun Cservenyak & Kozol LLC, and @Properties (Water, NPDES – Enforcement, Citizen) – The Board denied @Properties’ motion to not accept the complaint for failure to serve. The Board directed Pratapas to file by June 19, 2023, the required proof that he served his complaint on respondents or face dismissal of the complaint.
- [PCB 23-71](#) Paul Christian Pratapas v. Village of Woodridge (Water, NPDES – Enforcement, Citizen) – The Board found that the complaint is neither duplicative nor frivolous and accepted the complaint for hearing. The Board directed the Clerk to correct respondent’s name in the docket.
- [PCB 23-73](#) Paul Christian Pratapas v. Cadillac of Naperville and Joseph Nicolas Construction (Water, NPDES – Enforcement, Citizen) – The Board granted Nicolas Construction’s motion to dismiss for frivolousness in part and directed Pratapas to amend his complaint for specificity by July 3, 2023. The Board granted Nicolas Construction’s motion to strike Pratapas’ relief requests, numbered 6 and 7 in the complaint.



- [PCB 23-74](#) Paul Christian Pratapas v. Pulte Home Company, LLC (Water, NPDES – Enforcement, Citizen) – The Board granted Pulte’s motion to not accept the complaint for failure to serve. The Board directed Pratapas to file by June 19, 2023, the required proof that he served his complaint on respondents or face dismissal of the complaint. Finally, the Board directed the Clerk to correct Pulte’s name in the docket.
- [PCB 23-75](#) Paul Christian Pratapas v. Willow Run by M/I Homes (Water, NPDES – Enforcement, Citizen) – The Board granted M/I’s Construction’s motion to dismiss for frivolousness in part and directed Pratapas to amend his complaint for specificity by July 3, 2023. The Board granted M/I’s motion to strike Pratapas’ requests to investigate fraudulent inspection reports and contractor certifications, as well as bar M/I from doing business in Illinois. The Board denied M/I’s motion to dismiss for other affirmative matter.
- [PCB 23-76](#) Paul Christian Pratapas v. Wille Bros. Company and DuPage County Sheriff Water, NPDES – Enforcement, Citizen) – The Board denied Wille Bros. Company’s motion to dismiss for frivolousness and accepted for hearing the complaint as modified by the order. The Board struck Pratapas’ requests for the Sheriff’s resignation; to investigate police officers; and to investigate and terminate any Wille Bros. Company contracts with the State of Illinois. The Board also directed the Clerk to correct the name of one of the respondents in the docket from “Wille Brothers Company” to “Willie Bros. Company.”
- [PCB 23-77](#) Paul Christian Pratapas v. DeJames Builders and City of Naperville: Mayor Steve Chirico (Water, NPDES – Enforcement, Citizen) – The Board granted Mayor Chirico’s motion to not accept the complaint for failure to serve. The Board directed Pratapas to file by June 19, 2023, the required proof that he served his complaint on respondents or face dismissal of the complaint.
- [PCB 23-82](#) People of the State of Illinois v. Rochelle Energy LLC (Air, CAAPP – Enforcement) – The Board accepted the People’s complaint for hearing concerning Rochelle Energy’s landfill gas-to-energy facility in Ogle County.
- [PCB 23-83](#) Paul Christian Pratapas v. Steeple Run Elementary School and Ozynga Concrete Yard #281 (Water, NPDES – Enforcement, Citizen) – The Board denied Ozynga’s motion to dismiss complaint for failure to serve. The Board directed Pratapas to file the required proof of service of the complaint on respondents by July 3, 2023. The Board granted Steeple Run’s motion for extension of time to answer the complaint. Finally, the Board directed the Clerk to correct Ozynga’s name in the docket.



- PCB 23-94** People of the State of Illinois v. Lorel Ave Food Mart & Fuel, Inc. (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 Lorel to pay a civil penalty of \$5,000 and to cease and desist from further violations.
- PCB 23-96** CID Recycling & Disposal Facility v. Illinois Environmental Protection Agency (Land, RCRA – Permit Appeal) – Because CID failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket.
- PCB 23-99** People of the State of Illinois v. Mohammed Abdallah (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 Abdallah to pay a civil penalty of \$5,000 and to cease and desist from further violations.
- PCB 23-110** People of the State of Illinois v CJ Masonry Brick LLC (Water – Enforcement) – In this enforcement action concerning diesel spill in a parking lot located in Lake 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 CJ Masonry to pay a civil penalty of \$7,500 and to cease and desist from further violations.
- PCB 23-111** People of the State of Illinois v CST Industries, Inc. (Air, FESOP – Enforcement) – In this enforcement action concerning a storage tank manufacturing facility located in DeKalb 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 CST to pay a civil penalty of \$75,000 and to cease and desist from further violations.
- PCB 23-116** CID Recycling & Disposal Facility v. Illinois Environmental Protection Agency (Land, RCRA – Permit Appeal) – The Board granted the parties’ request to extend the appeal period to August 22, 2023.
- PCB 23-117** People of the State of Illinois v Qasem Ahmed, an individual, d/b/a Harvey Marathon (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Harvey Marathon’s gas station in Cook County.



[PCB 23-118](#) People of the State of Illinois v SJK1 Inc. (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning SJK1’s gas station in Will County.

[PCB 23-119](#) People of the State of Illinois v B.O.L., 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 Cook County gasoline dispensing facility, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.

**June 15, 2023 Regular Meeting**  
**By videoconference in Chicago and Springfield**

**ADMINISTRATIVE CITATIONS**

[AC 23-11](#) Illinois Environmental Protection Agency v. Tag Warehouse, LLC and Deca Improvements, Inc. (Land) – After respondents failed to timely file a petition to contest the administrative citation, the Board found that they violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2020)), as alleged. Because there were two violations of Section 21(p), the Board ordered respondents to pay a total civil penalty of \$3,000, reflecting the statutory penalty of \$1,500 per violation.

[AC 23-12](#) Illinois Environmental Protection Agency v. Robert C. Crowder Trust, Mary E. McClelland Trust, and Max McClelland (Land) – No action taken.

[AC 23-14](#) Illinois Environmental Protection Agency v. Rome Keith and Sokpheap Keith (Land) – The Board granted the Illinois Environmental Protection Agency’s motion to voluntarily dismiss this administrative citation for failure to timely serve the citation on respondents.

**ADJUDICATORY CASES**

[PCB 23-69](#) Paul Christian Pratapas v. Everclean Car Wash and Woodridge Police Department (Water, NPDES – Enforcement, Citizen) – The Board directed the Clerk to correct the name of one of the respondents in the docket from “Woodridge Police Department” to “Village of Woodridge.” The Board granted in part Everclean’s motion to dismiss for frivolousness. The Board also struck five of Pratapas’ requests for relief (numbered three through seven in his complaint) as beyond the Board’s authority to grant. The Board directed Pratapas to file an amended complaint by July 17, 2023, to address the alleged violations with greater specificity and his request for relief. The Board also dismissed the Village of Woodridge from the case as the order struck all requests for relief related to that respondent.



**PCB 23-79**

Paul Christian Pratapas v. Winding Creek by Pulte Homes and City of Batavia (Water, NPDES – Enforcement, Citizen) – The Board directed the Clerk to correct the name of one of the respondents in the docket from “Winding Creek by Pulte Homes” to “Pulte Home Company, LLC.” The Board granted Pulte’s motion to not accept the complaint for failure to serve. The Board reserved ruling on Pulte’s motion to dismiss and directed Pratapas to file by July 17, 2023, the required proof that he served the complaint on Pulte. The Board granted in part Batavia’s motion to dismiss the complaint and struck three of Pratapas’ requests for relief (numbered 3, 4, and 7 in his complaint) as beyond the Board’s authority to grant. The Board also directed Pratapas to file an amended complaint by July 17, 2023, to address the alleged violations with greater specificity.

**PCB 23-81**

Paul Christian Pratapas v. Silo Bend and the Townes by Silo Bend by M/I Homes (Water, NPDES – Enforcement, Citizen) – The Board directed the Clerk to correct the name of one of the respondents in the docket from “Silo Bend and the Townes By Silo Bend by M/I Homes” to “M/I Homes.” The Board granted in part M/I’s motion to dismiss for frivolousness and directed Pratapas to file an amended complaint by July 17, 2023, to address the alleged violations with greater specificity and his request for relief. The Board struck one of Pratapas’ requests for relief and denied M/I’s motion to dismiss over purported affirmative matter.

**PCB 23-113**

People of the State of Illinois v. Okaw Truss, Inc. (Water, NPDES – Enforcement) – In this enforcement action concerning a commercial and residential construction component manufacturing facility in Douglass 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 Okaw Truss to pay a civil penalty of \$8,500 and to cease and desist from further violations.

**PCB 23-114**

People of the State of Illinois v. Green Meadows Estates of Rockford, LLC and Green Meadows Estates MHC, LLC (Public Water Supply – Enforcement) – In this enforcement action concerning a mobile home park in Winnebago 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 respondents to pay a civil penalty of \$40,000 and to cease and desist from further violations.

**PCB 23-120**

People of the State of Illinois v. Balwinder Kaur, d/b/a BP (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Kaur’s gas station in Cook County.



[PCB 23-121](#) People of the State of Illinois v. Chicago Magnesium Casting Company (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Chicago Magnesium’s magnesium and aluminum foundry in Cook County.

[PCB 23-122](#) People of the State of Illinois v. Lee Trucking, Inc. (Water, NPDES – Enforcement) – The Board accepted the People’s complaint for hearing concerning Lee Trucking’s fuel tanks in Iroquois County.

[PCB 23-123](#) People of the State of Illinois v. Tennis Dairy Farm, LLP (Water – Enforcement) – The Board accepted the People’s complaint for hearing concerning Tennis Dairy’s animal feeding operation in Wabash County.

[PCB 23-124](#) People of the State of Illinois v. Village of Blue Mound (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 Macon County sewage treatment plant, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.

[PCB 23-125](#) People of the State of Illinois v. K.D. Crain & Sons, 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 K.D. Crain’s Southern Delta Mine in Williamson and Saline Counties, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.

[PCB 23-126](#) Mullins Foods Products and Angell Realty XII, LLC v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted the parties’ request to extend the appeal period to September 18, 2023.

[PCB 23-127](#) Maher Lumber Company v. Illinois Environmental Protection Agency (UST Appeal) – The Board granted the parties’ request to extend the appeal period to September 24, 2023.

**July 6, 2023 Regular Meeting**  
**By videoconference in Chicago and Springfield**

**RULEMAKING**

[R23-15](#) National Ambient Air Quality Standards (NAAQS), USEPA Amendments (July 1, 2022, through December 31, 2022) (Air) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.





[R23-17](#)

Proposed 35 Ill. Adm. Code 820 General Construction or Demolition Debris Recovery Facilities (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.

[R23-18\(A\)](#)

Amendments to 35 Ill. Adm. Code Parts 201, 201, and 212 (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.

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.

**ADMINISTRATIVE CITATIONS**

[AC 23-12](#)

Illinois Environmental Protection Agency v. Robert C. Crowder Trust, Mary E. McClelland Trust, and Max McClelland (Land) – The Board accepted for hearing respondents’ petition to contest the administrative citation.

[AC 23-13](#)

County of LaSalle v. Amy Copeland (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.

**ADJUDICATORY CASES**

[PCB 19-79](#)

Parker’s Gas & More, Inc. v. Illinois Environmental Protection Agency (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.





- [PCB 23-58](#) Paul Christian Pratapas v. D.R. Horton, Inc. and Earthworks Environmental, LLC (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.
- [PCB 23-59](#) Paul Christian Pratapas v. D.R. Horton, Inc. and Earthworks Environmental, LLC (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.
- [PCB 23-63](#) Paul Christian Pratapas v. Pulte Home Company, LLC (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.
- [PCB 23-72](#) Paul Christian Pratapas v. First Class Outdoor Services (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.
- [PCB 23-84](#) People of the State of Illinois v. John C. Justice, d/b/a Microcosm (Air – Enforcement) – The Board granted the People’s motion to dismiss the complaint without prejudice and closed the docket.
- [PCB 23-85](#) Paul Christian Pratapas v. Lexington Homes and the Illinois Environmental Protection Agency (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.
- [PCB 23-100](#) John Deere Harvester v. Illinois Environmental Protection Agency (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.
- [PCB 23-105](#) People of the State of Illinois v. R & D #4, Inc. d/b/a BP AM PM Gas Station (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.
- [PCB 23-119](#) People of the State of Illinois v. B.O.L., Inc. (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.



- [PCB 23-128](#) People of the State of Illinois v. Swan Surfaces, LLC (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.
- [PCB 23-129](#) People of the State of Illinois v. Leif’s Auto Salvage, Inc. (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Leif’s automobile salvage facility in Carroll County.
- [PCB 23-130](#) People of the State of Illinois v. Leisure Properties, LLC d/b/a Crownline Boats (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.
- [PCB 23-131](#) T5@Chicago II, LP v. Illinois Environmental Protection Agency (Air – Variance) – The Board directed T5 to file an amended petition addressing the identified deficiencies by August 7, 2023.
- [PCB 23-132](#) People of the State of Illinois v. Midwest Trailer Manufacturing, LLC (Land, RCRA – Enforcement) – The Board accepted the People’s complaint for hearing concerning Midwest Trailer’s steel dump trailer manufacturing facility in Henry County.

## **July 20, 2023 Regular Meeting**

### **By videoconference in Chicago and Springfield**

#### **RULEMAKING**

[R23-18](#)

Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212 (Air) – The Board adopted a final opinion and order in which it, first, respectfully declined to modify or withdraw its proposal in response to the objections of the Joint Committee on Administrative Rules and, second, amended the Board’s air pollution control rules.

#### **ADJUDICATORY CASES**

[PCB 23-40](#)

People of the State of Illinois v. Hussein Saleh, an individual, d/b/a Amir Citgo (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.



- [PCB 23-62](#) Paul Christian Pratapas v. Charleston Building and Development and Ozinga Ready Mix Concrete, Inc. (Water, NPDES – Enforcement, Citizen) – The Board denied Pratapas’ request for extension of time and dismissed the complaint for failure to timely file the required proof of service. The Board therefore denied as moot the respective motions to dismiss of Ozinga and Charleston.
- [PCB 23-64](#) Paul Christian Pratapas v. Cantera Development Holdings, LLC (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint. The Board denied as moot Cantera’s motions to dismiss.
- [PCB 23-73](#) Paul Christian Pratapas v. Cadillac of Naperville and Joseph Nicolas Construction (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof of service or an amended complaint as directed.
- [PCB 23-74](#) Paul Christian Pratapas v. Pulte Home Company, LLC (Water, NPDES – Enforcement, Citizen) – The Board denied Pratapas’ request for extension of time and dismissed the complaint for failure to timely file the required proof of service. The Board therefore denied as moot Pulte’s motion to dismiss.
- [PCB 23-77](#) Paul Christian Pratapas v. DeJames Builders and City of Naperville: Mayor Steve Chirico (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint. The Board therefore denied as moot Mayor Chirico’s motion to dismiss.
- [PCB 23-82](#) Paul Christian Pratapas v. Midwest Construction Partners and City of Naperville: Mayor Steve Chirico (Water, NPDES – Enforcement, Citizen) – The Board dismissed the complaint because Pratapas failed to timely file the required proof that he served the complaint.
- [PCB 23-83](#) Paul Christian Pratapas v. Steeple Run Elementary School and Ozinga Ready Mix Concrete, Inc. (Water, NPDES – Enforcement, Citizen) – The Board denied Pratapas’ request for extension of time and dismissed the complaint for failure to timely file the required proof of service. The Board therefore denied as moot Ozinga’s motion to dismiss and the joint motion to voluntarily dismiss as to Steeple Run.



**PCB 23-98**

People of the State of Illinois v. Soufian Abdelkader (Air –Enforcement) – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment. The Board therefore found that Abdelkader violated Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2022)) and Section 218.586(i)(1)(B), (i)(2)(A), and (i)(2)(C) of the Board’s air pollution control regulations (35 Ill. Adm. Code 218.586(i)(1)(B), (i)(2)(A), (i)(2)(C)), as the People’s complaint alleged. The Board also ordered Abdelkader to pay a \$10,000 civil penalty, as the People’s motion requested.

**PCB 24-1**

Diekemper Pork LLC v. Illinois Environmental Protection Agency (Water – Tax Certification) – The Board found and certified that Diekemper’s livestock waste handling facilities in Clinton County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2020))

**PCB 24-2**

JAS Farms, Inc. v. Illinois Environmental Protection Agency (Water – Tax Certification) – The Board found and certified that JAS Farms’ livestock waste handling facilities in Livingston County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2020)).

**PCB 24-3**

People of the State of Illinois v. Upendra Sinha, an individual, d/b/a Citgo (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 Kane County storage tank manufacturing facility, the Board directed the Clerk to provide the required newspaper notice.



# CALENDAR

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## Thursday, August 17, 2023 (11:00 AM)

### Board meeting by videoconference

James R. Thompson Center, 100 W. Randolph St., Room 16-504, Chicago and  
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

## Thursday, August 17, 2023 (11:30 AM)

### Hearing: National Ambient Air Quality Standards, USEPA Regulations (July 1, 2022 through December 31, 2022), R23-15

James R. Thompson Center, 100 W. Randolph St., Room 16-504, Chicago and  
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

## Thursday, September 7, 2023 (11:00 AM)

### Board meeting by videoconference

James R. Thompson Center, 100 W. Randolph St., Room 16-504, Chicago and  
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

## Thursday, September 21, 2023 (11:00 AM)

### Board meeting by videoconference

James R. Thompson Center, 100 W. Randolph St., Room 16-504, Chicago and  
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

## Thursday, October 5, 2023 (11:00 AM)

### Board meeting by videoconference

James R. Thompson Center, 100 W. Randolph St., Room 16-504, Chicago and  
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

## Thursday, October 19, 2023 (11:00 AM)

### Board meeting by videoconference

James R. Thompson Center, 100 W. Randolph St., Room 16-504, Chicago and  
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

## Thursday, November 2, 2023 (11:00 AM)

### Board meeting by videoconference

Michael A. Bilandic Building, 160 N. LaSalle St., Room N-505, Chicago and  
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield



**Thursday, November 16, 2023 (11:00 AM)**

**Board meeting by videoconference**

Michael A. Bilandic Building, 160 N. LaSalle St., Room N-502, Chicago and  
1021 North Grand Avenue East, Room 1244 N (First Floor), Springfield

The events listed above are subject to change, and more events may be added. Here is a link to the [Board's current calendar](#).



# HEALTH ADVISORY SUMMARY LIST

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
Office of Toxicity Assessment



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

## HEALTH ADVISORY SUMMARY LIST

Prepared by:  
Office of Toxicity Assessment  
Illinois Environmental Protection Agency  
October 12, 2021

In accordance with 35 Illinois Administrative Code 620.610(b), the Illinois Environmental Protection Agency (Illinois EPA) is issuing a Health Advisory summary list. Section 620.610(b) directs the Illinois EPA to publish and make available to the public, at intervals of not more than 6 months, a comprehensive and up-to-date summary list of all Health Advisories.

The following table provides a summary list of all Illinois EPA Health Advisories currently in effect:

CASRN <sup>1</sup>	Chemical	Statewide Health Advisory Guidance Level (ng/L)	Health Advisory Issuance Date
355-46-4	Perfluorohexanesulfonic acid (PFHxS)	140	January 28, 2021
307-24-4	Perfluorohexanoic acid (PFHxA)	560,000	January 28, 2021
335-67-1	Perfluorooctanoic acid (PFOA)	2	January 28, 2021
375-73-5	Perfluorobutanesulfonic acid (PFBS)	2,100	April 16, 2021
1763-23-1	Perfluorooctanesulfonic acid (PFOS)	14	April 16, 2021
375-95-1	Perfluorononanoic acid (PFNA)	21	July 27, 2021

1 CASRN = Chemical Abstract Services Registry Number

For more information regarding Illinois EPA Health Advisories, please refer to the following link:  
<https://www2.illinois.gov/epa/topics/water-quality/pfas/Pages/pfas-healthadvisory.aspx>

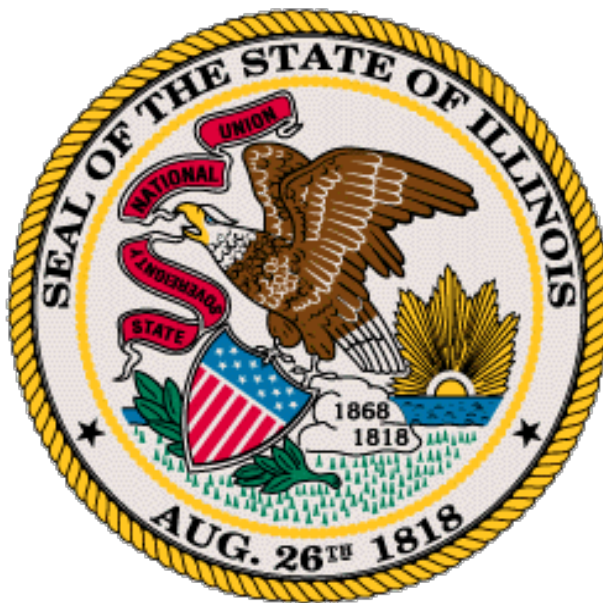
2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120  
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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