



# IPC

Illinois Pollution Control Board

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## BOARD MEETING MINUTES

**JANUARY 4, 2024**

**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**

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The Clerk of the Board called the roll. The Chair and Member Gibson, who were physically present in Room N-505, answered present; Member Mankowski, who was physically present in Room 1244, answered present. The Chair then made a motion under Section 7(a)(i) of the Open Meetings Act (5 ILCS 120/7(a)(i) (2022)) for Member Van Wie 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 Van Wie 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 December 7, 2023 regular open meeting were approved by a roll call vote of 4-0.

### **RULEMAKINGS**

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<a href="#"><u>R18-25</u></a>	Amendments to 35 Ill. Adm. Code Subtitle E: Agriculture Related <u>Water Pollution</u> (Water) – The Board adopted a second-notice opinion and order in this rulemaking to non-substantively amend the Board’s agriculture-related water pollution rules.	4-0 roll call vote
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<a href="#"><u>R24-8</u></a>	<u>Definition of VOM, USEPA Amendments (January 1, 2023 through June 30, 2023) (Air)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s air pollution control rules.	4-0 roll call vote
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**ADJUSTED STANDARDS**

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**ADMINISTRATIVE CITATIONS**

<a href="#"><u>AC 24-1</u></a>	<u>Illinois Environmental Protection Agency v. Leslie Mandrell and Thomas Fann d/b/a Fann Tree Service (Land)</u> – The Board accepted for hearing Mandrell and Fann’s amended petition for review to contest the administrative citation.	4-0 roll call vote
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**TIME-LIMITED WATER QUALITY STANDARDS**

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**ADJUDICATORY CASES**

<a href="#"><u>PCB 22-51</u></a>	<u>Illinois Power Resources Generating, LLC v. Illinois Environmental Protection Agency (Water, NPDES – Permit Appeal)</u> – The Board granted IPRG’s unopposed motion for voluntary dismissal, dismissed the appeal, and closed the docket.	4-0 roll call vote
<a href="#"><u>PCB 23-50</u></a>	<u>People of the State of Illinois v. William M. Longwell (Land, Air – Enforcement)</u> – The Board granted the People’s unopposed motion to deem facts admitted and for summary judgment against Longwell. The Board therefore found that Longwell violated Sections 9(a), 9(c), 21(a), 21(d)(1), 21(e), 21(p)(1), 21(p)(3), and 21(p)(7)(i) of the Environmental Protection Act (415 ILCS 5/9(a), 9(c), 21(a), 21(d)(1), 21(e), 21(p)(1), 21(p)(3), 21(p)(7)(i) (2022)), as the People’s complaint alleged. The Board also ordered Longwell to pay a \$50,000 civil penalty, as the People’s motion requested.	4-0 roll call vote
<a href="#"><u>PCB 23-76</u></a>	<u>Paul Christian Pratapas v. Wille Brothers Company and DuPage County Sheriff (Water – Enforcement, Citizen)</u> – The Board granted Pratapas’ motion for voluntary dismissal without prejudice, dismissed the case, and closed the docket.	4-0 roll call vote

<a href="#"><u>PCB 23-103</u></a>	<u>People of the State of Illinois v. Aurora Metals Division, LLC</u> (Air – Enforcement) – The Board granted the People’s motion to voluntarily dismiss count II of the complaint without prejudice. In addition, upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a nonferrous metal foundry and machine shop in Kane County, the Board directed the Clerk to provide the required newspaper notice.	4-0 roll call vote
<a href="#"><u>PCB 23-112</u></a>	<u>People of the State of Illinois v. Inland-Frycek, Inc. and 969 Northwest Hwy LLC</u> (Land, Water – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement as to 969 Northwest Hwy in this enforcement action concerning a Cook County gas station, the Board directed the Clerk to provide the required newspaper notice.	4-0 roll call vote
<a href="#"><u>PCB 23-121</u></a>	<u>People of the State of Illinois v. Chicago Magnesium Casting Company</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 magnesium and aluminum foundry, the Board directed the Clerk to provide the required newspaper notice.	4-0 roll call vote
<a href="#"><u>PCB 23-133</u></a>	<u>Anna Andrushko v. Thomas Egan</u> (Noise – Enforcement, Citizen) – The Board directed Andrushko to file an amended complaint addressing specified deficiencies by February 5, 2024.	4-0 roll call vote
<a href="#"><u>PCB 24-19</u></a>	<u>Casey’s Retail Company v. Illinois Environmental Protection Agency</u> (UST Appeal) – Because Casey’s Retail Company failed to file a petition during the extended appeal period, the Board dismissed the case and closed the docket.	4-0 roll call vote
<a href="#"><u>PCB 24-33</u></a>	<u>People of the State of Illinois v. City of LaSalle</u> (Water, NPDES – Enforcement) – Held.	No action taken.
<a href="#"><u>PCB 24-38</u></a>	<u>Village of Davis Junction v. Illinois Environmental Protection Agency</u> (Public Water Supply – Permit Appeal) – The Board granted the Village of Davis Junction’s motion for voluntary dismissal, dismissed the case, and closed the docket.	4-0 roll call vote
<a href="#"><u>PCB 24-39</u></a>	<u>People of the State of Illinois v. Ferrara Candy Company</u> (Air, CAAPP – Enforcement) – Held.	No action taken.

<a href="#"><u>PCB 24-40</u></a>	<u>People of the State of Illinois v. Ensono, LLC</u> (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 Ensono’s emergency generators in DuPage County, the Board accepted the complaint and directed the Clerk to provide the required newspaper notice of the settlement-related filings.	4-0 roll call vote
<a href="#"><u>PCB 24-41</u></a>	<u>Conserv FS, Inc. – Waterman v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that Conserv FS’ liquid fertilizer storage facilities in DeKalb County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).	4-0 roll call vote
<a href="#"><u>PCB 24-43</u></a>	<u>Illinois Power Generating Company v. Illinois Environmental Protection Agency</u> (Land, CCR – Appeal) – The Board accepted for hearing this appeal involving a coal combustion residual (CCR) surface impoundment at IPGC’s Newton Power Plant in Jasper County. The Board also reserved ruling on IPGC’s motion for partial stay.	4-0 roll call vote
<a href="#"><u>PCB 24-44</u></a>	<u>E&amp;E Arndt Farms v. Illinois Environmental Protection Agency</u> (Water – Tax Certification) – The Board found and certified that E&E Arndt Farms’ livestock waste management facilities in DeKalb County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2022)).	4-0 roll call vote
<a href="#"><u>PCB 24-45</u></a>	<u>Electric Energy, Inc. v. Illinois Environmental Protection Agency</u> (Land, CCR – Appeal) – The Board accepted for hearing this appeal involving a coal combustion residual (CCR) surface impoundment at Electric Energy’s Joppa Power Plant in Massac County. The Board also reserved ruling on Electric Energy’s motion for stay.	4-0 roll call vote

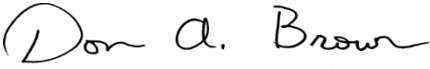
### **OTHER ITEMS**

	The Chair noted that the Board did not hold any closed meetings during the timeframe of January 1 through June 30, 2022 and therefore, for that timeframe, no determination was necessary on whether to destroy verbatim recordings under Section 2.06(c) of the Open Meetings Act (5 ILCS 120/2.06(c) (2022)).	No action taken.
	The Board granted the Chair’s motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d) (2022)) to continue keeping confidential the minutes of the Board’s closed meeting held on September 14, 2023.	4-0 roll call vote

**ADJOURNMENT**

Moved and seconded, by a roll call vote of 4-0, 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 January 18, 2024, by a vote of 4-0.



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Don Anthony Brown, Clerk  
Illinois Pollution Control Board