

ILLINOIS POLLUTION CONTROL BOARD

July 23, 2026

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 13-16
	)	(Enforcement – Air, Water, NPDES)
ALPENA VISION RESOURCES, LLC, a	)	
Michigan limited liability company,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by M. Gibson)¹:

On October 4, 2012, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Alpena Vision Resources, LLC (Alpena), an Illinois corporation. The complaint concerns Alpena's mining site located near Murdock in Douglas County (Site). On June 8, 2023, the People filed an amended complaint. On June 4, 2026, the Board accepted the amended complaint and directed the Clerk to provide public notice of the parties' stipulation and proposed settlement. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2024)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2024); 35 Ill. Adm. Code 103.

In this case, the People allege that Alpena violated:

Count I: Section 201.141 of the Board's regulations, 35 Ill. Adm. Code 201.141, and Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), by failing to manage Mine Drainage and Reclamation Materials at the Site so as to cause, threaten, or allow air pollution.

Count II: Sections 403.102, 406.108, and 620.405 of the Board's regulations, 35 Ill. Adm. Code 403.102, 406.108, and 620.405, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), by allowing the offsite discharge of contaminants onto the land and causing water pollution.

Count III: Section 12(d) of the Act, 415 ILCS 5/12(d) (2024), by allowing the discharge of contaminants on the land in a manner creating a water pollution hazard.

¹ Board Member Michael D. Mankowski, who worked for the People prior to joining the Board and filed the original complaint in this case in 2012, took no part in the Board's drafting or deliberation of any order or issue in this matter.

Count IV: Sections 403.102 and 406.106 of the Board's regulations, 35 Ill. Adm. Code 403.102 and 406.106, and Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), by allowing offsite discharge of constituents in exceedance of allowable limits.

Count V: Special Condition No. 1 of Alpena's 2010 and 2017 National Pollutant Discharge Elimination System (NPDES) permit, Sections 302.203, 403.102, 406.107, 406.108, and 406.202 of the Board's regulations, 35 Ill. Adm. Code 302.203, 403.102, 406.107, 406.108, and 406.202, and Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), by causing and allowing Mine Discharge and Reclamation Materials to discharge in effluent offsite into waters of the State causing unnatural color and turbidity resulting in offensive discharges and conditions in the waters of the State.

Count VI: Effluent Limitations and Monitoring requirements and Special Conditions No. 3 and 4 of Alpena's 2017 NPDES permit, Sections 305.102(b) and 406.102 of the Board's regulations, 35 Ill. Adm. Code 305.102(b) and 406.102, and Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), by failing to monitor discharges from the Site and submit Completed Discharge Monitoring Reports.

Count VII: General Condition No. 13 and Special Conditions No. 3 and 5 of Alpena's 2017 NPDES permit, Sections 305.102(b) and 620.405 of the Board's regulations, 35 Ill. Adm. Code 305.102(b) and 620.405, and Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), by failing to submit groundwater monitoring reports and conduct groundwater monitoring at the Site.

Count VIII: Paragraph 3 of Page 6, General Condition No. 13(b), and Special Conditions No. 3, 5, 11, 12, and 14 of Alpena's 2010 NPDES permit, Special Conditions No. 3, 5, 12, 13, and 15 of Alpena's 2017 NPDES permit, Section 305.102(b) of the Board's regulations, 35 Ill. Adm. Code 305.102(b), and Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), by failing to conduct monitoring and reporting of discharges.

On May 27, 2026, the People and Alpena filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2024)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2024)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in *The County Chronicle* on June 10, 2026. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2024); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Alpena's operations. Section 103.302 also requires that the parties stipulate to facts

called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2024)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Alpena does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2024)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Alpena agrees to pay a civil penalty of \$6,000 within 30 days after the date of this order. The People and Alpena have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Alpena must pay a civil penalty of \$6,000 no later than Monday, August 24, 2026, which is the first business day following the 30th day after the date of this order. Alpena must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.

3. Alpena must submit payment of the civil penalty to:

Illinois Environmental Protection Agency
Fiscal Services
2520 W. Iles Ave
P.O. Box 19276
Springfield, Illinois 62704

Alpena must send a copy of the certified check or money order and any transmittal letter to:

Nancy J. Tikalsky
Senior Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
115 S. LaSalle Street, 23rd Floor
Chicago, Illinois 60603

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2024)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2024)).

5. Alpena must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Member Mankowski abstained.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2024); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Alpena Vision Resources, LLC c/o Daniel Olswang Netzky Olswang & Hanlon 8605 W. Bryn Mawr, Suite 309 Chicago, Illinois 60631	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren St. Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Office of the Illinois Attorney General Attn.: Nancy J. Tikalsky Senior Assistant Attorney General Environmental Bureau 115 S. LaSalle Street, 23rd Floor Chicago, Illinois 60603 nancy.tikalsky@ilag.gov	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 23, 2026, by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board