



IPC

Illinois Pollution Control Board

BOARD MEETING MINUTES

December 15, 2022

11:00 a.m.

Videoconference

100 W. Randolph St. AND
Chicago, IL
Room 2-025

1021 N. Grand Avenue East
Springfield, IL
Conference Rm 1244 N, 1st Floor

ROLL CALL

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

ANNOUNCEMENTS

None.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the Board’s December 1, 2022 regular open meeting and the Board’s December 8, 2022 closed deliberative session were approved by a vote of 4-0.

RULEMAKINGS

<u>R23-18</u>	Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212 (Air) – The Board accepted for hearing the Illinois Environmental Protection Agency’s rulemaking proposal filed under the “fast-track” provisions of Section 28.5 of the Environmental Protection Act (Act). The Board also granted IEPA’s motion for waiver of specified copy requirements. Finally, without commenting on the proposal’s substantive merits, the Board directed the Clerk to submit the proposal for first-notice publication in the <i>Illinois Register</i> .	4-0 roll call vote
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ADJUSTED STANDARDS

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ADMINISTRATIVE CITATIONS

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TIME-LIMITED WATER QUALITY STANDARDS

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ADJUDICATORY CASES

<u>PCB 13-15</u>	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation (Land – Enforcement)</u> – In this citizen enforcement action concerning electric generating stations in several counties, the Board denied Midwest Generation’s motion to stay the proceedings, denied the Environmental Groups’ motion for sanctions, and denied the parties’ respective motions for interlocutory appeal of a hearing officer order.	4-0 roll call vote
<u>PCB 19-2</u>	<u>Reliable Stores, Inc. v. Office of State Fire Marshal (UST Appeal)</u> – In this appeal of an OSFM determination concerning a Cook County gas station, the Board exercised its discretion to award legal fees and directed the Illinois Environmental Protection Agency to reimburse Reliable Stores \$33,106.65 in legal fees from the Underground Storage Tank Fund.	4-0 roll call vote
<u>PCB 22-43</u>	<u>People of the State of Illinois v. Arif Shiekh (Air – Enforcement)</u> – In this enforcement action concerning a Kane County gas station, the Board granted the People’s unopposed motion to deem facts admitted and for summary judgment and directed Shiekh to pay a civil penalty of \$10,000.	4-0 roll call vote
<u>PCB 22-57</u>	<u>People of the State of Illinois v. SCI Box, LLC (Water, NPDES – Enforcement)</u> – In this enforcement action concerning a Jefferson County corrugated cardboard box manufacturing facility, 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 SCI Box to pay a civil penalty of \$15,000 and to cease and desist from further violations.	4-0 roll call vote
<u>PCB 22-77</u>	<u>People of the State of Illinois v. Lala Kala, Inc. (Air – Enforcement)</u> – In this enforcement action concerning a DuPage County gas station, the Board denied Lala Kala’s motion to dismiss as untimely.	4-0 roll call vote

<u>PCB 22-86</u>	<u>People of the State of Illinois v. 6702 Pulaski, LLC, d/b/a BP</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 6702 Pulaski to pay a civil penalty of \$5,000 and to cease and desist from further violations.	4-0 roll call vote
<u>PCB 23-9</u>	<u>People of the State of Illinois v. La Fox BP, Inc.</u> (Air – Enforcement) – In this enforcement action concerning a Kane County gas station, the Board granted the People’s unopposed motion for leave to file a first amended complaint adding Fox River Petro, LLC as a respondent and accepted the first amended complaint for hearing.	4-0 roll call vote
<u>PCB 23-11</u>	<u>People of the State of Illinois v. Emanuel Joseph, individually and d/b/a Shell</u> (Air – Enforcement) – Upon receiving a stipulation, proposed settlement, and request 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.	4-0 roll call vote
<u>PCB 23-12</u>	<u>Aqua Illinois, Inc. v. Illinois Environmental Protection Agency</u> (Public Water Supply – Permit Appeal) – In this appeal of a Special Exception Permit issued by IEPA to Aqua Illinois for its University Park public water system in Will and Cook Counties, the Board found Aqua Illinois’ appeal to be moot. The Board also denied Aqua Illinois’ motion for interlocutory appeal of a hearing officer order.	4-0 roll call vote
<u>PCB 23-35</u>	<u>People of the State of Illinois v. 3803 Roosevelt LLC, d/b/a BP</u> (Air – Enforcement) – Upon receiving a stipulation, proposed settlement, and request 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.	4-0 roll call vote
<u>PCB 23-50</u>	<u>People of the State of Illinois v. William M. Longwell</u> (Land, Air – Enforcement) – In this enforcement action concerning alleged unlawful disposal at a Williamson County site by an asbestos abatement service, the Board directed the People to file the required proof of service within 30 days or face dismissal of the complaint.	4-0 roll call vote
<u>PCB 23-51</u>	<u>People of the State of Illinois v. 3396 Green Bay, LLC</u> (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 3396 Green Bay to pay a civil penalty of \$5,000 and to cease and desist from further violations.	4-0 roll call vote

<u>PCB 23-54</u>	<u>Paul Christian Pratapas v. Wagner Farms by Pulte Homes</u> (Water, NPDES – Enforcement, Citizen) – In this citizen enforcement action concerning Will County residential construction, the Board directed Pratapas to provide the required proof of service within 30 days or face dismissal of the complaint.	4-0 roll call vote
<u>PCB 23-65</u>	<u>People of the State of Illinois v. Mohammed Abdallah</u> (Air – Enforcement) – In this enforcement action concerning a Cook County gas station, the Board accepted the People’s complaint for hearing.	4-0 roll call vote
<u>PCB 23-66</u>	<u>People of the State of Illinois v. Thattamattom, Inc.</u> (Air – Enforcement) – Having received 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 gas station, 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
<u>PCB 23-68</u>	<u>People of the State of Illinois v. Diamond Cellophane Products, LLC, f/k/a Diamond Cellophane Products, Inc., d/b/a Diamond Flexible Packaging Company</u> (Air – Enforcement) – Having received 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 plastic film processing, printing, laminating, and converting facility, 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
<u>PCB 23-70</u>	<u>People of the State of Illinois v. Shivan Properties, LLC</u> (Air – Enforcement) – Having received a complaint, a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action concerning a McHenry County gas station, 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

OTHER ITEMS

None.

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 5, 2023, by a vote of 4-0.

Don a. Brown

Don Anthony Brown, Clerk
Illinois Pollution Control Board