



IPC B

Illinois Pollution Control Board

BOARD MEETING MINUTES

May 18, 2023

11:00 a.m.

Videoconference

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

AND

1021 N. Grand Ave. East
Springfield, IL
Conf. Room 1244 N, 1st Floor

ROLL CALL

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

ANNOUNCEMENTS

None.

PUBLIC REMARKS

None.

APPROVAL OF MINUTES

The minutes of the Board's May 4, 2023 regular open meeting were approved by a roll call vote of 3-0.

RULEMAKINGS

<u>R18-26</u>	<u>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 <i>nunc pro tunc</i>.</u>	3-0 roll call vote
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ADJUSTED STANDARDS

<p><u>AS 21-1</u></p>	<p><u>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)</u> – 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.</p>	<p>3-0 roll call vote</p>
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ADMINISTRATIVE CITATIONS

<p><u>AC 23-8</u></p>	<p><u>Illinois Environmental Protection Agency v. Cody Smith (Land)</u> – 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.</p>	<p>3-0 roll call vote</p>
<p><u>AC 23-9</u></p>	<p><u>County of LaSalle v. Daniel Partridge, Shirley Partridge, and Four-Star Campground (Land)</u> – 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.</p>	<p>3-0 roll call vote</p>
<p><u>AC 23-10</u></p>	<p><u>County of LaSalle v. Gregory Cravatta (Land)</u> – 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.</p>	<p>3-0 roll call vote</p>

TIME-LIMITED WATER QUALITY STANDARDS

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ADJUDICATORY CASES

<p><u>PCB 22-69</u></p>	<p><u>Sierra Club and Prairie Rivers Network v. Illinois Environmental Protection Agency and Williamson Energy LLC</u> (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.</p>	<p>3-0 roll call vote</p>
<p><u>PCB 22-97</u></p>	<p><u>People of the State of Illinois v. Ramachandra Reddy, individually and d/b/a BP Amoco Gas Station</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 BP Amoco to pay a civil penalty of \$5,000 and to cease and desist from further violations.</p>	<p>3-0 roll call vote</p>
<p><u>PCB 23-54</u></p>	<p><u>Paul Christian Pratapas v. Wagner Farms by Pulte Homes</u> (Water, NPDES – Enforcement, Citizen) – No action taken.</p>	<p>Held</p>
<p><u>PCB 23-57</u></p>	<p><u>Paul Christian Pratapas v. Chelsea Manor by M/I Homes</u> (Water, NPDES – Enforcement, Citizen) – No action taken.</p>	<p>Held</p>
<p><u>PCB 23-58</u></p>	<p><u>Paul Christian Pratapas v. D.R. Horton, Inc. and Earthworks Environmental, LLC</u> (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.</p>	<p>3-0 roll call vote</p>

<u>PCB 23-59</u>	<u>Paul Christian Pratapas v. D.R. Horton, Inc. and Earthworks Environmental, LLC</u> (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.	3-0 roll call vote
<u>PCB 23-63</u>	<u>Paul Christian Pratapas v. Pulte Home Company, LLC</u> (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.	3-0 roll call vote
<u>PCB 23-85</u>	<u>Paul Christian Pratapas v. Lexington Homes and the Illinois Environmental Protection Agency</u> (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.	3-0 roll call vote
<u>PCB 23-107</u> <u>PCB 23-109</u>	<u>Protect West Chicago v. City of West Chicago, West Chicago City Council, and Lakeshore Recycling Systems, LLC</u> (Land – Third-Party Pollution Control Facility Siting Appeal) <u>People Opposing DuPage Environmental Racism v. City of West Chicago and Lakeshore Recycling Systems</u> (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.	3-0 roll call vote
<u>PCB 23-114</u>	<u>People of the State of Illinois v Green Meadows Estates of Rockford, LLC and Green Meadows Estates MHC, LLC</u> (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.	3-0 roll call vote

<u>PCB 23-115</u>	People of the State of Illinois v Shivam Energy Inc., a dissolved <u>Illinois corporation</u> (Air – Enforcement) – The Board accepted the People’s complaint for hearing concerning Shivam’s gas station in Lake County.	3-0 roll call vote
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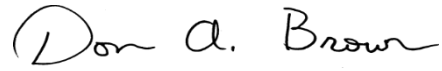
OTHER ITEMS

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ADJOURNMENT

Moved and seconded, by a roll call vote of 3-0, the Chair adjourned the regular Board meeting.

I, Don Anthony Brown, Clerk of the Illinois Pollution Control Board, certify that the Board approved the above minutes on June 1, 2023, by a vote of 3-0.



Don Anthony Brown, Clerk
Illinois Pollution Control Board