

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 22-
	)	(Enforcement - Air)
159 <sup>th</sup> AND CRAWFORD BUSINESS INC.,	)	
an Illinois corporation, and	)	
159 <sup>th</sup> and CRAWRORD REAL ESTATE INC.,	)	
an Illinois corporation,	)	
	)	
	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

PLEASE TAKE NOTICE that on February 4, 2022, Complainant filed its Complaint in this matter, a copy of which is attached and herewith served upon you. You are hereby notified that you may be required to attend a hearing at a date set by the Board.

Failure to file an answer to the Complaint within sixty (60) days may have severe consequences. Failure to answer will mean that all allegations in the Complaint will be taken as admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Illinois Pollution Control Board Clerk's Office or an attorney.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

PEOPLE OF THE STATE OF ILLINOIS  
KWAME RAOUL  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos Litigation Division

STEPHEN SYLVESTER, Chief  
Environmental Bureau  
Assistant Attorney General

BY: /s/ Christopher Grant  
CHRISTOPHER GRANT  
Senior Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18th Floor  
Chicago, Illinois 60602  
Office: (312) 814-5388  
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Christopher.grant@ilag.gov

**SERVICE LIST**

159<sup>th</sup> and Crawford Business Inc.  
c/o Timmy Joy, Registered Agent  
15901 Crawford Avenue  
Markham, IL 60428

159<sup>th</sup> and Crawford Real Estate Inc.  
c/o Thomas Simon, Registered Agent  
15901 Crawford Avenue  
Markham, IL 60428

**CERTIFICATE OF SERVICE**

I, Christopher Grant, a Senior Assistant Attorney General, certify that on the 4th day of February, 2022, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601, with return receipt.

/s/ Christopher Grant  
Christopher Grant  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
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	)	
	)	
	)	
Respondents.	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), complains of the Respondents, 159<sup>TH</sup> AND CRAWFORD BUSINESS, INC., an Illinois corporation, and 159<sup>th</sup> AND CRAWFORD REAL ESTATE, an Illinois corporation, as follows:

**COUNT I**

**FAILURE TO TIMELY DECOMMISSION VAPOR COLLECTION AND CONTROL SYSTEM AND SUBMIT REPORTS**

1. This Complaint is brought on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), against 159<sup>TH</sup> AND CRAWFORD BUSINESS, INC. (“Business Inc.”), and 159<sup>th</sup> AND CRAWFORD REAL ESTATE INC. (“Real Estate, Inc.”) an Illinois corporation (collectively “Respondents”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

2. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, the Respondents have been and are, Illinois corporations, in good standing with the Illinois Secretary of State.

4. On or about June 29, 2017, Respondent Real Estate Inc. acquired a gasoline dispensing facility located at 15901 S. Crawford Avenue, Markham, Cook County, Illinois ("Facility"). The Facility is operated by Respondent Business Inc. On information and belief, Respondent Business Inc. has operated the Facility since June 29, 2017, the date Respondent Real Estate Inc. acquired the facility.

5. Respondent Real Estate, Inc. owns gasoline dispensing pumps at the Facility that emit volatile organic compounds ("VOCs") into the environment.

6. Respondent Business Inc. operates gasoline dispensing pumps at the Facility that emit VOC's into the environment.

7. Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), provides as follows:

No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

8. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides the following definition:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

9. The Respondents, both Illinois corporations, are each a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

10. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

11. VOCs are “contaminant[s]” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

12. Section 218.586(i)(1)(B) of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), provides as follows:

No later than December 31, 2016, an owner or operator of a gasoline dispensing operation shall complete the decommissioning of all vapor collection and control systems in accordance with all of the provisions specified in subsection (i)(2).

13. Section 218.586(a)(7) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(7), provides the following definition:

“Gasoline dispensing operation” means any operation where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.

14. The Facility is a “gasoline dispensing operation,” as that term is defined in Section 218.586(a)(7) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(7).

15. Section 218.586(a)(11) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(11), provides the following definition:

“Owner” or “operator” means any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing operation.

16. Respondent Real Estate, Inc. is an “owner” as that term is defined in Section 218.586(a)(11) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(11).

17. Respondent Business Inc. is an “operator” as that term is defined in Section 218.586(a)(11) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(11).

18. Section 218.586(i)(2)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 254.218(i)(2)(B), provides, in pertinent part, as follows:

- (i) Decommissioning Procedures and Standards. The decommissioning of vapor collection and control systems shall be conducted as follows:

\* \* \*

- B) The owner or operator of a gasoline dispensing operation shall decommission vapor collection and control systems in accordance with all of the procedures specified in Section 14.6, except Section 14.6.14, of the Petroleum Equipment Institute’s “Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites”, PEI/RP 300-09 (PEI), incorporated by reference at Section 218.112 of this Part. In addition to Section 14.6 of the PEI, the following requirements apply to decommissioning:

\* \* \*

- iii) The pressure decay test required by the PEI shall be passed in accordance with Appendix A of the PEI. The tie-tank test required by the PEI shall be conducted and passed in accordance with CARB TP201.3C to ensure that all tanks are properly vented;

19. Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 254.218(i)(2)(C), provides as follows:

The owner or operator of a gasoline dispensing operation and the contractors that performed the decommissioning shall complete and sign a decommissioning checklist and certification, provided by the Agency, documenting the decommissioning procedures performed. Within 30 days after completion of the decommissioning procedures specified by subsection (i)(2)(B), the owner or operator shall provide the completed checklist and certification and the test results to the Agency.

20. Respondent Real Estate, Inc. took ownership of the Facility after December 31, 2016. Respondent Business Inc. commenced operations of the Facility after December 31, 2016.



Accordingly, the Respondents were required to decommission the vapor collection and control system on the gasoline dispensing equipment at the Facility in accordance with Section 218.586(i)(1)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), as soon as becoming owners and/or operators of the Facility. Included in the decommissioning was the requirement to perform tank pressure decay and tie tank testing in accordance with the PEI.

21. The Respondents were required to submit a decommissioning checklist, certification, and test results within 30 days after completion of decommissioning procedures, or no later than December 5, 2018, pursuant to Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

22. As of the June 29, 2017, the Facility had vapor collection and control systems installed at the locations where fuel was dispensed into motor vehicle fuel tanks.

23. As of June 29, 2017, no tank pressure decay or tie tank testing had been performed at the Facility.

24. The Respondents did not decommission and remove the vapor collection and control systems at the Facility until on or about October 9, 2017.

25. The Respondents did not perform tank pressure decay or tie tank testing at the Facility until on or about November 5, 2018.

26. The Respondents did not submit a decommissioning checklist, including the results of tank pressure decay and tie tank tests, to Illinois EPA until November 17, 2021.

27. Pursuant to Section 218.586(i)(2)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 254.218(i)(2)(B), all decommissioning activities were required to be completed at the Facility by December 31, 2016, By failing to immediately complete all decommissioning activities, including tank pressure decay testing and tie-tank testing upon taking ownership and

commencing operation of the Facility on or about June 29, 2017, the Respondents violated Section 218.586(i)(1)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B).

28. By failing to perform decommissioning activities on the vapor recovery system at the Facility upon taking ownership and operation of their gasoline dispensing operation, the Respondents violated Section 218.586(i)(1)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B).

28. By failing to submit a complete decommissioning checklist, certification, and test results to Illinois EPA within 30 days of completion of decommissioning, or by December 5, 2018, the Respondents violated Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

29. By violating Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(C), the Respondents caused or threatened or allowed the discharge or emission of VOCs into the environment so as to violate regulations adopted by the Board, and has thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondents, 159<sup>TH</sup> AND CRAWFORD BUSINESS, INC., and 159<sup>th</sup> AND CRAWFORD REAL ESTATE INC., with respect to Count I:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;

2. Finding that the Respondents have violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(C);
3. Ordering the Respondents to cease and desist from any future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(C);
4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00), jointly and severally, for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondents; and
6. Granting other such relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
by KWAME RAOUL, Attorney General  
of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: /s/ Stephen J. Sylvester  
STEPHEN J. SYLVESTER, Chief  
Assistant Attorney General  
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