

ILLINOIS POLLUTION CONTROL BOARD
February 17, 2022

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 22-35
) (Enforcement - Air)
LINCOLN PETRO, INC., d/b/a CITGO, an)
Illinois corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Van Wie):

On January 21, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Lincoln Petro, Inc. d/b/a Citgo (Lincoln Petro). The complaint concerns Lincoln Petro’s gasoline dispensing facility located at 14433 Lincoln Avenue, Dolton, Cook County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

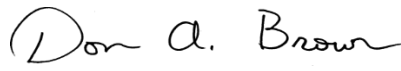
Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that Lincoln Petro violated Section 9(a) of the Act [415 ILCS 5/9(a) (2020)] and Sections 218.586(i)(1)(B), 218.586(i)(2)(A), and 218.586(i)(2)(C) of the Board’s Air Pollution Regulations [35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(A), and 218.586(i)(2)(C)] by failing to submit a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency (IEPA); failing to timely decommission its vapor collection and control system; and causing, threatening, or allowing emission of volatile organic compounds into the environment so as to violate Board regulations. The Board finds that the complaint meets the applicable content requirements of the Board’s procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On January 21, 2022, simultaneously with the People’s complaint, the People and Lincoln Petro 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) (2020)]. This filing is authorized by Section 31(c)(2) of the Act [415 ILCS 5/31(c)(2) (2020)], 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). Under the proposed stipulation, Lincoln Petro does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$5,000.00.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. See 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 17, 2022, by a vote of 5-0.

Handwritten signature of Don A. Brown in cursive script.

Don A. Brown, Clerk
Illinois Pollution Control Board