ILLINOIS POLLUTION CONTROL BOARD March 3, 2022

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
v.)	PCB 22-17 (Enforcement - Air)
COMBINED REAL ESTATE LLC, an)	(Emoreement - Air)
Illinois limited liability company, d/b/a)	
MOBIL MART)	
D 1 /)	
Respondent.)	

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

On November 1, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Combined Real Estate LLC, d/b/a Mobil Mart. (Mobil Mart). The complaint concerns Mobil Mart's gasoline dispensing facility located at 815 West Rand Road, Arlington Heights, Cook County. The parties have filed a stipulation and proposed settlement, and now seek to settle the complaint without a hearing. For the reasons below, the Board 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 Mobil Mart violated the Section 9(a) of the Act (415 ILCS 5/9(a) (2020)) and Sections 218.586(i)(1)(B) and 281.586 (i)(2)(C) of the Board's air pollution regulations. The People allege that Mobil Mart committed these violations by failing to timely decommission its vapor collection and control system; failing to timely submit a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency; and causing, threatening, or allowing the discharge or emission of volatile organic compounds into the environment so as to violate Board regulations. On November 4, 2021, the Board accepted the complaint for hearing.

On February 18, 2022, the parties filed a stipulation and proposal for 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, Mobil Mart does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$5,000.

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 March 3, 2022, by a vote of 5-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown