## ILLINOIS POLLUTION CONTROL BOARD April 7, 2022

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 22 - 59 (Enforcement - Air)
RDK VENTURES LLC, a Delaware limited	)	(Emoreement - An)
liability company,	)	
Respondent.	)	

ORDER OF THE BOARD (by M. Gibson):

On April 1, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against RDK Ventures, LLC (RDK). The complaint concerns RDK's twelve gasoline dispensing facilities located at 7201 N. Cicero Avenue in Lincolnwood, Cook County; 1597 West Irving Park Road in Hanover Park, Cook County; 600 West North Avenue in Lombard, DuPage County; 1805 Belvidere Road in Grayslake, Lake County; 6050 West Grand Avenue in Gurnee, Lake County; 4755 Vollmer Road in Matteson, Cook County; 601 South Frontage Road in Burr Ridge, DuPage County; 160 Douglas Road in Oswego, Kendall County; 155 South Eastwood Drive in Woodstock, McHenry County; 2101 Ridge Road in Minooka, Grundy County; 2832 South Route 59 in Naperville, DuPage County; and 12819 West 143rd Street in Homer Glen, Will 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 RDK violated the 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's air pollution regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C).

The People allege that RDK 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 (Agency); and causing, threatening, or allowing the discharge or 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 April 1, 2022, simultaneously with the People's complaint, the People and RDK 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, the RDK does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$60,000.

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 April 7, 2022, by a vote of 5-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown