## ILLINOIS POLLUTION CONTROL BOARD April 21, 2022

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)	PCB 22-38 (Enforcement - Air)
)	(Emorcement - Air)
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## ORDER OF THE BOARD (by C.M. Santos):

On February 4, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against 159th and Crawford Business Inc. and 159th and Crawford Real Estate Inc. (collectively, respondents). The complaint concerns a gasoline dispensing facility owned by 159th and Crawford Real Estate Inc. and operated by 159th and Crawford Business Inc. located at 15901 South Crawford Avenue in Markham, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

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 respondents violated Sections 218.586(i)(1)(B), 218.586(i)(2)(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)(B), 218.586(i)(2)(C)) and Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2020)).

The People allege that respondents committed these violations by failing to perform decommissioning activities on the vapor recovery system upon taking ownership and operation of their facility; failing to immediately complete all decommissioning activities upon taking ownership and operation of their facility; failing to submit a complete decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency within 30 days of completing decommissioning; and causing, threatening, or allowing the discharge or emission of volatile organic compounds into the environment so as to violate Board regulations.

On April 8, 2022, the People and respondents 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, respondents do not affirmatively admit the alleged violations and agree 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 April 7, 2022, by a vote of 5-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

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