

ILLINOIS POLLUTION CONTROL BOARD
November 17, 2022

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 23-52
) (Enforcement - Air)
COMBINED REAL ESTATE, LLC, an Illinois)
limited liability company,)
)
Respondent.)

ORDER OF THE BOARD (by C.M. Santos):

On November 2, 2022, 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 (Combined Real Estate). The complaint concerns Combined Real Estate's gasoline dispensing facility located at 324 South Larkin Avenue in Joliet, 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 Combined Real Estate 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), 218.586(i)(2)(C)).

The People allege that Combined Real Estate committed these violations by failing to timely submit to the Illinois Environmental Protection Agency (IEPA) a notice of intent to decommission its vapor collection and control system; failing to timely decommissions its vapor collection and control system; failing to timely submit a decommissioning checklist, certification, or test results to IEPA; and by causing, threatening, or allowing the discharge or emission of volatile organic compounds 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).

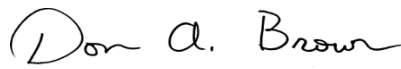
On November 2, 2022, simultaneously with the People's complaint, the People and Combined Real Estate filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2020)).

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, Combined Real Estate 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 November 17, 2022, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board