## ILLINOIS POLLUTION CONTROL BOARD December 1, 2022

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	) )	
V.	) PCB 22-64 ) (Enforcement – A	Air)
FUEL AND MINI MART, an Illinois	) (	
corporation,	)	
Respondent.	)	

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

On April 25, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against MMJA Petro, Inc. d/b/a Marathon Fuel and Mini Mart (MMJA Petro). The complaint concerns MMJA Petro's gasoline dispensing facility located at 130 E. 75th Street, in Chicago, Cook County. 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 MMJA 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), 218.586(i)(2)(C)) by failing to timely submit a notice of intent to decommission, a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency, failing to timely decommission its vapor collection and control system, and causing, threatening, or allowing the discharge of volatile organic compounds into the environment so as to violate Board regulations. The People ask the Board to find that MMJA Petro has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Sections 218.586(i)(1)(B), (2)(A) and (C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), (2)(A) and (C), to order MMJA Petro to pay civil penalties of \$50,000 for each violation and \$10,000 for each day during which each violation continued, and tax all costs in this action, including attorney, expert witness, and consultant fees against MMJA Petro.

On November 22, 2022, the People and respondent 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

respondent does not affirmatively admit the allegations 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 December 1, 2022, by a vote of 4-0.

Don a. Brown

Don A. Brown, Clerk Illinois Pollution Control Board