## ILLINOIS POLLUTION CONTROL BOARD December 15, 2022

PEOPLE OF THE STATE OF ILLINOIS,	)
Complainant,	)
v.	) PCB 23-35 ) (Enforcement - Water)
3803 ROOSEVELT LLC, an Illinois limited	) (Emoreement water)
liability company,	)
Respondent.	)

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

On September 9, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against 3803 Roosevelt LLC, d/b/a BP (BP). The complaint concerns BP's gasoline dispensing facility located at 3803 West Roosevelt Road in Chicago, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that BP violated 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 Air Pollution Regulations (35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(C)) by causing, threatening, or allowing the discharge or emission of VOCs into the environment; by failing to timely decommission its vapor collection and control system; and by failing to submit a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency (IEPA). The People ask the Board to order BP to cease and desist from any further violations of the Act and Board regulations; decommission its vapor collection and control system and submit a decommissioning checklist, certification, and test results to IEPA; and pay civil penalties of \$50,000 for each violation and \$10,000 for each day during which each violation continued, and that the Board award the People their costs and reasonable attorney fees.

On November 30, 2022, the People and BP 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 BP propose settling an enforcement action without a public hearing. See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, BP 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 December 15, 2022, by a vote of 4-0.

Don A. Brown, Clerk

Illinois Pollution Control Board

Don a. Brown