

ILLINOIS POLLUTION CONTROL BOARD  
May 4, 2023

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 22-95
	)	(Enforcement - Air)
BANKFINANCIAL, N.A. TRUST NO.	)	
010797, f/k/a BANK FINANCIAL FSP	)	
TRUST NO. 010797, an Illinois Land Trust,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by B.F. Currie):

On June 27, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Super Krish, Inc. On April 20, 2023, the People filed a motion for leave to file an amended complaint along with the First Amended Complaint. Super Krish, Inc. is the former operator of a gasoline dispensing facility located at 37740 North Sheridan Road, Beach Park, Lake County. The People report that Super Krish, Inc. was involuntarily dissolved by the Illinois Secretary of State on February 11, 2022. The People now seek to amend the original complaint to identify the current owner of the facility, Bank Financial FSP Trust No. 010797 (Respondent). Accompanying the First Amended 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 amended 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 the Respondent 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 Air Pollution Regulations (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(A), 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 timely notice of intent to decommission and a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency (IEPA). 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 20, 2023, simultaneously with the People’s complaint, the People and the 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 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 May 4, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk  
Illinois Pollution Control Board