

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 23-102
)	(Enforcement - Air)
Warsi Management, LLC,)	
an Illinois limited liability company,)	
)	
Respondent.)	

NOTICE OF FILING

To: Persons on Attached Service List

PLEASE TAKE NOTICE that I have today caused to be filed with the Clerk of the Illinois Pollution Control Board by electronic filing the following Complainant’s Motion for Voluntary Dismissal Without Prejudice, a true and correct copy of which is attached hereto and hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,
KWAME RAOUL, Attorney General of the State of
Illinois

By: /s/ Rebecca Kanz
Rebecca Kanz
Assistant Attorney General
Environmental Bureau
Illinois Attorney General’s Office
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(312) 814-3532
Rebecca.Kanz@ilag.gov

Dated: September 5, 2023

Service List

Brad Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, IL 60605
Brad.Halloran@illinois.gov
(Via Email)

Warsi Management LLC
c/o Tax Wizard Inc., Registered Agent
4438 West Oakton Street
Skokie, IL 60076
khanazmbills@gmail.com
(Via Email)

CERTIFICATE OF SERVICE

I, Rebecca Kanz, as Assistant Attorney General, do certify that on this 5th of September 2023, I caused to be served a copy of the foregoing Notice of Filing and Complainant's Motion to Voluntary Dismiss without Prejudice, upon the person listed on the attached Service List via electronic mail.

/s/ Rebecca Kanz
Rebecca Kanz
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
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COMPLAINANT’S MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), on his own motion, and hereby moves, pursuant to 735 ILCS 5/2-1009, the Board to dismiss Complainant’s Complaint without prejudice. In support of its Motion, Complainant states the following:

1. On March 21, 2023, Complainant filed its Complaint with relation to Respondent’s gasoline dispensing facility, Circle K #6771 f/k/a Shell gasoline dispensing station, located at 1605 Des Plaines-River Road, Des Plaines, Cook County, IL 60016 (“Facility”). Complainant alleges Respondent failed to comply with the Illinois Pollution Control Board’s Air Pollution Regulations regarding the decommissioning of all vapor control and collection systems (“Board’s Decommissioning Regulations”), 35 Ill. Adm. Code 218.586.

2. On March 29, 2023, a representative for Respondent sent Complainant a letter from Anderson Pump Service, Inc. (“the Letter”), which stated that on May 17, 2016, Anderson Pump Service, Inc. removed all of the tanks and piping at the Facility in order to install new tanks, piping, and dispensers on April 4, 2017.

3. On March 30, 2023, Complainant requested additional documents from Respondent to support the Letter and to demonstrate Respondent did not violate the Board's Decommissioning Regulations. Respondent did not answer and did not provide additional documents.

4. On June 21, 2023, Complainant and a representative for Respondent appeared before the Board. Complainant again requested additional documents from Respondent to support the Letter and to demonstrate Respondent did not violate the Board's Decommissioning Regulations.

5. On June 21, 2023, a representative for Respondent provided additional documents that confirmed Respondent removed all of the tanks and piping at the Facility prior to the December 31, 2016 deadline. Therefore, Respondent was not required to decommission any vapor control and collection systems at the Facility.

6. Section 101.500(a) of the Board's Regulations, 35 Ill. Adm. Code 101.500, provides the following:

The Board may entertain any motion the parties wish to file that is permissible under . . . the Code of Civil Procedure.

7. Section 2-1009(a) of the Illinois Code of Civil Procedure, 735 ILCS 5/2-1009(a) (2022), provides as follows:

The plaintiff may, at any time before trial or hearing begins, upon notice to each party who has appeared or each such party's attorney, and upon payment of costs, dismiss his or her action or any part thereof as to any defendant, without prejudice, by order filed in the cause.

8. As this matter has not yet reached trial, Complainant is authorized by Section 2-1009(a) to dismiss its action without prejudice.

9. Section 5-117 of the Code, 735 ILCS 5/5-117 (2022), provides, in relevant part, as follows:

In all actions commenced or to be commenced for and on behalf of the people of this state . . . if the action is voluntarily dismissed by the plaintiff . . . the defendant shall not recover any costs whatever.

10. As required by the plain language of Section 5-117, Complainant requests that this action be dismissed without prejudice with both parties to each bear their own costs.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, respectfully requests that the Board enter an order dismissing Complainant's Complaint without prejudice, with both parties to each bear their own costs.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

By: /s/ Rebecca Kanz

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