

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-
)	(Enforcement - Air)
502 GARFIELD PROPERTIES, LLC)	
a dissolved Illinois limited liability company,)	
d/b/a FOUR SEASONS CITGO, HUSSEIN)	
SALEH, ALI MUSA, and NASWER M. ALI,)	
)	
Respondents.)	

NOTICE OF FILING

TO: Persons on Attached Service List (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the Complaint, a true and correct copy of which is attached hereto and hereby served upon you. You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the Complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney.

Respectfully submitted,

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

By: /s/ Ellen O'Laughlin
Ellen O'Laughlin
Senior Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(773) 590-7837
Ellen.Olaughlin@ilag.gov

Date: September 15, 2022

Service List

502 Garfield Properties LLC dba Four Seasons Citgo
c/o Akram Zanayed, Registered Agent
8550 S. Harlem Avenue, Suite G
Bridgeview, IL 60455

502 Garfield Properties LLC dba Four Seasons Citgo
c/o Ali Musa
4042 W. Lawrence Avenue
Chicago, Illinois 60630

Hussein Saleh
4918 N. Kentucky Avenue
Chicago, IL 60630-2601

Hussein A. Saleh
5006 N. Kolmar Avenue
Chicago, Illinois 60630-1717

Ali Musa
8052 W. Winona Street
Norridge, Illinois 60706-3145

Nasser M. Ali
4904 N. Kedvale Avenue
Chicago, Illinois 60630-2818

CERTIFICATE OF SERVICE

I, Ellen F. O’Laughlin, a Senior Assistant Attorney General, certify that on the 15th day of September, 2022, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601 by certified mail with return receipt.

/s/ Ellen F. O’Laughlin
Ellen F. O’Laughlin
Senior Assistant Attorney General
Environmental Bureau
Illinois Attorney General’s Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(773) 590-7838
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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), complains of the Respondents, 502 GARFIELD PROPERTIES, a dissolved Illinois limited liability company, d/b/a FOUR SEASONS CITGO, HUSSEIN SALEH, ALI MUSA, and NASWER M. ALI as follows:

COUNT I

FAILURE TO TIMELY DECOMMISSION VAPOR COLLECTION AND CONTROL SYSTEM AND SUBMIT REPORTS

1. This Complaint is brought on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), against 502 GARFIELD PROPERTIES, a dissolved Illinois limited liability company, d/b/a FOUR SEASONS CITGO, (“Garfield”).

2. This Complaint is brought on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion against the Managers of

Garfield, Hussein Saleh, Ali Musa, and Naswer M. Ali (along with Garfield, “Respondents”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

3. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act.

4. At all times relevant to this Complaint, Garfield was an Illinois limited liability company that was involuntarily dissolved on April 8, 2016.

5. As of the date of filing this Complaint, Hussein Saleh, Ali Musa, and Naswer M. Ali are listed as managers of Garfield with the Illinois Secretary of State.

6. At all times relevant to this Complaint, Garfield owned and operated, and continues to own and operate a gasoline dispensing facility located at 11500 South Halsted Street, Chicago, Cook County, Illinois 60628 (“Facility”).

7. At all times relevant to this Complaint, on information and belief, Hussein Saleh, Ali Musa, and Naswer M. Ali managed the operations at the Facility.

8. As of the date of filing of this Complaint, the Facility is located in an area of Environmental Justice (“EJ”) concern as identified using Illinois EPA EJ Start.

9. Garfield owns and operates gasoline dispensing pumps at the Facility that emit volatile organic compounds (“VOC”s) into the environment.

10. Hussein Saleh, Ali Musa, and Naswer M. Ali operate gasoline dispensing pumps at the Facility that emit VOCs into the environment.

11. Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend

to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

12. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

13. Garfield, an involuntarily dissolved Illinois limited liability company, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

14. Hussein Saleh, Ali Musa, and Naswer M. Ali each an individual are each a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

15. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

16. VOCs are “contaminants” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

17. Section 218.586(i)(1)(B) of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), provides as follows:

No later than December 31, 2016, an owner or operator of a gasoline dispensing operation shall complete the decommissioning of all vapor collection and control systems in accordance with all of the provisions specified in subsection (i)(2).

18. Section 218.586(a)(7) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(7), provides the following definition:

“Gasoline dispensing operation” means any operation where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.

19. The Facility is a “gasoline dispensing operation,” as that term is defined in Section 218.586(a)(7) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(7).

20. Section 218.586(a)(11) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(11), provides the following definition:

“Owner” or “operator” means any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing operation.

21. Garfield is an “owner” or “operator,” as that term is defined in Section 218.586(a)(11) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(11).

22. Hussein Saleh, Ali Musa, and Naswer M. Ali are each an “operator” as that term is defined in Section 218.586(a)(11) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(a)(11).

23. Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 254.218(i)(2)(C), provides as follows:

The owner or operator of a gasoline dispensing operation and the contractors that performed the decommissioning shall complete and sign a decommissioning checklist and certification, provided by the Agency, documenting the decommissioning procedures performed. Within 30 days after completion of the decommissioning procedures specified by subsection (i)(2)(B), the owner or operator shall provide the completed checklist and certification and the test results to the Agency.

24. By December 31, 2016, Garfield and Hussein Saleh, Ali Musa, and Naswer M. Ali were each required to decommission the vapor collection and control system at the Facility in accordance with Section 218.586(i)(1)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), and therefore were each required to submit a decommissioning checklist, certification, and test results within 30 days after completion of decommissioning procedures,

pursuant to Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

25. Respondents did not timely submit a decommissioning checklist, certification or test results to Illinois EPA.

26. By failing to timely submit a decommissioning checklist, certification, and test results to Illinois EPA, Respondents violated Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

27. On information and belief, Respondents failed to timely decommission their vapor collection and control system, and thereby violated Section 218.586(i)(1)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B).

28. By violating 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), Respondents caused or threatened or allowed the discharge or emission of VOCs into the environment so as to violate regulations adopted by the Board, and have thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondents, GARFIELD PROPERTIES, LLC, d/b/a FOUR SEASONS CITGO, a dissolved Illinois limited liability company, HUSSEIN SALEH, ALI MUSA, and NASWER M. ALI with respect to Count I:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;

2. Finding that the Respondents have 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);

3. Ordering the Respondents to cease and desist from any future violations of 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);

4. Requiring Respondents to decommission its vapor collection and control system pursuant to Section 218.586(i)(1)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), and submit a decommissioning checklist, certification, and test results to Illinois EPA pursuant to Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C);

5. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

6. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondents; and

7. Granting such other relief as the Board deems appropriate and just.

Respectfully submitted,

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

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: /s/ Stephen J. Sylvester
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