

ILLINOIS POLLUTION CONTROL BOARD
December 7, 2023

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 24-16
) (Enforcement - Air)
NASSER YAFAI, an individual, QUICK GAS)
& MINI MART, INC., a dissolved Illinois)
corporation, CYPR HARVEY, INC. d/b/a)
QUICK GAS & MINI MART, INC., an Illinois)
corporation, and HARVEY REAL ESTATE,)
INC., an Illinois corporation,)
)
Respondents.)

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

On August 30, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Nasser Yafai, Quick Gas & Mini Mart, Inc., CYPR Harvey, Inc. d/b/a Quick Gas & Mini Mart, Inc., and Harvey Real Estate Inc. (Respondents). The complaint concerns the gasoline dispensing facility located at 15355 Dixie Highway in Harvey, Cook County owned and operated at various times by one or more of the Respondents. On December 1, 2023, the People and Respondents Nasser Yafai and Quick Gas & Mini Mart, Inc. (Quick Gas) (collectively, Settling Respondents) filed a stipulation, proposal for settlement, and request for relief from the hearing requirement. These People and the Settling Respondents therefore seek to settle the complaint without a hearing. For the reasons below, the Board 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 (2022)), 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 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Respondents violated Section 9(a) of the Act (415 ILCS 5/9(a) (2022)) and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board's Air Pollution Regulations (35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(C)) by failing to timely decommission their vapor collection and control system; failing to submit a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency; and causing, threatening, or allowing the discharge or emission of volatile organic compounds into the environment so as to violate Board regulations. On September 7, 2023, the Board accepted the complaint for hearing.

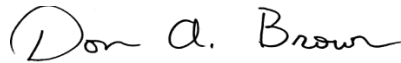
On December 1, 2023, the People and the Settling Respondents filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section

31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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 Settling Respondents admit the alleged violations and agree 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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice. Respondents CYPR Harvey d/b/a Quick Gas & Mini Mart, Inc. and Harvey Real Estate, Inc. are not parties to the stipulation and proposed settlement, and the People's case against them continues.

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 7, 2023, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board