

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. 24-
)	(Enforcement - Air)
Chachy, Inc, an Illinois Corporation, and)	
Leah Mol, Inc., an Illinois Corporation)	
)	
Respondent(s).)	

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/ Christina H. Scanlon
Christina Haddad Scanlon
Assistant Attorney General
Environmental Bureau
Illinois Attorney General’s Office
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(217) 843-0332
christina.scanlon@ilag.gov

Date: February 23, 2024

Service List

Chachy Inc.
c/o Jose P. Pinarkyil, Registered Agent
9410 N. McCormick
Skokie, IL 60077

Leah Mol, Inc.
c/o Mathai Pinarkyil, Registered Agent
7550 Sheridan Road
Chicago, IL 60626

CERTIFICATE OF SERVICE

I, Christina Haddad Scanlon, an Assistant Attorney General, certify that on the 23rd day of February, 2024, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by certified mail with return receipt.

/s/ Christina H. Scanlon
Christina Haddad Scanlon
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
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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 Respondents, Chachy, Inc, an Illinois Corporation (“Chachy”) and Leah Mol, Inc., an Illinois Corporation (“Leah Mol”), 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 Respondents, Chachy and Leah Mol, Inc. (“Respondents”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

2. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2022), and is charged, inter alia, with the duty of enforcing the Act.

3. From approximately March 15, 2000 until the filing of this complaint, Respondent Chachy, Inc. is the owner of the property on which the Facility is located. This is indicated in a Trustee's Deed recorded on the property on March 28, 2000.

4. At all times relevant to this Complaint, Respondent Leah Mol, has been an Illinois corporation in good standing with the Illinois Secretary of State, until it was involuntarily dissolved on May 15, 2023. Leah Mol began leasing the facility in 2003, and continued to lease and operate the facility until at least August of 2021, or a date better known to the Respondents. Leah Mol is also listed as the facility name by the Office of the State Fire Marshall, and is listed as the debtor's name on the UCC Financing Statement recorded with Cook County on June 30, 2011.

5. At all times relevant to this Complaint, Respondent Chachy has been and is an Illinois Corporation in good standing. It is listed as the Grantee in the Trustee's Deed recorded in March 28, 2000, the Mortgagor in the Assignment of Lease and Rents recorded on November 9, 2000, and as Fee Title Owner on the Memorandum of Supply Agreement recorded with Cook County on October 21, 2022.

6. At all times relevant to this Complaint, Respondents owned and operated, and continue to own and operate, a gasoline dispensing facility located at 7550 North Sheridan, Chicago, Cook County, Illinois 60626 (the "Facility").

7. 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.

8. From March, 2000 until the time of the filing of this Complaint, Respondents Leah Mol and Chachy, own and/or operate gasoline dispensing pumps at the Facility that emit volatile organic compounds ("VOCs") into the environment.

9. Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), 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.

10. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), 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.

11. Respondents Leah Mol and Chachy are both corporations, and are each a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

12. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides the following definition:

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

13. VOCs are “contaminants” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

14. 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).

15. 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.

16. 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).

17. 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.

18. Respondents are each 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).

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

20. By December 31, 2016, Respondent Chachy was required to decommission the Facility’s vapor collection and control system 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 was 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).

21. By December 31, 2016, Leah Mol was required to decommission the Facility’s vapor collection and control system 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 was 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).

22. As of the filing of this Complaint, Respondent Chachy has not timely submitted a decommissioning checklist, certification, or test results to Illinois EPA.

23. As of the filing of this Complaint, Respondent Leah Mol has not timely submitted a decommissioning checklist, certification, or test results to Illinois EPA.

24. From January 31, 2017, until at least the filing of this Complaint, by failing to timely submit a decommissioning checklist, certification, and test results to Illinois EPA, Respondent Chachy violated Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

25. From January 31, 2017, until at least the filing of this Complaint, by failing to timely submit a decommissioning checklist, certification, and test results to Illinois EPA, Respondent Leah Mol violated Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

26. From January 31, 2017 until at least the filing of this Complaint, Respondent Chachy failed to timely decommission the Facility's 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). 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), Respondent Chachy caused or threatened or allowed the discharge or emission of VOCs into the environment

so as to violate regulations adopted by the Board, and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

27. From January 31, 2017 until at least the filing of this Complaint, Respondent Leah Mol failed to timely decommission the Facility's 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). 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), Respondent Leah Mol caused or threatened or allowed the discharge or emission of VOCs into the environment so as to violate regulations adopted by the Board, and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondents, Chachy, Inc, an Illinois Corporation and Leah Mol, Inc., an Illinois Corporation, with respect to Count I:

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

2. Finding that Respondents have each 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 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 the 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 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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