

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
 by KWAME RAOUL, Attorney)
 General of the State of Illinois,)
)
 Complainant,)
)
 v.)
)
 KHALID SIDDIQUI, an individual; and)
 55TH FOOD MART INC., an Illinois)
 corporation,)
)
 Respondents.)

PCB No. 2024-025
 (Enforcement - Air)

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 Complainant’s Notice of Withdrawal of Motion to Deem Facts Admitted and for Summary Judgment, Motion for Relief from Hearing Requirement, and Stipulation and Proposal for Settlement, true and correct copies of which are attached hereto and hereby served upon you.

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

By: /s/ Molly Kordas
 Molly Kordas
 Assistant Attorney General
 Environmental Bureau
 Illinois Attorney General’s Office
 69 W. Washington St., 18th Floor
 Chicago, Illinois 60602
 (773) 590-7047
Molly.Kordas@ilag.gov

Dated: August 12, 2024

Service List

Bradley Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, IL 60601
Brad.Halloran@illinois.gov

Colin Gage
Driver Defense Team
Attorneygage@gmail.com

CERTIFICATE OF SERVICE

I, Molly Kordas, an Assistant Attorney General, do certify that on this 12th day of August 2024, I caused to be served a copy of the foregoing Notice of Filing and Notice of Withdrawal of Motion to Deem Facts Admitted and for Summary Judgment, Motion for Relief from Hearing Requirement and Stipulation and Proposal for Settlement, upon the persons listed on the attached Service List via electronic mail.

/s/ Molly Kordas
Molly Kordas
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(773) 590-7047
Molly.Kordas@ilag.gov

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. 24-25
)	(Enforcement - Air)
KHALID SIDDIQUI, an individual; and)	
55TH FOOD MART INC., an Illinois)	
corporation,)	
)	
Respondents.)	

**COMPLAINANT'S NOTICE OF WITHDRAWAL OF ITS
MOTION TO DEEM FACTS ADMITTED AND FOR SUMMARY JUDGMENT**

Now comes the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and hereby gives notice that it is withdrawing its Motion to Deem Facts Admitted and for Summary Judgment against Respondents Khalid Siddiqui, an individual, and 55th Food Mart Inc., an Illinois corporation. In support thereof, the Complainant states as follows:

1. On October 23, 2023, the Complainant filed its Complaint against the Respondents for alleged violations that occurred at their gasoline dispensing facility located at 2006 West Garfield Boulevard, Chicago, Cook County, Illinois. The Complainant alleged that the Respondents failed to timely decommission the Facility's vapor collection and control system and submit reports in violation of Section 9(a) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/9(a) (2022), 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).

2. On June 27, 2024, the Respondents resolved the alleged violations by submitting a decommissioning checklist, test results, and certification to the Illinois EPA.

3. On July 17, 2024, the Complainant filed a Motion to Deem Facts Admitted and for Summary Judgment and moved for the entry of an order deeming all material facts in the Complainant's Complaint as admitted against the Respondents, and for summary judgment as to Count I of the Complaint.

4. On July 18, 2024, the Respondents requested to enter into a Stipulation and Proposal for Settlement with the Complainant.

5. Complainant is concurrently filing with this Notice of Withdrawal of its Motion to Deem Facts Admitted and for Summary Judgment, a Motion for Relief from the Hearing Requirement, and a Stipulation and Proposal for Settlement, as the parties have reached a settlement. For this reason, Complainant is providing notice that it is withdrawing its Motion to Deem Facts Admitted and for Summary Judgment against the Respondents.

WHEREFORE, for the reasons set forth above, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, hereby notifies the Hearing Officer and the Board that it is withdrawing its Motion to Deem Facts Admitted and for Summary Judgment against the Respondents KHALID SIDDIQUI and 55TH FOOD MART INC.

Respectfully submitted,

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

BY: /s/ Molly Kordas
Assistant Attorney General
Environmental Bureau
69 W. Washington St., Suite 1800
Chicago, Illinois 60602
Tel: (773) 590-7047
Primary: Molly.Kordas@ilag.gov
Secondary: Maria.Cacaccio@ilag.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
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v.)	PCB No. 24-25
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55TH FOOD MART INC., an Illinois)	
corporation,)	
)	
Respondents.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2022), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2022). In support of this motion, Complainant states as follows:

- 1. Complaint in this matter alleges violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 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).
- 2. The parties have reached agreement on all outstanding issues in this matter.
- 3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.
- 4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2)

of the Act, 415 ILCS 5/31(c)(2) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2022).

Respectfully submitted,

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

BY: /s/ Molly Kordas
Molly Kordas
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
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DATE: August 12, 2024

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STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and KHALID SIDDIQUI (“Siddiqui”) and 55TH FOOD MART INC. (“55th Food Mart”), (“Respondents”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2022), and the Board’s Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On October 23, 2023, a Complaint was filed 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 upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2022), against Respondents.

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).

3. At all times relevant to the Complaint, Respondent Siddiqui has been an individual and a resident of Illinois.

4. From April 17, 2018 until February 19, 2024, Respondent 55th Food Mart was an Illinois corporation registered with the Illinois Secretary of State.

5. Since at least January 31, 2002, Respondent Siddiqui has owned and operated a gasoline dispensing facility located at 2006 West Garfield Boulevard, Chicago, Cook County, Illinois 60609 (the "Facility").

6. At all times relevant to the Complaint, Respondent Siddiqui has owned the Facility.

7. Since at least June 22, 2020, 55th Food Mart has operated and continues to operate the Facility.

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

9. Respondents own and operate gasoline dispensing pumps at the Facility that emit volatile organic compounds ("VOCs") into the environment.

B. Allegations of Non-Compliance

Complainant contends that Respondents have each violated the following provisions of the Act and Board Air Pollution Regulations:

Count I: Failure to Timely Decommission Vapor Collection and Control System and Submit Reports, in violation of 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 Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(C).

C. Non-Admission of Violations

Respondents represent that they have entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, Respondents do not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

D. Compliance Activities to Date

1. On June 27, 2024, Respondents submitted a decommissioning checklist, certification, and test results to the Illinois EPA.

2. According to the decommissioning checklist submitted to the Illinois EPA, Respondents decommissioned the Facility's vapor collection and control system on or about May 25, 2022.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondents shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of Respondents' officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondents in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39

and 42 of the Act, 415 ILCS 5/39 and 42 (2022).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2022), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were threatened and the Illinois EPA's information gathering responsibilities were hindered by Respondents' violations.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Timely decommissioning of Respondents' vapor collection and control system, and timely submission of a decommissioning checklist, certification, and test results to the Illinois EPA, are both technically practicable and economically reasonable.
5. Respondents have subsequently complied with the Act and the Board Regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2022), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a 'supplemental environmental project,' which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Respondents failed to timely decommission the vapor collection and control system and submit a decommissioning checklist, certification, and test results to the Illinois EPA. The violations began on January 1, 2017, and were resolved by Respondents submitting a

decommissioning checklist, certification, and test results to the Illinois EPA on June 27, 2024.

2. Respondents were not diligent in attempting to come back into compliance with the Act and Board Regulations once the Illinois EPA notified Respondents of Respondents' noncompliance.

3. The civil penalty takes into account any economic benefit realized by Respondents as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter that a penalty of Five Thousand Dollars (\$5,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board Regulations.

5. Respondent Siddiqui has had one similar previously adjudicated violations of the Act filed with the Board on December 6, 2021, People v. Khalid Siddiqui, individually and d/b/a/ Citgo Gas Station (PCB 22-24). On September 22, 2022, the Board entered an order in that matter, granting the People's motion to deem facts admitted and for summary judgment.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. **Penalty Payment**

Respondents shall pay a civil penalty in the sum of Five Thousand Dollars (\$5,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. **Interest and Default**

1. If Respondents fail to make any payment required by this Stipulation on or before

the date upon which the payment is due, Respondents shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2022), interest shall accrue on any penalty amount owed by Respondents not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Molly Kordas
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office

69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
Molly.Kordas@ilag.gov

D. Future Compliance

1. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon Respondents' Facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

2. This Stipulation in no way affects the responsibilities of Respondents to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

3. Respondents shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of Respondents' payment of the \$5,000.00 penalty, Respondents' commitment to cease and desist as contained in Section V.D.3 above, and upon the Board's approval of this Stipulation, Complainant releases, waives and discharges Respondents from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on October 23, 2023. Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of

Illinois against Respondents with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on Respondents' failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), or entity other than Respondents.

F. Enforcement of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

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

JAMES M. JENNINGS, Interim Director
Illinois Environmental Protection Agency

BY: 
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

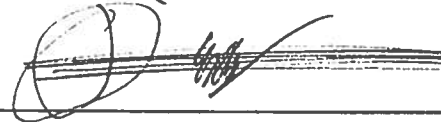
BY: 
ANDREW B. ARMSTRONG
Chief Legal Counsel

DATE: 8/9/24

DATE: 08/07/2024

KHALID SIDDIQUI

55TH FOOD MART INC.

BY: 

BY: 

Its: Manager

DATE: 08/02/2024

DATE: 08/02/2024