

ILLINOIS POLLUTION CONTROL BOARD
April 7, 2022

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 22-19
) (Enforcement - Air)
BURBANK S&K REALTY, INC., a dissolved)
Illinois corporation, and STAR RELAX)
STATION, INC. d/b/a BURBANK GAS, a)
dissolved Illinois corporation,)
)
Respondents.)

ORDER OF THE BOARD (by C.M. Santos):

On November 5, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Burbank S&K Realty, Inc. and Star Relax Station, Inc. d/b/a Burbank Gas (collectively, respondents). The complaint concerns respondents' gasoline dispensing facility located at 6745 West 79th Street in Burbank, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), 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 (2020); 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) (2020)) and Sections 218.586(i)(1)(B), (i)(2)(A), and (i)(2)(C) of the Board's air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), (i)(2)(A), (i)(2)(C)).

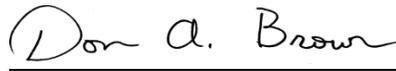
The People allege that respondents committed these violations by failing to timely submit a notice of intent to decommission its vapor collection and control system and a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency (IEPA); failing to timely decommission the system; and causing, threatening, or allowing the discharge or emission of volatile organic compounds into the environment.

On March 30, 2022, the People and 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) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), 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, respondents do not affirmatively 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 parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 7, 2022, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a solid horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board