

ILLINOIS POLLUTION CONTROL BOARD  
February 2, 2023

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 22-40
	)	(Enforcement - Air)
MDDS REAL ESTATE, INC., d/b/a CITGO	)	
PETROLEUM, an Illinois corporation,	)	
	)	
Respondent.	)	

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

On February 8, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against MDDS Real Estate, Inc., d/b/a Citgo Petroleum (Citgo). The complaint concerns a gasoline dispensing facility owned and operated by Citgo located at 415 South Pulaski Road in Chicago, 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 Citgo violated Sections 218.586(i)(1)(B), 218.586(i)(2)(A), and 218.586(i)(2)(C) of the Board's air pollution regulations (35 Ill. Adm. Code 218.586(a)(1)(B), 218.586(i)(2)(A), 218.586(i)(2)(C)) and Section 9(a) of the Environmental Protection Act (415 ILCS 5/9(a) (2020)).

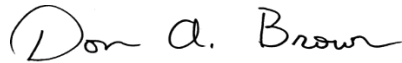
The People allege that Citgo committed these violations by failing to timely decommission its vapor collection and control system; failing to timely submit a complete decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency (IEPA); and causing, threatening,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

On January 27, 2023, the People and Citgo 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, Citgo does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$1,500.

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 February 2, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk  
Illinois Pollution Control Board