

ILLINOIS POLLUTION CONTROL BOARD  
February 16, 2023

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 22-81
	)	(Enforcement - Air)
AZ SPE, LLC, an Illinois limited liability	)	
company,	)	
	)	
Respondent.	)	

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

On June 1, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against AZ SPE, LLC (AZ SPE). The complaint concerns two gasoline dispensing facilities owned and operated by AZ SPE, one at 16502 South Halsted Street in Harvey, Cook County, and one located at 3037 West 63rd Street 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 stipulation, proposed settlement, and request for hearing relief.

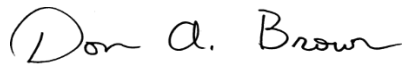
Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2020); 35 Ill. Adm. Code 103. In this case, the People allege that AZ SPE 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), 218.586(i)(2)(C)). The People allege AZ SPE committed these violations by failing to timely decommission its vapor collection and control system; by failing to submit a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency (IEPA); and by causing, threatening, or allowing the discharge or emission of VOCs into the environment so as to violate Board regulations.

On February 10, 2023, the People and AZ SPE 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, AZ SPE does not affirmatively admit the alleged violations, and agrees to pay a civil penalty of \$10,000 and to cease and desist from future violations of the Act and Board regulations that were the subject of the complaint.

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 16, 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