

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)
STONY ISLAND REAL ESTATE, INC., an)	
Illinois Corporation, and PAV2, LLC, an Illinois)	
Corporation,)	
)	
Respondents.)	

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: March 1, 2024

Service List

Stony Island Real Estate, Inc.
c/o Chackochan Kizhakkekuttu, President and Registered Agent
8600 S. Stony Island Avenue
Chicago, IL 60617-2735

Stony Island Real Estate, Inc.
c/o Chakochan Kizhakkekuttu, President and Registered Agent
8722 Georgiana Avenue
Morton Grove, IL 60053

PV2, LLC
c/o William C. Debruler, Registered Agent
131 E. Park Avenue, Suite 101
Libertyville, IL 60048

CERTIFICATE OF SERVICE

I, Christina Haddad Scanlon, an Assistant Attorney General, certify that on the 1st day of March, 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, STONY ISLAND REAL ESTATE, INC., and PAV2, LLC, 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 Stony Island Real Estate, Inc. and PAV2, LLC (“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. At all times relevant to this Complaint, Respondent Stony Island Real Estate, Inc. has been and is an Illinois corporation in good standing with the Illinois Secretary of State.

4. At all times relevant to this Complaint, Respondent PAV2, has been and is an Illinois corporation in good standing.

5. From approximately January 23, 2009 until approximately November 11, 2020, or dates better known to the Respondents, Respondent PAV2 owned and operated a gasoline dispensing facility located at 8600 South Stony Island Avenue, Chicago, Cook County, Illinois 60617 (the “Facility”).

6. From approximately November 11, 2020 until the filing of this complaint, Respondent Stony Island owned and operated the Facility.

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

8. From approximately January 23, 2009 until approximately November 11, 2020, or dates better known to the Respondents, Respondent PAV2 owned and operated gasoline dispensing pumps at the Facility that emit volatile organic compounds (“VOCs”) into the environment.

9. From approximately November 11, 2020 until the time of the filing of this Complaint, Respondent Stony Island owned and operated gasoline dispensing pumps at the Facility that emit VOCs into the environment.

10. 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.

11. 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.

12. Respondents, Stony Island Real Estate, Inc. and PAV2, LLC, corporations, are both a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

13. 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.

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

15. 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).

16. 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.

17. 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).

18. 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.

19. 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).

20. 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.

21. By December 31, 2016, Respondent PAV2 was required to decommission its 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. Prior to November 11, 2020 Respondent PAV2 had not submitted a decommissioning checklist, certification, or test results to the Illinois EPA.

23. After November 11, 2020, Respondent Stony Island was required to decommission the Facility's vapor collection and control system in accordance with Section 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).

24. From January 1, 2017 until November 11, 2020, by failing to timely submit a decommissioning checklist, certification, and test results to the Illinois EPA, Respondent PAV2 violated Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

25. From November 11, 2020 until at least the filing of this Complaint, by failing to timely submit a decommissioning checklist, certification, and test results to the Illinois EPA, Respondent Stony Island 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 1, 2017 until November 11, 2020, by failing to timely submit a decommissioning checklist, certification, and test results to the Illinois EPA, Respondent PAV2 violated Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

27. From November 11, 2020 until at least the filing of this Complaint, by failing to timely submit a decommissioning checklist, certification, and test results to the Illinois EPA, Respondent Stony Island violated Section 218.586(i)(1)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

28. From January 1, 2017 until November 11, 2020, Respondent PAV2 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 PAV2 caused or threatened or allowed the discharge or emission of VOCs into the environment so as to violate regulations adopted by the Board, and has thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

29. From November 11, 2020 until at least the filing of this Complaint, Respondent Stony Island 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 Stony Island caused or threatened or allowed the discharge or emission of VOCs into the environment so as to violate regulations adopted by the Board, and has 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, STONY ISLAND REAL ESTATE, INC. and PAV2, LLC, 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 violated 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);

3. Ordering Respondents to cease and desist from any future violations 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);

4. Requiring Respondents to decommission its 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

STEPHEN J. SYLVESTER, Chief
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