

**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. 22 -  
 ) (Enforcement - Air)  
MDDS REAL ESTATE, INC., d/b/a CITGO )  
PETROLEUM, an Illinois corporation, )  
 )  
Respondent. )

**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.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

Respectfully submitted,

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

/s/ Nancy J. Tikalsky  
NANCY J. TIKALSKY, AAG  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
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Dated: February 8, 2022

**Service List**

Burshra Naseer  
MDDS Real Estate Inc.  
3673 West North Shore Avenue  
Lincolnwood, Illinois 60712

**CERTIFICATE OF SERVICE**

I, Nancy J. Tikalsky an Assistant Attorney General, certify that on the 8th day of February, 2022, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.

/s/ Nancy J. Tikalsky  
NANCY J. TIKALSKY, AAG  
Assistant Attorney General  
Environmental Bureau  
Office of the Illinois Attorney General  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602  
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**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of the Respondent, MDDS REAL ESTATE, INC. d/b/a CITGO PETROLEUM, an Illinois corporation, as follows:

**COUNT I**

**FAILURE TO DECOMMISSION AND TO PROVIDE DECOMMISSIONING CHECKLIST WITH CERTIFICATION AND TEST RESULTS**

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 MDDS REAL ESTATE, INC. d/b/a CITGO PETROLEUM, an Illinois corporation (“MDDS”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

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 (2020), and is charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, MDDS has been and is an Illinois corporation in good standing with the Illinois Secretary of State.

4. At all times relevant to this Complaint, MDDS, owned and operated, and continues to own and operate a gasoline dispensing facility located at 415 South Pulaski Road, Chicago, Cook County, Illinois 60624 (“Facility”).

5. MDDS owns and operates gasoline dispensing pumps at the Facility that emit volatile organic compounds (“VOCs”) into the environment.

6. From January 1, 2017 through the filing of this complaint, or a date better known to MDDS, MDDS failed to submit a notice of intent to the Illinois EPA to decommission its vapor collection and control system.

7. From January 1, 2017 through the filing of this complaint, or a date better known to MDDS, MDDS failed to submit a decommissioning checklist, certification, and test results to the Illinois EPA.

8. Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), 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.

9. 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).

10. Section 218.586(i)(2)(A) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(A), provides as follows:

The owner or operator of a gasoline dispensing operation shall complete and submit a notice of intent form, provided by the Agency, notifying the Agency of its intent to decommission. The completed notice of intent form shall be submitted to the Agency at least 10 days prior to commencing decommissioning in accordance with subsection (i)(2)(B).

11. Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm.

Code 201.586(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.

12. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), 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.

13. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides the following definition:

“CONTAMINANT” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

14. 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.

15. 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.

16. MDDS, a corporation, is a “person” as that term is defined in Section 3.315 the Act, 415 ILCS 5/3.315 (2020).

17. VOCs are “contaminants” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

18. MDDS is 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).

19. MDDS 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).

20. By failing to timely submit a notice of intent to decommission and failing to timely submit a decommissioning checklist, certification, and test results to the Illinois EPA, MDDS violated Sections 218.586(i)(2)(A) and (C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(A) and (C).

21. On information and belief, MDDS failed to timely decommission its 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).

22. By violating Sections 218.586(i)(1)(B), (2)(A) and (C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), (2)(A) and (C), MDDS 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) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, MDDS REAL ESTATE, INC. d/b/a CITGO PETROLEUM, as follows:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has 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)(A) and (C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(A) and (C);
3. Ordering the Respondent to cease and desist from any future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Sections 218.586(i)(1)(B) and 218.586(i)(2)(A) and (C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(A) and (C);
4. Requiring the Respondent 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)(A) and (C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(A) and (C);
5. Assessing against the Respondent 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 Respondent; and

7. Granting other such 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  
Environmental Bureau  
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Of Counsel:

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