ILLINOIS POLLUTION CONTROL BOARD
April 7, 2022

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 22-17
	)	(Enforcement - Air)
COMBINED REAL ESTATE LLC, an	)	
Illinois limited liability company, d/b/a	)	
MOBIL MART	)	
	)	
Respondent.	)	

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

On November 1, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Combined Real Estate LLC, d/b/a Mobil Mart (Mobil Mart). The complaint concerns Mobil Mart's gasoline dispensing facility located at 815 West Rand Road, Arlington Heights, Cook County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

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 Mobil Mart violated the Section 9(a) of the Act (415 ILCS 5/9(a) (2020)) and Sections 218.586(i)(1)(B) and 281.586 (i)(2)(C) of the Board's air pollution regulations (35 Ill. Adm. Code 218.586(i)(1)(B), 218.586(i)(2)(C)) by failing to timely decommission its vapor collection and control system; failing to timely submit a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency; and causing, threatening, or allowing the discharge or emission of volatile organic compounds into the environment so as to violate Board regulations.

On February 18, 2022, the parties filed a stipulation and proposal for 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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Northwest Suburbs Daily Herald* on March 8, 2022. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2020); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Mobil Mart's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2020)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Mobil Mart does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2020)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Mobil Mart agrees to pay a civil penalty of $5,000 within 30 days after the date of this order. The People and Mobil Mart have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.

2. Mobil Mart must pay a civil penalty of $5,000 no later than Monday, May 9, 2022, which is the first business day following the 30th day after the date of this order. Mobil Mart must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.

3. Mobil Mart must submit payment of the civil penalty to:

   Illinois Environmental Protection Agency
   Fiscal Services Division
   1021 North Grand Avenue East
   P.O. Box 19276
   Springfield, Illinois 62794-9276

   Mobil Mart must send a copy of the certified check, money order, and any transmittal letter to:

   Kevin Garstka, Assistant Attorney General
   Illinois Attorney General's Office
   Environmental Bureau
   69 W. Washington St., Suite 1800
   Chicago, Illinois 60602

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2020)) at the rate

set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).

5. Mobil Mart must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2020); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	**Board**
Illinois Attorney General's Office Attn: Kevin Garstka 69 West Washington St., Suite 1800 Chicago, Illinoi s60602 kevin.garstka@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 don.brown@illinois.gov
Jayal Amin Amin Law Offices LTD 1900 E. Golf Road, Ste 1120 Schaumburg, Illinois 60173 jl@aminesq.com	

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

Don A. Brown, Clerk
Illinois Pollution Control Board