

ILLINOIS POLLUTION CONTROL BOARD
April 7, 2022

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 22-26
)	(Enforcement - Air)
CBJS REAL ESTATE, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. Gibson):

On December 7, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against CBJS Real Estate, Inc. (CBJS). The complaint concerns CBJS' gasoline dispensing facility located at 1150 Prairie Street in Aurora, Kane 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 CBJS violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and 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(i)(1)(B), 218.586(i)(2)(A), 218.586(i)(2)(C). The People allege that CBJS committed these violations by failing to submit a notice of intent to decommission; failing to submit a decommissioning checklist, certification, and test results to the Illinois Environmental Protection Agency (IEPA); failing to timely decommission its vapor collection and control system; and causing, threatening, or allowing emission of volatile organic compounds into the environment so as to violate Board regulations.

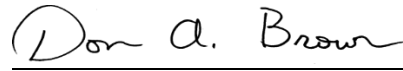
On March 23, 2022, the People and CBJS filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), which 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, CBJS does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$2,500.

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 April 7, 2022, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board