

ILLINOIS POLLUTION CONTROL BOARD
April 7, 2022

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 22-29
) (Enforcement - Air)
MIDWAY LAND MANAGEMENT, INC.,)
an Illinois corporation)
)
Respondent.)

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

On December 30, 2021, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Midway Land Management, Inc. (Midway). The complaint concerns Midway’s gasoline dispensing facility located at 4629 South Cicero Avenue, Chicago, Cook County. The parties have filed a stipulation and proposed settlement, and now seek to settle the complaint 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 Midway 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) and (i)(2)(C)). The People allege that Midway committed these violations by 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 January 6, 2022, the Board accepted the complaint for hearing.

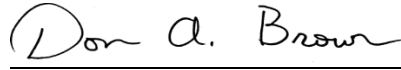
On March 29, 2022, the parties filed a stipulation and proposal for settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2020)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2020)), which requires 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). Under the proposed stipulation, Midway does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$5,000.

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.



Don A. Brown, Clerk
Illinois Pollution Control Board