

ILLINOIS POLLUTION CONTROL BOARD
February 2, 2023

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 23-8
) (Enforcement - Air)
DOWNTOWN OIL COMPANY, LLC, a)
dissolved Illinois limited liability company,)
)
Respondent.)

ORDER OF THE BOARD (by C.M. Santos):

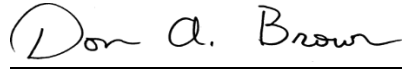
On July 8, 2022, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Downtown Oil Company, LLC (Downtown Oil). The complaint concerns Downtown Oil’s gasoline dispensing facility located at 7600 South Chicago Avenue in Chicago, Cook County (facility). The People’s complaint alleged that Downtown Oil violated Sections 218.586(i)(1)(B) 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)(C)) and Section 9(a) of the Act (415 ILCS 5/9(a) (2020)) by failing to timely decommission a vapor collection and control system; failing to timely submit a decommissioning checklist, certification, and test result to the Illinois Environmental Protection Agency (IEPA); and causing, threatening, or allowing the discharge or emission of volatile organic compounds so as to violate Board regulations.

On January 17, 2023, the People filed a motion to voluntarily dismiss the complaint (Mot.). The People state that they filed the complaint after Downtown Oil failed to respond to a Violation Notice and Notice of Intent to Pursue Legal Action issued by IEPA. Mot. at 1-2. The People report that documentation obtained from the office of the State Fire Marshal and a more recent owner of the facility “shows that Downtown Oil did not own any vapor collection and control system at the facility that required decommissioning” before the regulatory deadline of December 31, 2016. *Id.* at 2, citing 35 Ill. Adm. Code 218.586(i)(1)(B). The People add that IEPA “has determined that Respondent is in compliance with the Act.” Mot. at 2. Based on these factors, the People request that the Board grant the motion to dismiss the complaint. *Id.* at 2-3, citing 735 ILCS 5/2-1009(a), 5-117 (2020) (Code of Civil Procedure).

Having reviewed the People’s motion, the Board grants the motion for voluntary dismissal, dismisses the People’s complaint, and closes the docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 2, by a vote of 4-0.

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