

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. 24-
)	(Enforcement - Air)
NASSER YAFAI, an individual, QUICK GAS)	
& MINI MART, INC., a dissolved Illinois)	
corporation, CYPR Harvey, Inc. d/b/a)	
QUICK GAS & MINI MART, INC., an Illinois)	
corporation, and HARVEY REAL ESTATE, INC.,)	
an Illinois corporation,)	
)	
Respondents.)	

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.

Respectfully submitted,

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

By: /s/ Cara V. Sawyer
Cara V. Sawyer, Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(773) 758-4583
cara.sawyer@ilag.gov

Dated: August 30, 2023

Service List

Nasser Yafai
6129 N. Karlov Ave.
Chicago, IL 60646

Quick Gas & Mini Mart, Inc.
Khaled M. Saeed, President
10059 Merrimac Avenue
Oak Lawn, IL 60453

CYPR Harvey, Inc. dba Quick Gas and Mini Mart, Inc.
Cyriac K. Chandy, Registered Agent
960 Rand Rd., Suite 208
Des Plaines, IL 60016-2355

Harvey Real Estate, Inc.
Cyriac K. Chandy, Registered Agent
960 Rand Rd., Suite 208
Des Plaines, IL 60016-2355

CERTIFICATE OF SERVICE

I, Cara V. Sawyer, an Assistant Attorney General, certify that on the 30th day of August, 2023, caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by certified mail with return receipt

By: /s/ Cara V. Sawyer
Cara V. Sawyer, Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(773) 758-4583
cara.sawyer@ilag.gov

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. 23-
)	(Enforcement - Air)
NASSER YAFAI, an individual, QUICK GAS)	
& MINI MART, INC., a dissolved Illinois)	
corporation, CYPR Harvey, Inc. d/b/a)	
QUICK GAS & MINI MART, INC., an Illinois)	
corporation, and HARVEY REAL ESTATE, INC.,)	
an Illinois corporation,)	
)	
Respondents.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), complains of the Respondents NASSER YAFAI, an individual (“Yafai”), QUICK GAS & MINI MART, INC., a dissolved Illinois corporation (“Quick Gas”), CYPR HARVEY, INC. d/b/a QUICK GAS & MINI MART, INC. (“CYPR Harvey”), and HARVEY REAL ESTATE, INC., an Illinois corporation (“Harvey”), as follows:

COUNT I

FAILURE TO TIMELY DECOMMISSION VAPOR COLLECTION AND CONTROL SYSTEM AND SUBMIT REPORTS

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 Yafai, Quick Gas, CYPR Harvey, and Harvey (collectively, “Respondents”) pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

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 (2022), and is charged, *inter alia*, with the duty of enforcing the Act.

3. From at least January 1, 2017 until September 26, 2018, or dates better known to Yafai, Yafai owned or operated a gasoline dispensing facility located at 15355 Dixie Highway Harvey, Cook County, Illinois (“Facility”).

4. At all times relevant to this Complaint, Yafai has been an individual and a resident of Illinois.

5. From at least January 1, 2017 until September 26, 2018, or dates better known to Quick Gas, Quick Gas owned or operated the Facility.

6. At all times relevant to this Complaint, Quick Gas was an Illinois corporation authorized to business in the state of Illinois.

7. Quick Gas was involuntarily dissolved on April 9, 2021.

8. From September 27, 2018 through the date of the filing of this Complaint, CYPR Harvey operated and continues to operate the Facility.

9. At all times relevant to this Complaint, CYPR Harvey was and is an Illinois corporation authorized to do business in the state of Illinois.

10. At the date of filing of this Complaint, CYPR Harvey was an Illinois corporation in good standing with the Illinois Secretary of State.

11. From September 27, 2018 through the date of the filing of this Complaint, Harvey owned the Facility.

12. At all times relevant to this Complaint, Harvey was and is an Illinois corporation authorized to do business in the state of Illinois.

13. At the date of filing of this Complaint, Harvey was an Illinois corporation in good standing with the Illinois Secretary of State.

14. From at least January 1, 2017 until September 26, 2018, or dates better known to Yafai, Yafai owned or operated gasoline dispensing pumps at the Facility that emit volatile organic compounds (“VOCs”) into the environment.

15. From at least January 1, 2017 until September 26, 2018, or dates better known to Quick Gas, Quick Gas owned or operated gasoline dispensing pumps at the Facility that emit VOCs into the environment.

16. From September 27, 2018 through the date of the filing of this Complaint, or dates better known to CYPR Harvey, CYPR Harvey owned or operated gasoline dispensing pumps at the Facility that emit VOCs into the environment.

17. From September 27, 2018 through the date of the filing of this Complaint, or dates better known to Harvey, Harvey owned or operated gasoline dispensing pumps at the Facility that emit VOCs into the environment.

18. As of the date of filing of this Complaint, the Facility is located in an area of Environmental Justice (“EJ”) concern as identified using Illinois EPA EJ Start.

19. Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), 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.

20. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), 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.

21. Yafai, an individual, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

22. Quick Gas, CYPR Harvey, and Harvey are all corporations and as such are each a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

23. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides the following definition:

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

24. VOCs are “contaminants” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

25. 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).

26. 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.

27. The Facility 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).

28. 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.

29. Respondents are each 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).

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

31. By January 1, 2017, Yafai and Quick Gas were required to decommission the Facility’s vapor collection and control system in accordance with Section 218.586(i)(1)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), and therefore were required to submit a decommissioning checklist, certification, and test results within 30 days after completion of decommissioning procedures, pursuant to Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

32. As of the date of filing of this Complaint, Yafai and Quick Gas have failed to submit a decommissioning checklist, certification, or test results to Illinois EPA.

33. After September 27, 2018, CYPR Harvey and Harvey were required to decommission the Facility’s vapor collection and control system in accordance with Section 218.586(i)(1)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), and therefore were required to submit a decommissioning checklist, certification, and test results

within 30 days after completion of decommissioning procedures, pursuant to Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

34. As of the date of filing this Complaint, CYPR Harvey and Harvey have not submitted a decommissioning checklist, certification, or test results to Illinois EPA.

35. From January 1, 2017 until September 26, 2018, or dates better known to Yafai and Quick Gas, by failing to timely submit a decommissioning checklist, certification, and test results to Illinois EPA, Yafai and Quick Gas violated Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

36. From September 27, 2018 through the date of the filing of this complaint, by failing to timely submit a decommissioning checklist, certification, and test results to Illinois EPA, CYPR Harvey and Harvey violated Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

37. From January 1, 2017 until September 26, 2018, or dates better known to Yafai and Quick Gas, on information and belief, Yafai and Quick Gas failed to timely decommission the Facility's 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).

38. By violating Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(C), Yafai and Quick Gas caused or threatened or allowed the discharge or emission of VOCs into the environment so as to violate regulations adopted by the Board, and have thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

39. From September 27, 2018 through the filing of this Complaint, on information and belief, CYPR Harvey and Harvey failed to timely decommission the Facility's 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).

40. By violating Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(C), CYPR Harvey and Harvey caused or threatened or allowed the discharge or emission of VOCs into the environment so as to violate regulations adopted by the Board, and have thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondents, NASSER YAFAI, an individual, QUICK GAS & MINI MART, INC., a dissolved Illinois corporation, CYPR HARVEY, an Illinois corporation, and HARVEY REAL ESTATE, INC., an Illinois corporation, with respect to Count I:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;

2. Finding that the Respondents have violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(C);

3. Ordering the Respondents to cease and desist from any future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Sections 218.586(i)(1)(B) and 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B) and 218.586(i)(2)(C);

4. Requiring Respondents CYPR Harvey and Harvey to decommission the 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)

5. Requiring Respondents CYPR Harvey and Harvey to submit a decommissioning checklist, certification, and test results to Illinois EPA pursuant to Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C);
5. Assessing against the Respondents 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 Respondents; 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: Stephen J. Sylvester, Chief
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

CARA V. SAWYER
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
Office: 312-814-3094
Cell: 773-758-4583
Primary: cara.sawyer@ilag.gov
Secondary: maria.cacaccio@ilag.gov