

**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. 2022-063
	)	(Enforcement – Air)
Angel Oil Corporation,	)	
a dissolved Illinois corporation,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: Persons on Attached Service List

PLEASE TAKE NOTICE that I have today caused to be filed with the Clerk of the Illinois Pollution Control Board by electronic filing the following Complainant’s Motion to Voluntarily Dismiss without Prejudice, a true and correct copy of which is attached hereto and hereby served upon you.

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

By: /s/ Arlene R. Haas  
Arlene R. Haas  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General’s Office  
69 W. Washington St., 18th Floor  
Chicago, Illinois 60602  
(773) 590-7836  
[Arlene.Haas@ilag.gov](mailto:Arlene.Haas@ilag.gov)

Date: October 17, 2022

**Service List**

Bradley Halloran  
Hearing Officer  
Illinois Pollution Control Board  
60 E. Van Buren Street, Suite 630  
Chicago, IL 60605  
[Bradley.Halloran@illinois.gov](mailto:Bradley.Halloran@illinois.gov)  
(Via Email)

Benny Kuriakose  
Agent Angel Oil Corporation  
8938 Moody Avenue  
Morton Grove, IL 60053  
[kbennyk@yahoo.com](mailto:kbennyk@yahoo.com)  
(Via Email)

**CERTIFICATE OF SERVICE**

I, Arlene R. Haas, an Assistant Attorney General, certify that on the 17th day of October, 2022, I caused to be served the foregoing Notice of Filing and Motion to Voluntarily Dismiss on the parties named on the attached Service List, via email.

/s/ Arlene R. Haas  
Arlene R. Haas  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
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[Arlene.Haas@ilag.gov](mailto:Arlene.Haas@ilag.gov)

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney General	)	
of the State of Illinois,	)	
	)	
Plaintiff,	)	
	)	
v.	)	PCB No. 22-63
	)	(Enforcement – Air)
Angel Oil Corporation,	)	
a dissolved Illinois corporation,	)	
	)	
Defendant.	)	

**COMPLAINANT’S MOTION TO VOLUNTARILY DISMISS  
WITHOUT PREJUDICE**

Complainant, PEOPLE OF THE STATE OF ILLINOIS by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), moves to dismiss this action against Respondent, Angel Oil Corporation (“Respondent”), without prejudice and without costs pursuant to Section 101.500(a) of the Pollution Control Board’s (“Board”) General Rules (“General Rules”), 35 Ill. Adm. Code 101.500(a) and Sections 2-1009 and 5-117 of the Illinois Code of Civil Procedure (“Code”), 735 ILCS 5/2-1009 and 5/5-117 (2020)<sup>1</sup>. In support thereof, Complainant states as follows:

1. On April 22, 2022, Complainant filed its Complaint for Failure to Timely Decommission Vapor Collection and Control System and Submit Reports (“Complaint”) in case no. PCB 22-63 at the request of the Illinois Environmental Protection Agency (“Illinois EPA”).
2. The Complaint alleges that Respondent, as the owner and operator of gasoline dispensing pumps that emit volatile organic compounds, failed to timely decommission its vapor

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<sup>1</sup> The General Rules do not specifically provide for a motion for voluntary dismissal; however, Section 101.100(b) of the General Rules, 35 Ill. Adm. Code 101.100(b) (2020) states: “the Board may look to the Code of Civil Procedure and the Supreme Court Rules for guidance where the Board’s procedural rules are silent.”

collection and control system and submit a decommissioning checklist, certification, and test results for decommissioning Respondent's vapor collection and control system to the Illinois EPA in violation of Section 9(a) of the Illinois Environmental Protection Act, 415 ILCS 5/9(a) (2020) and Sections 218.586(i)(1)(B), (2)(A) and (C) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), (2)(A) and (C).

3. On October 5, 2022, Respondent submitted to Illinois EPA proof that the Respondent decommissioned its vapor collection and control system on November 11, 2016, prior to deadline of December 31, 2016, set forth in Section 218.586(i)(1)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), and completed the decommissioning checklist, certification, and test results for decommissioning.

4. Section 2-1009(a) of the Code, 735 ILCS 5/2-1009(a), provides as follows:

The plaintiff may, at any time before trial or hearing begins, upon notice to each party who has appeared or each party's attorney, and upon payment of costs, dismiss his or her action or any part thereof as to any defendant, without prejudice, by order filed in the cause.

5. As of the date of filing this Motion, Illinois EPA has determined that Respondent is in compliance with the Act.

6. There are no pending motions for summary judgment regarding the Complaint, and the Board has not set a hearing date.

7. Accordingly, as this matter has not yet gone to hearing, the Board shall, pursuant to Section 2-1009(a) of the Code, 735 ILCS 5/2-1009(a), grant Complainant's Motion to Voluntarily Dismiss this action without prejudice.

8. Section 5-117 of the Code, 735 ILCS 5/5-117, provides, in relevant part, as follows:

In all actions commenced for and on behalf of the people of this state... if the action is dismissed voluntarily by the plaintiff... the defendant shall not recover any costs whatsoever.

9. As provided by the plain language of Sections 2-1009(a) and 5-117 of the Code, 735 ILCS 5/2-1009(a) and 5/5-117, the Complainant requests that the Board grant its Motion to Voluntarily Dismiss the Complaint without prejudice with the parties to each bear their own costs.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, respectfully requests that the Board enter an order granting Complainant's Motion to Voluntarily Dismiss this action against ANGEL OIL CORPORATION, without prejudice and without costs.

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: /s/ Arlene R. Haas  
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