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. 22-48
)	(Enforcement - Air)
ST. MARY FUEL CO. d/b/a CLARK,)	
an Illinois corporation,)	
-)	
Respondent.)	

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 following **COMPLAINANT'S**MOTION TO WITHDRAW ITS MOTION TO DEEM FACTS ADMITTED AND FOR SUMMARY JUDGMENT, a true and correct copy of which is attached hereto and hereby served upon you.

KWAME RAOUL Attorney General State of Illinois

BY: /s/Nancy J. Tikalsky
Nancy J. Tikalsky
Assistant Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
872.272.0776

Primary: Nancy.Tikalsky@ilag.gov
Secondary: Maria.Cacaccio@ilag.gov

Dated: August 18, 2022

Service List

St. Mary Fuel Company d/b/a Clark c/o Cyriac Chandy, Registered Agent 960 Rand Road, Suite 208 Des Plaines, IL 60016 cychandy@yahoo.com (Via Email)

Mike Bryant St. Mary Fuel Company d/b/a Clark 6700 South Ashland Avenue Chicago, IL 60636 stmaryspetroleum@gmail.com (Via Email)

Bradley Halloran Hearing Officer Illinois Pollution Control Board Chicago, IL 60602 Brad.Halloran@illinois.gov (Via Email)

Electronic Filing: Received, Clerk's Office 08/18/2022

CERTIFICATE OF SERVICE

I, Nancy J. Tikalsky, an Assistant Attorney General, certify that on the 18th day of August, 2022, I caused to be served the foregoing Notice of Filing and COMPLAINANT'S MOTION TO WITHDRAW ITS MOTION TO DEEM FACTS ADMITTED AND FOR SUMMARY JUDGMENT on the parties named on the attached Service List, by email attachment.

BY: /s/ Nancy J. Tikalsky
Nancy J. Tikalsky
Assistant Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
872.272.0776

Primary: Nancy.Tikalsky@ilag.gov Secondary: Maria.Cacaccio@ilag.gov

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an Illinois corporation,)
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Respondent.)

COMPLAINANT'S MOTION TO WITHDRAW ITS MOTION TO DEEM FACTS ADMITTED AND FOR SUMMARY JUDGMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, hereby moves to withdraw its Motion to Deem Facts Admitted and for Summary Judgment filed on May 2022 ("Motion to Deem Facts Admitted") against Respondent ST. MARY FUEL CO. d/b/a CLARK ("St. Mary") as to Count I of the Complaint. In support of this motion, the Complainant states as follows:

- 1. On March 3, 2022, the Complainant filed its one count Complaint against Respondent St. Mary ("Respondent") for alleged violations that occurred at its gasoline dispensing facility located at 6700 South Ashland Avenue, Chicago, Cook County, Illinois 60636. ("Facility").
- 2. On May 20, 2022, after Respondent was successfully served with the Complaint and failed to Answer the Complaint or come into compliance with the violations, Complainant filed its Motion to Deem Facts Admitted.
- 3. On July 27, 2022, Respondent came into compliance with the violations alleged in the Complaint.

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- 4. On August 12, 2022, the Respondent agreed to a civil penalty and signed the Stipulation and Proposal for Settlement.
- 5. Since the Complainant and Respondent have reached a settlement agreement, the issues presented in the Motion to Deem Facts Admitted have become moot.
- 6. To date the Board has not ruled on the Complainant's Motion to Deem Facts Admitted.

WHEREFORE PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney
General of the State of Illinois, respectfully requests the Illinois Pollution Control Board grant its
Motion to Withdraw its Motion to Deem Facts Admitted and Motion for Summary Judgment.

Respectfully submitted,

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

BY:

Nancy J. Tikalsky

Nancy J. Tikalsky

Assistant Attorney General Environmental Bureau 69 West Washington Street, Suite 1800

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