



**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

**CERTIFICATE OF SERVICE**

I, Nancy J. Tikalsky, an Assistant Attorney General, certify that on the 3<sup>rd</sup> day of March, 2022, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601 certified mail with return receipt.

/s/ Nancy J. Tikalsky  
Nancy J. Tikalsky  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(872) 272-0776  
[Nancy.Tikalsky@ilag.gov](mailto:Nancy.Tikalsky@ilag.gov)



4. At all times relevant to this Complaint, St. Mary owned and continues to own a gasoline dispensing facility located at 6700 South Ashland Avenue, Chicago, Cook County, Illinois 60636. (“Facility”).

5. At all times relevant to this Complaint, St. Mary owned and continues to own gasoline dispensing pumps at the Facility that emit volatile organic compounds (“VOCs”) into the environment.

6. At all times relevant to this Complaint, information available to the Illinois EPA indicates St. Mary may have failed to timely decommission all vapor collection and control systems for the Facility.

7. At all times relevant to this Complaint, St. Mary has not submitted a decommissioning checklist, certification, and test results to the Illinois EPA.

8. Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), 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.

9. 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).

10. Section 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 254.218(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.

11. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), 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.

12. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides the following definition:

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

13. 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.

14. 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.

15. St. Mary, an Illinois corporation, is a “person” as that term is defined in Section 3.315 the Act, 415 ILCS 5/3.315 (2020).

16. VOCs are “contaminants” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

17. St. Mary is an “owner” 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).

18. St. Mary 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).

19. By failing to timely submit a decommissioning checklist, certification, and test results to the Illinois EPA, St. Mary violated Sections 218.586(i)(2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(2)(C).

20. On information and belief, St. Mary failed to timely decommission its vapor collection and control system in violation of Section 218.586(i)(1)(B) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B).

21. By violating Sections 218.586(i)(1)(B), and (2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), and (2)(C), and causing or threatening or allowing the discharge or emission of VOCs into the environment St. Mary violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, ST. MARY FUEL CO. d/b/a CLARK, as follows:

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

2. Finding that the Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Sections 218.586(i)(1)(B), and (2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), and (2)(C);

3. Ordering the Respondent to cease and desist from any future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Sections 218.586(i)(1)(B), and (2)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.586(i)(1)(B), and (2)(C);

4. Requiring the Respondent to decommission its 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), and submit to the Illinois EPA a decommissioning checklist, certification, and test results, 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 Respondent 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 Respondent; and

[Remainder of this page intentionally left blank.]



7. Granting such other 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: /s/ Stephen J. Sylvester  
STEPHEN J. SYLVESTER, Chief  
Environmental Bureau  
Assistant Attorney General

*Of Counsel:*

NANCY J. TIKALSKY  
Assistant Attorney General  
Environmental Bureau  
Office of the Illinois Attorney General  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602  
ARDC 6273159  
872.272.0776

Primary: [Nancy.Tikalsky@ilag.gov](mailto:Nancy.Tikalsky@ilag.gov)

Secondary: [Maria.Cacaccio@ilag.gov](mailto:Maria.Cacaccio@ilag.gov)