

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
)	(Enforcement—Land)
REID’S SERVICE CENTER, INC.,)	
an Illinois corporation, REID M. LARSON)	
TRUST, BARBARA S. LARSON TRUST, and)	
REID M. LARSON, as trustee of REID M.)	
LARSON TRUST,)	
)	
Respondents.)	

NOTICE OF FILING

To: See 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 Notice of Filing, Complaint, and Certificate of Service, a copy of which is attached 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.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

PEOPLE OF THE STATE OF ILLINOIS
KWAME RAOUL, ATTORNEY GENERAL

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: s/Brian Navarette
Brian Navarette
Environmental Bureau
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Dated: March 4, 2022

Service List

For the Respondents

David L. Wentworth II
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Reid M. Larson for
Reid Service Center, Inc.
Reid M. Larson Trust
Barbara S. Larson Trust - Successor Trustee
5830 North Mar Vista Drive
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LARSON TRUST,)	
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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of the Respondents, REID’S SERVICE CENTER, INC., REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of REID M. LARSON TRUST (“Respondents”), as follows:

COUNT I
OPEN DUMPING OF WASTE

1. This Count 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”).

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 (2018), and is charged, inter alia, with the duty of enforcing the Act.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2018), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. At all times relevant to the Complaint, Respondent REID’S SEVICE CENTER, INC., an Illinois corporation (“REID’S SERVICE”), operated a gas station located at 7123 Kickapoo-Edwards Road, Edwards, Illinois (“Facility”).

5. REID’S SERVICE conducted automotive maintenance activities at the Facility.

6. REID’S SERVICE sold used and new tires at the Facility.

7. At all times relevant to the Complaint, Respondent REID M. LARSON TRUST, a trust (“REID TRUST”), and Respondent BARBARA S. LARSON TRUST, a trust (“BARBARA TRUST”), jointly owned the property where the Facility is located.

8. Respondent REID M. LARSON is the trustee of the REID TRUST.

9. BARBARA S. LARSON, the trustee of the BARBARA TRUST, passed away on July 14, 2020.

10. On October 28, 2019, the Illinois EPA conducted an inspection of the Facility.

11. At the time of the October 28, 2019 inspection, Illinois EPA observed a pile of waste on the ground containing household waste, plastics, metals, used oil, automotive waste, and spent freon canisters.

12. At the time of the October 28, 2019 inspection, Illinois EPA observed 80 uncovered used tires outside, including some with vegetation growing through them.

13. At the time of the October 28, 2019 inspection, Illinois EPA observed approximately 20 additional used tires stored in an open box at the Facility.

14. At the time of the October 28, 2019 inspection, some of the used tires at the Facility were holding water and organic matter.

15. At the time of the October 28, 2019 inspection, Illinois EPA observed a leaking container of used oil at the Facility.

16. At the time of the October 28, 2019 inspection, Illinois EPA observed used oil pooled on the ground at the Facility.

17. At the time of the October 28, 2019 inspection, Illinois EPA observed an above-ground storage tank (“Storage Tank”) inside a building at the Facility.

18. At the time of the October 28, 2019 inspection, the Storage Tank was not labeled with the words “used oil.”

19. At the time of the October 28, 2019 inspection, the Storage Tank, and the floor around the Storage Tank, were coated in used oil.

20. At the time of the October 28, 2019 inspection, Illinois EPA observed an oil-burning furnace with an attached storage tank (“Furnace Tank”) inside a building at the Facility.

21. At the time of the October 28, 2019 inspection, the Furnace Tank was not labeled with the words “used oil.”

22. At the time of the October 28, 2019 inspection, the Furnace Tank, and the floor around the Furnace Tank, were coated in used oil.

23. At the time of the October 28, 2019 inspection, Illinois EPA observed several metal and plastic drums (“Drums”) holding used oil, outside, at the Facility.

24. At the time of the October 28, 2019 inspection, the Drums were not marked with the words “used oil.”

25. At the time of the October 28, 2019 inspection, one of the Drums was visibly

leaking or overflowing.

26. On February 3, 2020, Illinois EPA conducted a reinspection of the Facility.

27. At the time of the February 3, 2020 inspection, Illinois EPA observed wood pallets, a plastic hose, used oil, scrap metal, and cardboard paper deposited on the ground at the Facility.

28. At the time of the February 3, 2020 inspection, the household waste, used tires, and freon canisters had been removed from the Facility.

29. At the time of the February 3, 2020 inspection, Illinois EPA observed soil saturated with oil stains around the Drums at the Facility.

30. At the time of the February 3, 2020 inspection, Illinois EPA observed the residue of multiple used oil spills on the Storage Tank, and around the floor of the Storage Tank.

31. At the time of the February 3, 2020 inspection, Illinois EPA observed the residue of multiple used oil spills on the Furnace Tank, and around the floor of the Furnace Tank.

32. The Facility has never been permitted by Illinois EPA for the storage or disposal of waste.

33. On November 16, 2020, Illinois EPA conducted a reinspection of the Facility, and determined that the Facility had been brought into compliance.

34. By deed of December 22, 2020, the Facility was transferred to a new owner.

35. Section 21(a) of the Act, 415 ILCS 5/21(a) (2018), provides as follows:

No person shall:

(a) Cause or allow the open dumping of any waste.

36. Section 3.315 of the Act, 415 ILCS 5/3.315 (2018), provides as follows:

“Person” is an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company,

trust, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

37. Respondent REID'S SERVICE is a "person" as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

38. Respondent REID TRUST is a "person" as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

39. Respondent BARBARA TRUST is a "person" as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

40. Respondent REID M. LARSON is a "person" as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2018).

41. Section 3.535 of the Act, 415 ILCS 5/3.535 (2018), provides, in pertinent part, as follows:

"Waste" means any garbage...or any other discarded material, including any solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities....

42. Section 3.385 of the Act, 415 ILCS 5/3.385 (2018), provides as follows:

"Refuse" means waste.

43. The wood pallets, plastic hose, used oil, scrap metal, cardboard, household waste, used tires, plastics, automotive waste, and spent freon canisters which were present at the Facility were "discarded material" and "waste," as that term is defined by Section 3.535 of the Act, 415 ILCS 5/3.535 (2018), and therefore also "refuse," as defined by Section 3.385 of the Act, 415 ILCS 5/3.385 (2018).

44. Section 3.305 of the Act, 415 ILCS 5/3.305 (2018), provides as follows:

"Open dumping" means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

45. Section 3.460 of the Act, 415 ILCS 5/3.460 (2018), provides as follows:

“Site” means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.

46. The Facility is a “site” as that term is defined by Section 3.460 of the Act, 415 ILCS 5/3.460 (2018).

47. Section 3.185 of the Act, 415 ILCS 5/3.185 (2018), provides as follows:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

48. Waste was discharged, deposited, dumped, spilled, leaked, and/or placed on the land at the Facility in such a manner that waste, or constituents thereof, could enter the environment, be emitted into the air, or be discharged into waters or ground waters. Therefore, “disposal” occurred at the Facility as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2018).

49. The Facility is a “site” on which waste has been “disposed,” as those terms are defined in Sections 3.185 and 3.460 of the Act, 415 ILCS 5/3.185 and 5/3.460 (2018), making the Facility a “disposal site” as that term is used in Section 3.305 of the Act, 415 ILCS 5/3.305 (2018).

50. Section 3.445 of the Act, 415 ILCS 5/3.445 (2018), provides, in pertinent part, as follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land . . . without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day’s operation, or by such other methods and intervals as the Board may provide by regulation.

51. Section 3.105 of the Act, 415 ILCS 5/3.105 (2018), provides as follows:

“Agency” is the Environmental Protection Agency established by this Act.

52. At all times relevant to this Complaint, the Facility has not been permitted by Illinois EPA for the disposal of wastes on land, and therefore is not a “sanitary landfill” as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2018).

53. Beginning prior to October 28, 2019, and on dates better known to the Respondents, the Respondents caused or allowed the consolidation of refuse at a disposal site not meeting the requirements of a sanitary landfill, and therefore caused or allowed open dumping of waste at the Facility.

54. By causing or allowing the open dumping of waste at the Facility, the Respondents violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, REID’S SERVICE CENTER, INC., REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of REID M. LARSON TRUST, on Count I:

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

B. Finding that Respondents violated the Act and Board regulations as alleged herein;

C. Ordering Respondents to cease and desist from any further violations of the Act and Board regulations;

D. Assessing against each Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

F. Granting such other relief as the Board may deem appropriate.

COUNT II
OPEN DUMPING RESULTING IN LITTER

1-52. Complainant realleges and incorporates by reference herein paragraphs 1 through 52 of Count I as paragraphs 1 through 52 of this Count II.

53. Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2018), provides, in pertinent part, as follows:

No person shall:

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(1) litter

54. Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2018), contains the following definition:

“Litter” means any discarded, used or unconsumed substance or waste. “Litter” may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicle (as defined in the Illinois Vehicle Code), motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to

injure any person or create a traffic hazard, potentially infectious medical waste as defined in Section 3.360 of the Environmental Protection Act, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

55. The wood pallets, plastic hose, used oil, scrap metal, cardboard, household waste, used tires, plastics, automotive waste, and spent freon canisters at the Facility are “litter” as defined by Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2018).

56. Beginning prior to October 28, 2019, and on dates better known to the Respondents, the Respondents caused or allowed the open dumping of waste at the Facility in a manner which resulted in litter.

57. By causing or allowed the open dumping of waste in a manner that resulted in litter at the Facility, the Respondents violated Section 21(p)(1) of the Act, 415 ILCS 21(p)(1) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, REID’S SERVICE CENTER, INC., REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of REID M. LARSON TRUST, on Count II:

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

B. Finding that Respondents violated the Act and Board regulations as alleged herein;

C. Ordering Respondents to cease and desist from any further violations of the Act and Board regulations;

D. Assessing against each Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

F. Granting such other relief as the Board may deem appropriate.

COUNT III
CONDUCTING A WASTE-DISPOSAL OPERATION WITHOUT A PERMIT

1-52. Complainant realleges and incorporates by reference herein paragraphs 1 through 52 of Count I as paragraphs 1 through 52 of this Count III.

53. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018), provides, in pertinent part, as follows:

No person shall:

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit, ;

54. Respondents have never been granted a permit by Illinois EPA to conduct a waste-disposal operation at the Facility.

55. Beginning prior to October 28, 2019, and on dates better known to the Respondents, the Respondents conducted a waste-disposal operation at the Facility without a permit granted by the Illinois EPA.

56. By conducting a waste-disposal operation at the Facility without a permit granted by the Illinois EPA, the Respondents violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, REID'S SERVICE CENTER, INC., REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of REID M. LARSON TRUST, on Count III:

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

B. Finding that Respondents violated the Act and Board regulations as alleged herein;

C. Ordering Respondents to cease and desist from any further violations of the Act and Board regulations;

D. Assessing against each Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

F. Granting such other relief as the Board may deem appropriate.

COUNT IV
OPEN DUMPING OF USED OR WASTE TIRES

1-38. Complainant realleges and incorporates by reference herein paragraphs 1 through 14, 26, 28, and 32 through 52 of Count I as paragraphs 1 through 38 of this Count IV.

39. Section 55(a) of the Act, 415 ILCS 5/55(a) (2018), provides, in pertinent part, as follows:

(a) No person shall:

(1) Cause or allow the open dumping of any used or waste tire.

* * *

(5) Abandon, dump or dispose of any used or waste tire on private or public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.

40. Sections 54.02, 54.04, 54.06a, 54.08, 54.09, 54.13 and 54.16 of the Act, 415 ILCS 55/54.02, 5/54.06a, 5/54.08, 5/54.09, 5/54.13, and 5/54.16 (2018), respectively, provide, in relevant part, the following definitions:

“Converted tire” means a used tire which has been manufactured into a usable commodity other than a tire. “Conversion” or “converting” means action which produces a converted tire. Usable products manufactured from tires, which products are themselves capable of holding accumulations of water, shall be deemed to be “converted” if they are stacked, packaged, boxed, containerized or enclosed in such a manner as to preclude exposure to precipitation prior to sale or conveyance.

“Disposal” means the placement of used tires into or on any land or water except as an integral part of systemic reuse or conversion in the regular course of business.

“Recyclable tire” means a used tire which is free of permanent physical damage and maintains sufficient tread depth to allow its use through resale or repairing.

“Reused tire” means a used tire that is used again, in part or as a whole, by being employed in a particular function or application as an effective substitute for a commercial product or fuel without having been converted.

“Storage” means any accumulation of used tires that does not constitute disposal. At a minimum, such an accumulation must be an integral part of the systematic alteration, reuse, reprocessing or conversion of the tires in the regular course of business.

“Used tire” means a worn, damaged, or defective tire that is not mounted on a vehicle.

“Waste tire” means a used tire that has been disposed of.

41. The unmounted and worn tires at the Facility constituted “used tires” as that term is defined in Section 54.13 of the Act, 415 ILCS 5/54.13 (2018).

42. Respondents had neither “converted” nor “reused” the used tires observed at the Facility as these terms are defined in Sections 54.02 and 54.08 of the Act, 415 ILCS 5/54.02 and 5/54.08 (2018).

43. Respondents failed to conduct systemic reuse or conversion of the used tires placed on the land at the Facility, constituting “disposal” of the tires as that term is defined in Section 54.04 of the Act, 415 ILCS 5/54.04 (2018).

44. Upon their disposal, the used tires at the Facility constituted “waste tires” and “refuse” as these terms are defined in Sections 54.16 and 3.385 of the Act, 415 ILCS 5/54.16 and 5/3.385 (2018), respectively.

45. Beginning prior to October 28, 2019, and on dates better known to the Respondents, the Respondents caused or allowed used and/or waste tires to be deposited and to accumulate at the Facility, and thereby caused the open dumping of used and/or waste tires at the Facility.

46. By causing and allowing the open dumping of used and/or waste tires at the Facility, the Respondents violated Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2018).

47. Beginning prior to October 28, 2019, and on dates better known to the Respondents, the Respondents abandoned, dumped, or disposed of used or waste tires at the Facility, which was not permitted by the Illinois EPA as a sanitary landfill.

48. By abandoning, dumping, and/or disposing of used and/or waste tires at the Facility, which was not permitted by the Illinois EPA as a sanitary landfill, the Respondents violated Section 55(a)(5) of the Act, 415 ILCS 5/55(a)(5) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, REID'S SERVICE CENTER, INC., REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of REID M. LARSON TRUST, on Count IV:

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

B. Finding that Respondents violated the Act and Board regulations as alleged herein;

C. Ordering Respondents to cease and desist from any further violations of the Act and Board regulations;

D. Assessing against each Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

F. Granting such other relief as the Board may deem appropriate.

COUNT V
ACCUMULATION OF WATER IN USED AND WASTE TIRES

1-45. Complainant realleges and incorporates by reference herein paragraphs 1 through 14, 26, 28, and 32 through 52 of Count I, and paragraphs 39 through 45 of Count IV, as paragraphs 1 through 45 of this Count V.

46. At the time of the October 28, 2019 inspection, water had accumulated in used and/or waste tires at the Facility.

47. Section 55(a)(3) of the Act, 415 ILCS 5/55(a)(3) (2018), provides as follows:

(a) No person shall:

(3) . . . [C]ause or allow the storage of any used tire unless the tire is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water.

48. Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2018), provides as follows:

(k) No person shall:

(1) Cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site.

49. Beginning prior to October 28, 2019, and on dates better known to the Respondents, Respondents stored used tires that had not been altered, reprocessed, converted, covered, or otherwise prevented from accumulating water at the Facility.

50. By causing or allowing the storage of used and/or waste tires in a manner that did not prevent the accumulation of water, Respondents violated Section 55(a)(3) of the Act, 415 ILCS 5/55(a)(3) (2018).

51. By causing or allowing used and/or waste tires to accumulate water, Respondents violated Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, REID'S SERVICE CENTER, INC., REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of the REID M. LARSON TRUST, on Count V:

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

B. Finding that Respondents violated the Act and Board regulations as alleged herein;

C. Ordering Respondents to cease and desist from any further violations of the Act and Board regulations;

D. Assessing against each Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

F. Granting such other relief as the Board may deem appropriate.

COUNT VI
FAILURE TO REMOVE USED TIRES WITHIN 90 DAYS

1-45. Complainant realleges and incorporates by reference herein paragraphs 1 through 14, 26, 28, and 32 through 52 of Count I, and paragraphs 39 through 45 of Count IV, as paragraphs 1 through 45 of this Count VI.

44. Beginning prior to October 28, 2019, and on dates better known to the Respondents, some of the used tires had been present at the Facility so long that they had vegetation growing through them.

45. Section 55.8(b) of the Act, 415 ILCS 5/55.8(b) (2018), provides as follows:

(b) A person who accepts used tires for recycling under subsection (a) shall not allow the tires to accumulate for periods of more than 90 days.

46. Section 55.8(a)(2) of the Act, 415 ILCS 5/55.8(a)(2) (2018), provides as follows:

(a) Any person selling new or used tires at retail or offering new or used tires for retail sale in this State shall:

(2) accept for recycling used tires from customers, at the point of transfer, in a quantity equal to the number of new tires purchased; and

47. Beginning prior to October 28, 2019, and on dates better known to the Respondents, tires were sold at the Facility.

48. Beginning prior to October 28, 2019, and on dates better known to the Respondents, used tires were accepted at the Facility for recycling.

49. Beginning prior to October 28, 2019, and on dates better known to the Respondents, Respondents stored used tires at the Facility for more than 90 days.

50. By causing or allowing used tires accepted for recycling to remain at the Facility for more than 90 days, Respondents violated Section 55.8(b) of the Act, 415 ILCS 5/55.8(b) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, REID'S SERVICE CENTER, INC., REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of the REID M. LARSON TRUST, on Count VI:

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

B. Finding that Respondents violated the Act and Board regulations as alleged herein;

C. Ordering Respondents to cease and desist from any further violations of the Act and Board regulations;

D. Assessing against each Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

F. Granting such other relief as the Board may deem appropriate.

COUNT VII
WATER POLLUTION

1-36. Complainant realleges and incorporates by reference herein paragraphs 1 through 11, 15, 16, 26, 29, and 32 through 52 of Count I as paragraphs 1 through 36 of this Count VII.

37. Section 12(a) of the Act, 415 ILCS 5/12(a) (2018), provides as follows:

No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

38. Section 3.165 of the Act, 415 ILCS 5/3.165 (2018), provides the following definition:

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

39. Used oil is a “contaminant,” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2018).

40. Section 3.545 of the Act, 415 ILCS 5/3.545 (2018), provides the following definition:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

41. Section 3.550 of the Act, 415 ILCS 5/3.550 (2018), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

42. A drainage ditch runs from the Facility to an unnamed pond (“Pond”) 300 yards to the west.

43. The groundwater underlying the Facility, drainage ditch, and Pond are all “waters,” as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2018).

44. The presence of used oil, where it could come into contact with the groundwater, drainage ditch, and Pond, constitutes the alteration of the physical and chemical properties of waters that will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to the domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life, and therefore is “water pollution,” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2018).

45. Beginning prior to October 28, 2019, and on dates better known to the Respondents, Respondents caused, threatened, and allowed the discharge of used oil into the environment so as to cause or tend to cause water pollution in the groundwater, drainage ditch, and Pond, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, REID’S SERVICE CENTER, INC., REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of the REID M. LARSON TRUST, on Count VII:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that Respondents violated the Act and Board regulations as alleged herein;
- C. Ordering Respondents to cease and desist from any further violations of the Act and Board regulations;
- D. Assessing against each Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);
- E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
- F. Granting such other relief as the Board may deem appropriate.

COUNT VIII
WATER POLLUTION HAZARD

1-44. Complainant realleges and incorporates by reference herein paragraphs 1 through 11, 15, 16, 26, 29, and 32 through 52 of Count I, and Paragraphs 37 through 44 of Count VII, as Paragraphs 1 through 44 of this Count VIII.

43. Section 12(d) of the Act, 415 ILCS 5/12(d) (2018), provides as follows:

No person shall:

- (d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

44. Beginning prior to October 28, 2019, and on dates better known to the Respondents, Respondents deposited used oil upon the land at the Facility, and thereby created a water pollution hazard.

45. By depositing contaminants upon the land so as to create a water pollution hazard, Respondents violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, REID'S SERVICE CENTER, INC., REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of REID M. LARSON TRUST, on Count VIII:

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

B. Finding that Respondents violated the Act and Board regulations as alleged herein;

C. Ordering Respondents to cease and desist from any further violations of the Act and Board regulations;

D. Assessing against each Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

F. Granting such other relief as the Board may deem appropriate.

COUNT IX
OPEN DUMPING RESULTING IN
STANDING OR FLOWING LIQUID DISCHARGE FROM THE DUMP SITE

1-52. Complainant realleges and incorporates by reference herein paragraphs 1 through 52 of Count I as paragraphs 1 through 52 of this Count IX.

53. Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2018), provides as follows:

No person shall:

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(6) standing or flowing liquid discharge from the dump site;

54. The standing puddle of used oil at the Facility on October 28, 2019 is “waste,” as that term is defined by Section 3.535 of the Act, 415 ILCS 5/3.535 (2018).

55. Beginning prior to October 28, 2019, and on dates better known to the Respondents, Respondents caused or allowed the open dumping of waste at the Facility in a manner which resulted in standing or flowing liquid discharge from the dump site.

56. By causing or allowing the open dumping of waste at the Facility in a manner which resulted in standing or flowing liquid discharge from the dump site, Respondents violated Section 21(p)(6) of the Act, 415 ILCS 21(p)(6) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondents, REID’S SERVICE CENTER, INC., REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of the REID M. LARSON TRUST, on Count IX:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that Respondents violated the Act and Board regulations as alleged herein;
- C. Ordering Respondents to cease and desist from any further violations of the Act and Board regulations;
- D. Assessing against each Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);
- E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
- F. Granting such other relief as the Board may deem appropriate.

COUNT X
FAILURE TO STORE USED OIL IN PROPER CONTAINERS
(REID'S SERVICE CENTER, INC.)

- 1-44. Complainant realleges and incorporates by reference herein paragraphs 1 through 11, 17 through 26, and 30 through 52 of Count I as paragraphs 1 through 44 of this Count X.
- 45. Section 21(e) of the Act, 415 ILCS 5/21(e) (2018), provides as follows:
No person shall:
 - (e) Dispose, treat, store, or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.
- 46. Section 739.122(b) of the Board regulations, 35 Ill. Adm. Code 739.122(b),

provides as follows:

A used oil generator is subject to all applicable federal Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart C. A used oil generator is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart C.

- (b) Condition of Units. The following must be true of containers and above ground tanks used to store used oil at a generator facility:
 - (1) The containers must be in good condition (no severe rusting, apparent structural defects or deterioration); and
 - (2) The containers may not be leaking (no visible leaks).

47. Section 739.100 of the Board regulations, 35 Ill. Adm. Code 739.100, provides in pertinent part, the following definitions:

“Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

“Used oil” means any oil that has been refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities.

“Used oil generator” means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

48. At all times relevant to the Complaint, Respondent REID’S SERVICE accepted used oil from motorists at the Facility.

49. At all times relevant to the Complaint, Respondent REID’S SERVICE’s operations at the Facility generated used oil.

50. By generating and accepting used oil at the Facility, Respondent REID’S SERVICE is an “used oil generator” as that term is defined by Section 739.100 of the Board regulations, 35 Ill. Adm. Code 739.100.

51. The Storage Tank, Furnace Tank, and Drums are all “containers” as that term is defined in Section 739.100 of the Board regulations, 35 Ill. Adm. Code 739.100.

52. Beginning prior to October 28, 2019, and on dates better known to Respondent REID’S SERVICE, Respondent REID’S SERVICE stored used oil at the Facility in containers that were in poor condition and were leaking.

53. By storing used oil at the Facility in containers that were in poor condition and were leaking, Respondent REID’S SERVICE violated Section 739.122(b) of the Board regulations, 35 Ill. Adm. Code 739.122(b).

54. By violating Section 739.122(b) of the Board regulations, 35 Ill. Adm. Code 739.122(b), Respondent REID’S SERVICE conducted waste storage and waste disposal at a site or facility which did not meet the requirements of the Act and of regulations and standards thereunder, and thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, REID’S SERVICE CENTER, INC., on Count X:

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

B. Finding that Respondent violated the Act and Board regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and Board regulations;

D. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten

Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

F. Granting such other relief as the Board may deem appropriate.

COUNT XI
FAILURE TO STORE USED OIL IN MARKED CONTAINERS
(REID'S SERVICE CENTER, INC.)

1-52. Complainant realleges and incorporates by reference herein paragraphs 1 through 11, 17 through 26, and 30 through 52 of Count I, and paragraphs 45 through 52 of Count X, as paragraphs 1-52 of this Count XI.

51. Section 739.122(c)(1) of the Board regulations, 35 Ill. Adm. Code 739.122(c)(1), provides as follows:

A used oil generator is subject to all applicable federal Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart C. A used oil generator is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart C.

(c) Labels

(1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil".

52. Beginning prior to October 28, 2019, and at times better known to Respondent REID'S SERVICE, the Storage Tank, Furnace Tank, and Drums were not labeled with the words "Used Oil."

53. By failing to properly label containers storing used oil at the Facility, Respondent REID'S SERVICE violated Section 739.122(c)(1) of the Board regulations, 35 Ill. Adm. Code 739.122(c)(1).

54. By violating Section 739.122(c)(1) of the Board regulations, 35 Ill. Adm. Code 739.122(c)(1), Respondent REID'S SERVICE conducted waste storage and waste disposal at a site or facility which did not meet the requirements of the Act and of regulations and standards thereunder, and thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order granting a preliminary injunction, and, after trial, a permanent injunction, in favor of the Complainant and against the Respondent, REID'S SERVICE CENTER, INC., on Count XI:

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

B. Finding that Respondent violated the Act and Board regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and Board regulations;

D. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018);

E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

F. Granting such other relief as the Board may deem appropriate.

COUNT XII
FAILURE TO RESPOND TO USED OIL RELEASES
(REID'S SERVICE CENTER, INC.)

1-52. Complainant realleges and incorporates by reference herein paragraphs 1 through 11, 17 through 26, and 30 through 52 of Count I, and paragraphs 45 through 52 of Count X, as paragraphs 1 through 52 of this Count XII.

51. Section 739.122(d) of the Board regulations, 35 Ill. Adm. Code 739.122(d), provides as follows:

A used oil generator is subject to all applicable federal Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart C. A used oil generator is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart C.

- (d) Response to Releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a generator must perform the following cleanup steps:
- (1) Stop the release;
 - (2) Contain the released used oil;
 - (3) Properly clean up and manage the released used oil and other materials; and
 - (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

52. At the time of the October 28, 2019 and February 3, 2020 inspections, Illinois EPA observed spillage of used oil at the Facility.

53. Beginning prior to October 28, 2019, and at times better known to Respondent REID'S SERVICE, Respondent REID'S SERVICE failed to clean up a release of used oil at the Facility.

54. By failing to clean up a release of used oil at the Facility, Respondent REID'S SERVICE violated Section 739.122(d) of the Board regulations, 35 Ill. Adm. Code 739.122(d).

55. By violating Section 739.122(d) of the Board regulations, 35 Ill. Adm. Code 739.122(d), Respondent REID'S SERVICE conducted waste storage and waste disposal in violation of regulations or standards adopted by the Board, and thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, REID'S SERVICE CENTER, INC., on Count XII:

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

B. Finding that Respondent violated the Act and Board regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and Board regulations;

D. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional Ten

Thousand Dollars (\$10,000.00) for each day the violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2018); and

E. Ordering Respondents to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2018), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

F. Granting such other relief as the Board may deem appropriate.

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/ Andrew Armstrong
ANDREW B. ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General
ARDC #6282447

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ARDC #6305878

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 -
)	(Enforcement—Land)
REID’S SERVICE CENTER, INC.,)	
an Illinois corporation, REID M. LARSON)	
TRUST, BARBARA S. LARSON TRUST, and)	
REID M. LARSON, as trustee of REID M.)	
LARSON TRUST,)	
)	
Respondents.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and REID’S SERVICE CENTER, INC., an Illinois corporation, REID M. LARSON TRUST, BARBARA S. LARSON TRUST, and REID M. LARSON, as trustee of REID M. LARSON TRUST, (“Respondents”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2020), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. Concurrently with this Stipulation, a Complaint was filed 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 upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020), against the Respondents.

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 (2020).

3. At all times relevant to the Complaint, Respondent REID'S SEVICE CENTER, INC., an Illinois corporation, operated a gas station located at 7123 Kickapoo-Edwards Road, Edwards, Illinois ("Facility").

4. At all times relevant to the Complaint, Respondent REID M. LARSON TRUST, a trust, and Respondent BARBARA S. LARSON TRUST, a trust, jointly owned the property where the Facility is located.

5. Respondent REID M. LARSON is the trustee of the REID M. LARSON TRUST.

B. Allegations of Non-Compliance

Complainant contends that the Respondents have violated the following provisions of the Act and Board regulations:

Count I: Open Dumping of Waste
Section 21(a) of the Act, 415 ILCS 5/21(a) (2020).

Count II: Open Dumping Resulting in Litter
Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2020).

Count III: Conducting a Waste-Disposal Operation Without a Permit
Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) and (5) (2020).

Count IV: Open Dumping of Used or Waste Tires
Section 55(a)(1) and (5) of the Act, 415 ILCS 5/55(a)(1) and (5) (2020).

Count V: Accumulation of Water in Used and Waste Tires
Section 55(a)(3) and (k)(1) of the Act, 415 ILCS 5/55(a)(3) and (k)(1) (2020).

Count VI: Failure to Remove Used Tires Within 90 Days
Section 55.8(b) of the Act, 415 ILCS 5/55.8(b).

Count VII: Water Pollution
Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

Count VIII: Water Pollution Hazard
Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

Count IX: Open Dumping Resulting in Standing or Flowing Liquid Discharge from the Dump Site
Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2020).

Count X: Failure to Store Used Oil in Proper Containers
Section 21(e) of the Act, 415 ILCS 5/21(e) (2020), and Section 739.122(b) of the Board regulations, 35 Ill. Adm. Code 739.122(b).

Count XI: Failure to Store Used Oil in Marked Containers
Section 21(e) of the Act, 415 ILCS 5/21(e) (2020), and Section 739.122(c)(1) of the Board regulations, 35 Ill. Adm. Code 739.122(c)(1).

Count XII: Failure to Respond to Used Oil Release
Section 21(e) of the Act, 415 ILCS 5/21(e) (2020), and Section 739.122(d) of the Board regulations, 35 Ill. Adm. Code 739.122(d).

C. Admission of Violations

The Respondents admit to the violations alleged in the Complaint filed in this matter and referenced above.

D. Compliance Activities to Date

All violations alleged in the Complaint filed in this matter have been remediated. On December 3, 2020, the Facility was sold to a new owner.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The

Respondents shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of their officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondents in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2020).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Human health and the environment were threatened by Respondents' alleged violations.

2. There was a social and economic benefit from the Respondents' business so long as it was operated in compliance with the Act and Board regulations.

3. Operation of the Respondents' business was suitable for the area in which it was located so long as it was operated in compliance with the Act and Board regulations.

4. Disposal of wastes at a properly permitted disposal facility instead of at the Facility was both technically practicable and economically reasonable.

5. Respondents have subsequently complied with the Act and the Board regulations with respect to the Facility.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2020), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance

with subsection (i) of this Section, the non-compliance to the Agency;

7. whether the respondent has agreed to undertake a supplemental environmental project, which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Illinois EPA first observed violations at the Facility on October 28, 2019. Respondents remediated the alleged violations by November 16, 2020.
2. Respondents were diligent in attempting to come back into compliance with the Act and Board regulations once the Illinois EPA notified them of their non-compliance.
3. The civil penalty takes into account any economic benefit realized by the Respondents as a result of avoided or delayed compliance.
4. Complainant has determined, based upon the specific facts of this matter, that a civil penalty of Twelve Thousand Dollars (\$12,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, Respondents have no previously adjudicated violations of the Act.
6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.
8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. Respondents shall jointly and severally pay a civil penalty in the sum of Twelve Thousand dollars (\$12,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If Respondents fail to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondents shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondents not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services #2
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62702

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Brian Navarrete
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62701

D. Future Compliance

1. This Stipulation in no way affects the responsibilities of the Respondents to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

2. The Respondents shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondents' payment of the civil penalty required by Section V.A above, and their commitment to cease and desist as contained in Section V.D.2 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondents from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed concurrently with this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondents with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondents' failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), or entity other than the Respondents.

F. Enforcement of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

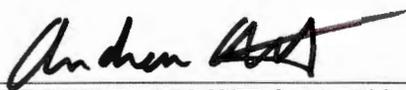
PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL
Attorney General
State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

JOHN J. KIM, Director
Illinois Environmental Protection Agency

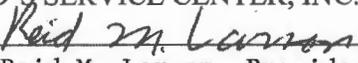
BY: 
ANDREW B. ARMSTRONG, Chief
Assistant Attorney General
Environmental Bureau

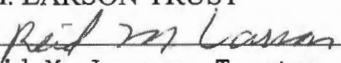
BY: 
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: 02/20/2022

DATE: 02/22/22

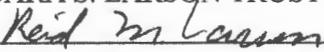
RESPONDENTS

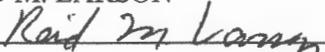
REID'S SERVICE CENTER, INC.

By: Reid M. Larson, President

REID M. LARSON TRUST

By: Reid M. Larson, Trustee

DATE: 02/17/2022

DATE: 02/17/2022

BARBARA S. LARSON TRUST

By: Reid M. Larson, Successor Trustee

REID M. LARSON


DATE: 02/17/2022

DATE: 02/17/2022

the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

3. The parties have reached agreement on all outstanding issues in this matter.

4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2020)

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2020).

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/Brian Navarrete
BRIAN M. NAVARRETE
Environmental Bureau
Assistant Attorney General
Illinois Attorney General
500 South Second Street
Springfield, Illinois 62701
(217) 782-9031
Brian.Navarrete@ilag.gov

CERTIFICATE OF SERVICE

I hereby certify that I did on March 4, 2022, send as indicated a true and correct copy of the documents entitled Notice of Filing, Complaint, Stipulation, Motion for Relief from Hearing Requirements and Certificate of Service to the following.

David L. Wentworth II
dwentworth@hgsuw.com

Reid M. Larson
Reid Service Center, Inc.
Reid M. Larson Trust
Barbara S. Larson Trust - Successor Trustee
5830 North Mar Vista Drive
Peoria, IL 61614
Via Certified Mail

s/Lilia M. Brown
Lilia M. Brown
Administrative Clerk

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil , Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

s/Lilia M. Brown
Lilia M. Brown
Administrative Clerk