

Service List

Pedro Bonilla, Registered Agent
South Side Equipment Inc.
1 Westbrook Corporate Center, Suite 300
Westchester, IL 60154

Daniel A. Rossini, Registered Agent
Illinois Tire Recycling Corporation
1 Westbrook Corporate Center, Suite 300
Westchester, IL 60154

CERTIFICATE OF SERVICE

I, Kevin Garstka, an Assistant Attorney General, certify that on the 25th day of April, 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 by certified mail with return receipt.

/s/ Kevin Garstka
Kevin Garstka
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(773) 590-7029
Kevin.Garstka@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.)	No.
)	
SOUTH SIDE EQUIPMENT, INC.,)	
an Illinois corporation, and ILLINOIS)	
TIRE RECYCLING CORPORATION,)	
an Illinois corporation,)	
)	
Respondents.)	

COMPLAINT

Complainant, 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, complains of the Respondents, SOUTH SIDE EQUIPMENT, INC., an Illinois corporation, and ILLINOIS TIRE RECYCLING CORPORATION, an Illinois corporation, as follows:

COUNT I

VIOLATION OF TIRE MANAGEMENT STANDARDS

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”), against SOUTH SIDE EQUIPMENT, INC. (“South Side”) and ILLINOIS TIRE RECYCLING CORPORATION (“Illinois Tire Recycling”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

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

3. Illinois Tire Recycling is located at 4845 West Ogden Avenue, Cicero, Cook County, Illinois (“Site”).

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

5. At all times relevant to the Complaint, South Side owned and owns the Site and Illinois Tire Recycling leased and leases space at the Site for tire recycling.

6. At all times relevant to the Complaint, South Side was and is an Illinois corporation authorized to do business in the State of Illinois.

7. At all times relevant to the Complaint, Illinois Tire Recycling was and is an Illinois corporation authorized to do business in the State of Illinois.

8. On February 21, 2019, an Illinois EPA inspector conducted an inspection at the Site to determine whether it was in compliance with Illinois statutes and regulations governing the retail and storage of tires at the Site.

9. At the time of the February 21, 2019 inspection, approximately 6,000 tires were stored both outside and inside the building at the Site.

10. During the February 21, 2019 inspection, many off-rim tires were stored outside the building, capable of accumulating water, located within fifty feet of both the building and property boundary at the Site.

11. On April 10, 2019, Illinois EPA issued violation notices to South Side and Illinois Tire Recycling concerning the presence of tires at the Site capable of accumulating water stored

outside, too close to a building, and too close to a property boundary. Illinois EPA also issued violation notices to South Side and Illinois Tire for not submitting to Illinois EPA a used/waste tire activity notification and registration form, paying the required fee, obtaining a permit, and failing to submit to Illinois EPA a tire storage plan, daily tire record, annual tire summary, tracking receipts, and contingency plan.

12. On June 14, 2019, Illinois EPA entered into Compliance Commitment Agreements (“CCAs”) with South Side and Illinois Tire Recycling requiring, amongst other things, that no used or waste tires were to be stored outside any building at the Site unless protocols were initiated to ensure compliance with applicable laws and regulations.

13. On July 2, 2020, Illinois EPA conducted another inspection of the Site to determine if the Respondents were complying with the CCA.

14. At the time of the July 2, 2020 inspection, significantly more than 50 used tires, capable of accumulating water, and some containing water, were located outside at the Site in the driveway/parking area on the East side of the building, where they were exposed to the environment, within fifty feet of the building.

15. Also, at the time of the July 2, 2020 inspection, significantly more than 50 used tires, capable to accumulating water, and some containing water, were located outside at the Site inside a fence and close to overhanging vegetation on the Southwest side of the property, within fifty feet of the property boundary.

16. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides as follows:

"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.

17. South Side and Illinois Tire, both corporations, are each a “person” within the meaning of Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

18. Section 54.10 of the Act, 415 ILCS 5/54.10 (2020), provides as follows:

“Tire” means a hollow ring, made of rubber or similar materials, which was manufactured for the purpose of being placed on the wheel rim of a vehicle.

19. The tires present at the Site during the inspections constitute “tires” within the meaning of Section 54.10 of the Act, 415 ILCS 5/54.10 (2020).

20. Section 54.13 of the Act, 415 ILCS 5/54.13 (2020), provides the following definition:

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

21. The tires present at the Site during the inspections of the Site were “used tires” within the meaning of Section 54.13 of the Act, 415 ILCS 5/54.13 (2020), and are therefore subject to provisions of the Act that pertain to used tires.

22. Section 54.09 of the Act, 415 ILCS 5/54.09 (2020), provides as follows:

“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.

23. The Respondents accumulated used tires without disposing them, and thus the tires located at the Site constituted “storage” within the meaning of Section 54.09 of the Act, 415 ILCS 5/54.09 (2020).

24. Section 54.12 of the Act, 415 ILCS 5/54.12 (2020), provides the following definition:

“Tire storage site” means a site where used tires are stored or processed, other than (1) the site at which the tires were separated from the vehicle

wheel rim, (2) the site where the used tires were accepted in trade as part of a sale of new tires, or (3) a site at which tires are sold at retail in the regular course of business, and at which not more than 250 used tires are kept at any time or (4) a facility at which tires are sold at retail provided that the facility maintains less than 1300 recyclable tires, 1300 tire carcasses, and 1300 used tires on site and those tires are stored inside a building or so that they are prevented from accumulating water.

25. Because the Respondents stored and processed tires in the regular course of business and, beginning on July 2, 2020, on a date or dates best known to Respondents, had more than 1,300 used tires on Site, the Site is a “tire storage site” within the meaning of Section 54.12 of the Act, 415 ILCS 5/54.12 (2020).

26. Sections 55(a)(4) and (e) of the Act, 415 ILCS 5/55(a)(4) and (e) (2020), provide as follows:

a. No person shall:

* * *

(4) Cause or allow the operation of a tire storage site except in compliance with Board regulations.

* * *

e. No person shall cause or allow the storage, disposal, treatment or processing of any used or waste tire in violation of any regulation or standard adopted by the Board.

27. Sections 848.202(a)(1)(B)-(C) of the Illinois Pollution Control Board Regulations governing used and waste tires (“Board Tire Regulations”), 35 Ill. Adm. Code 848.202(a)(1)(B)-(C) provide as follows:

b. Owners and operators of any site at which more than 50 used or waste tires are located at any one time must comply with the following requirements:

(1) No used or waste tires shall be placed or accumulated outside of a building or fully enclosed container, unless the used or waste tires are placed on or accumulated in a storage pile that is separated from:

- (B) all buildings, whether on or off site, by a firebreak that is not less than 50 feet wide;
- (C) all of the site's property boundaries by a firebreak that is not less than 50 feet wide;

28. At the time of the February 21, 2019 and July 2, 2020 inspections at the Site, Respondents stored more than fifty (50) used tires at the Site. Furthermore, Respondent Illinois Tire Recycling is an operator of the Site and Respondent South Side is the owner of the Site. As a result, Respondents Illinois Tire Recycling and South Side are subject to the tire storage requirements of Sections 848.202(a)(1)(B)-(C) of the Board Tire Regulations, 35 Ill. Adm. Code 848.202(a)(1)(B)-(C).

29. On July 2, 2020, on a date or dates best known to Respondents, by causing or allowing the storage of used and waste tires in storage piles within fifty feet of the building and Site's property boundary, Respondent Illinois Tire Recycling as operator of the Site and Respondent South Side as owner of the Site each violated Sections 848.202(a)(1)(B)-(C) of the Board Tire Regulations, 35 Ill. Adm. Code 848.202(a)(1)(B)-(C).

30. By violating Sections 848.202(a)(1)(B)-(C) of the Board Tire Regulations, 35 Ill. Adm. Code 848.202(a)(1)(B)-(C), Respondent Illinois Tire Recycling as operator of the Site and Respondent South Side as owner of the Site each thereby also violated Sections 55(a)(4) and (e) of the Act, 415 ILCS 5/55(a)(4) and (e) (2020).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondents, SOUTH SIDE EQUIPMENT, INC. and ILLINOIS TIRE RECYCLING CORPORATION, with respect to Count I:

1. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
2. Finding that Respondent Illinois Tire Recycling as operator of the Site and Respondent South Side as owner of the Site each violated Sections 848.202(a)(1)(B)-(C) of the Board Tire Regulations, 35 Ill. Adm. Code 848.202(a)(1)(B)-(C), and Sections 55(a)(4) and (e) of the Act, 415 ILCS 5/55(a)(4) and (e) (2020);
3. Ordering the Respondents to cease and desist from any future violations of Sections 848.202(a)(1)(B)-(C) of the Board Tire Regulations, 35 Ill. Adm. Code 848.202(a)(1)(B)-(C), and Sections 55(a)(4) and (e) of the Act, 415 ILCS 5/55(a)(4) and (e) (2020);
4. Assessing a civil penalty against both Respondent Illinois Tire Recycling as operator of the Site and Respondent South Side as owner of the Site of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and any pertinent regulations, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondents; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT II

WATER ACCUMULATION IN USED TIRES

- 1-21. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 21 of Count I as paragraphs 1 through 21 of this Count II.
22. At the time of the Illinois EPA's February 21, 2019 and July 2, 2020 inspections, water was present in many of the used tires at the Site.

23. At the time of the Illinois EPA's February 21, 2019 and July 2, 2020 inspections, used tires stored outside at the Site were capable of accumulating water.

24. Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2020), provides as follows:

(k) No person shall:

(1) Cause or allow water to accumulate in used or waste tires...

25. Section 848.202(a)(3) of the Board Tire Regulations, 35 Ill. Adm. Code 848.202(a)(3), provides as follows:

a. Owners and operators of any site at which more than 50 used or waste tires are located at any one time must comply with the following requirements:

* * *

(3) No used or waste tires shall be placed or accumulated on site unless they are drained of water and prevented from accumulating water thereafter.

26. On July 2, 2020, on a date or dates best known to Respondents, by causing or allowing water to accumulate in used tires at the Site and storing used tires at the Site in a manner capable of accumulating water, Respondent Illinois Tire Recycling as operator of the Site and Respondent South Side as owner of the Site each violated Section 848.202(a)(3) of the Board Tire Regulations, 35 Ill. Adm. Code 848.202(a)(3) and Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2020).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondents, SOUTH SIDE EQUIPMENT, INC. and ILLINOIS TIRE RECYCLING CORPORATION, with respect to Count II:

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

2. Finding that Respondent Illinois Tire Recycling as operator of the Site and Respondent South Side as owner of the Site each violated Section 848.202(a)(3) of the Board Tire Regulations, 35 Ill. Adm. Code 848.202(a)(3) and Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2020);

3. Ordering the Respondents to cease and desist from any future violations of Section 848.202(a)(3) of the Board Tire Regulations, 35 Ill. Adm. Code 848.202(a)(3) and Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2020);

4. Assessing a civil penalty against both Respondent Illinois Tire Recycling as operator of the Site and Respondent South Side as owner of the Site of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and any pertinent regulations, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondents; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT III

VIOLATION OF COMPLIANCE COMMITMENT AGREEMENT

1-19. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 17 of Count I and paragraphs 21-22 of Count II as paragraphs 1 through 19 of this Count II.

20. Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2020), provides, in pertinent part, as follows:

* * *

No person shall violate the terms and conditions of a Compliance Commitment Agreement entered into under subdivision (a)(7.5) of this Section.

21. On April 10, 2019, Illinois EPA issued Violation Notice (“VN”) Nos. L2019 - 00086 to Illinois Tire Recycling and L2019 - 00087 to South Side pursuant to Section 31(a)(1) of the Act, 415 ILCS 5/31(a)(1) (2020), for violations observed during the February 21, 2019 inspection.

22. On May 6, 2019, Illinois EPA received from Respondents terms for a proposed CCA pursuant to Section 31(a)(2)(B) of the Act, 415 ILCS 5/31(a)(2)(B) (2020).

23. On June 14, 2019, each of the Respondents and Illinois EPA entered into a CCA pursuant to Section 31(a)(7.5) of the Act, 415 ILCS 5/31(a)(7.5) (2020). A true and correct copy of the Illinois Tire Recycling CCA is attached hereto as Exhibit 1 and the South Side CCA as Exhibit 2.

24. Section III.5(a)(i) of the Illinois Tire Recycling and South Side CCAs provide as follows:

Respondent agrees to undertake and complete the following actions, which the Illinois EPA has determined are necessary to address the alleged violations set forth in the VN:

a) Tire Storage

- i. Immediately upon execution of this CCA, Respondent will not store any used or waste tires outside of any building located at the subject property, unless Respondent initiates protocols to ensure compliance with applicable Illinois law and Board regulations.

25. At the time of the July 2, 2020 inspection, and on dates better known to Respondents, Respondents stored used tires outside at the Site, exposed to the environment, capable of accumulating water, and some containing water, within fifty feet of the building and property line.

26. Respondents, by storing used tires outside at the Site, exposed to the environment, capable of accumulating water, and some containing water, within fifty feet of the building and property line, violated Section III.5(a)(i) of the CCAs.

27. By violating Section III.5(a)(i) of each of the CCAs, Respondents violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2020).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondents, SOUTH SIDE EQUIPMENT, INC. and ILLINOIS TIRE RECYCLING CORPORATION, with respect to Count III:

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

2. Finding that both Respondent Illinois Tire Recycling as operator of the Site and Respondent South Side as owner of the Site have violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2020);

3. Ordering the Respondents to cease and desist from any future violations of Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2020);

4. Assessing a civil penalty against each of the Respondents of Two Thousand Dollars (\$2,000.00) pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k) (2020);

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

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6. Granting such other relief as this Court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS
ex rel. 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

KEVIN J. GARSTKA
Assistant Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
(773)-590-7029
Primary e-mail: kevin.garstka@ilag.gov
Secondary email: maria.cacaccio@ilag.gov

EXHIBIT 1

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
South Side Equipment – Illinois)
Tire Recycling)
Cicero / Cook County) ILLINOIS EPA VN L-2019-00086
LPC#0310510041) BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and Illinois Tire Recycling (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“the Act”). 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

2. Respondent operates a used tire shredding and storage facility located at 4845 West Ogden Avenue in Cicero, Illinois (“the subject property”). Pursuant to Violation Notice L-2019-00086 (“the VN”), issued on April 10, 2019, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board (“Board”) Regulations:
- a) 415 ILCS 5/21(k);
 - b) 415 ILCS 5/55(a)(4);
 - c) 415 ILCS 5/55(c);
 - d) 415 ILCS 5/55(d-5);
 - e) 415 ILCS 5/55(e);
 - f) 415 ILCS 5/55(k)(1);
 - g) 415 ILCS 5/55.6(b);
 - h) 35 Ill. Adm. Code 848.202(a)(1)(B);

- i) 35 Ill. Adm. Code 848.202(a)(1)(C);
- j) 35 Ill. Adm. Code 848.202(a)(3);
- k) 35 Ill. Adm. Code 848.202(b)(1);
- l) 35 Ill. Adm. Code 848.202(b)(2);
- m) 35 Ill. Adm. Code 848.202(b)(3);
- n) 35 Ill. Adm. Code 848.203(a);
- o) 35 Ill. Adm. Code 848.203(c);
- p) 35 Ill. Adm. Code 848.203(d);
- q) 35 Ill. Adm. Code 848.204(c)(1)(A);
- r) 35 Ill. Adm. Code 848.204(c)(1)(B);
- s) 35 Ill. Adm. Code 848.204(c)(1)(C);
- t) 35 Ill. Adm. Code 848.204(c)(2);
- u) 35 Ill. Adm. Code 848.204(c)(3);
- v) 35 Ill. Adm. Code 848.302(a)(1);
- w) 35 Ill. Adm. Code 848.302(a)(2);
- x) 35 Ill. Adm. Code 848.302(a)(3);
- y) 35 Ill. Adm. Code 848.303(a);
- z) 35 Ill. Adm. Code 848.303(b);
- aa) 35 Ill. Adm. Code 848.303(c);
- bb) 35 Ill. Adm. Code 848.304(a);
- cc) 35 Ill. Adm. Code 848.304(b);
- dd) 35 Ill. Adm. Code 848.304(c);
- ee) 35 Ill. Adm. Code 848.305;

- ff) 35 Ill. Adm. Code 848.307; and
- gg) 35 Ill. Adm. Code 848.701(a).

III. Compliance Activities

3. On May 6, 2019, the Illinois EPA received Respondent's response to the VN, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
4. By signing this CCA, Respondent certifies that, as of the date of execution of this CCA, the following actions, which the Illinois EPA has determined are necessary to address the alleged violations set forth in the VN, have been completed:
 - a) Respondent has relocated all used or waste tires inside a building at the subject property
 - b) Respondent has initiated protocols to ensure used or waste tires stored at the subject property are prevented from accumulating water and vector proliferation.
 - c) Respondent has completed and submitted a Used and/or Waste Tire Activity Notification and Registration form to the Illinois EPA.
 - d) Respondent has remitted the \$100 annual tire storage site registration fee for calendar year 2019 to the Illinois EPA.
5. Respondent agrees to undertake and complete the following actions, which the Illinois EPA has determined are necessary to address the alleged violations set forth in the VN:
 - a) Tire Storage.
 - i) Immediately upon execution of this CCA, Respondent will not store any used or waste tires outside of any building located at the subject property, unless Respondent initiates protocols to ensure compliance with applicable Illinois law and Board regulations.
 - ii) Respondent will not store more than 5,000 used or waste tires at the subject property without initiating protocols to ensure compliance with applicable Illinois law and Board regulations.
 - b) Use of Tire Tracking Receipts. Immediately upon execution of this CCA, Respondent will initiate protocols to ensure the use of tire tracking receipts, using forms prescribed by the Illinois EPA, for the transportation of any used or waste tires to or from the subject property by any entity operating at the subject property. Loads

of more than 20 tires must be hauled by a registered tire transporter. Copies of the tire tracking receipts must be readily available for review by the Illinois EPA.

- c) **Tire Storage Permit.** Within 90 calendar days of execution of this CCA, Respondent will complete and submit an Application for Used Tire Storage and/or Processing Permit form. The permit application form should be submitted to:

*Illinois EPA
Attn: Todd Marvel - Mail Code 24
1021 North Grand Avenue East
Springfield, Illinois 62794-9276*

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

IV. Terms and Conditions

6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VN.
7. This CCA is solely intended to address the violations alleged in the VN. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA 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 Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations.
8. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.
9. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants,

acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's business or property.

10. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.

11. This CCA shall only become effective:

a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:

James Jennings
— Manager, Waste Reduction and Compliance Section
Illinois EPA
1021 North Grand Ave. East
Springfield, Illinois 62794

and

b) Upon execution by all Parties.

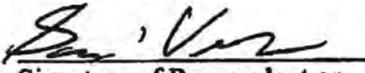
If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

12. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

AGREED:

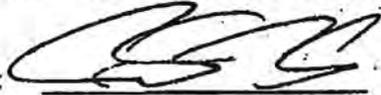
FOR RESPONDENT:

BY: 
Signature of Respondent or
Authorized Representative

DATE: 06-11-2019

Sandra Velez
Print or Type Name of Respondent
or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: 
James Jennings, Manager
Waste Reduction and Compliance Section
Bureau of Land

DATE: 6/14/19

EXHIBIT 2

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)

South Side Equipment – Illinois)
Tire Recycling)
Cicero / Cook County)
LPC#0310510041)

ILLINOIS EPA VN L-2019-00087
BUREAU OF LAND

COMPLIANCE COMMITMENT AGREEMENT

I. Jurisdiction

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Illinois Environmental Protection Agency (“Illinois EPA”) and South Side Equipment (“Respondent”) (collectively, the “Parties”) under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“the Act”). 415 ILCS 5/31(a)(7)(i).

II. Alleged Violations

2. Respondent owns the property located at 4845 West Ogden Avenue in Cicero, Illinois (“the subject property”). Pursuant to Violation Notice L-2019-00087 (“the VN”), issued on April 10, 2019, the Illinois EPA contends that Respondent has violated the following provisions of the Act and Illinois Pollution Control Board (“Board”) Regulations:
 - a) 415 ILCS 5/21(k);
 - b) 415 ILCS 5/55(a)(4);
 - c) 415 ILCS 5/55(c);
 - d) 415 ILCS 5/55(d-5);
 - e) 415 ILCS 5/55(e);
 - f) 415 ILCS 5/55(k)(1);
 - g) 415 ILCS 5/55.6(b);
 - h) 35 Ill. Adm. Code 848.202(a)(1)(B);

- i) 35 Ill. Adm. Code 848.202(a)(1)(C);
- j) 35 Ill. Adm. Code 848.202(a)(3);
- k) 35 Ill. Adm. Code 848.202(b)(1);
- l) 35 Ill. Adm. Code 848.202(b)(2);
- m) 35 Ill. Adm. Code 848.202(b)(3);
- n) 35 Ill. Adm. Code 848.203(a);
- o) 35 Ill. Adm. Code 848.203(c);
- p) 35 Ill. Adm. Code 848.203(d);
- q) 35 Ill. Adm. Code 848.204(c)(1)(A);
- r) 35 Ill. Adm. Code 848.204(c)(1)(B);
- s) 35 Ill. Adm. Code 848.204(c)(1)(C);
- t) 35 Ill. Adm. Code 848.204(c)(2);
- u) 35 Ill. Adm. Code 848.204(c)(3);
- v) 35 Ill. Adm. Code 848.302(a)(1);
- w) 35 Ill. Adm. Code 848.302(a)(2);
- x) 35 Ill. Adm. Code 848.302(a)(3);
- y) 35 Ill. Adm. Code 848.303(a);
- z) 35 Ill. Adm. Code 848.303(b);
- aa) 35 Ill. Adm. Code 848.303(c);
- bb) 35 Ill. Adm. Code 848.304(a);
- cc) 35 Ill. Adm. Code 848.304(b);
- dd) 35 Ill. Adm. Code 848.304(c);
- ee) 35 Ill. Adm. Code 848.305;
- ff) 35 Ill. Adm. Code 848.307; and

gg) 35 Ill. Adm. Code 848.701(a).

III. Compliance Activities

3. On May 6, 2019, the Illinois EPA received Respondent's response to the VN, which included proposed terms for a CCA. The Illinois EPA has reviewed Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.
4. By signing this CCA, Respondent certifies that, as of the date of execution of this CCA, the following actions, which the Illinois EPA has determined are necessary to address the alleged violations set forth in the VN, have been completed:
 - a) Respondent has relocated all used or waste tires inside a building at the subject property
 - b) Respondent has initiated protocols to ensure used or waste tires stored at the subject property are prevented from accumulating water and vector proliferation.
 - c) Respondent has completed and submitted a Used and/or Waste Tire Activity Notification and Registration form to the Illinois EPA.
 - d) Respondent has remitted the \$100 annual tire storage site registration fee for calendar year 2019 to the Illinois EPA.
5. Respondent agrees to undertake and complete the following actions, which the Illinois EPA has determined are necessary to address the alleged violations set forth in the VN:
 - a) Tire Storage.
 - i) Immediately upon execution of this CCA, Respondent will not store any used or waste tires outside of any building located at the subject property, unless Respondent initiates protocols to ensure compliance with applicable Illinois law and Board regulations.
 - ii) Respondent will not store more than 5,000 used or waste tires at the subject property without initiating protocols to ensure compliance with applicable Illinois law and Board regulations.
 - b) Use of Tire Tracking Receipts. Immediately upon execution of this CCA, Respondent will initiate protocols to ensure the use of tire tracking receipts, using forms prescribed by the Illinois EPA, for the transportation of any used or waste tires to or from the subject property by any entity operating at the subject property. Loads

of more than 20 tires must be hauled by a registered tire transporter. Copies of the tire tracking receipts must be readily available for review by the Illinois EPA.

The Illinois EPA will conduct a follow-up inspection to verify that Respondent has returned to compliance with the alleged violations identified in Section II of this CCA.

IV. Terms and Conditions

6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VN.
7. This CCA is solely intended to address the violations alleged in the VN. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA 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 Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.
8. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.
9. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's business or property.
10. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.
11. This CCA shall only become effective:

- a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:

James Jennings
 Manager, Waste Reduction and Compliance Section
 Illinois EPA
 1021 North Grand Ave. East
 Springfield, Illinois 62794

and

- b) Upon execution by all Parties.

If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.

- 12. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

AGREED:

FOR RESPONDENT:

BY: 
 Signature of Respondent or
 Authorized Representative

DATE: 6/11/19

Dan Rossini
 Print or Type Name of Respondent
 or Authorized Representative and Title

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:

BY: 
 James Jennings, Manager
 Waste Reduction and Compliance Section
 Bureau of Land

DATE: 6/14/19