

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME ROAUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No.
)	(Enforcement – Land)
ROYAL CREATION INC., an Illinois)	
corporation, and STEFON GIVENS, an)	
individual,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Persons on Attached Service List (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the Complaint, a true and correct copy of which is attached hereto 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.

Respectfully submitted,

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

By: /s/ Molly Kordas
Molly Kordas
Taylor Desgrosseilliers
Assistant Attorneys General
Environmental Bureau
Illinois Attorney General's Office
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Date: January 17, 2025

Service List

ROYAL CREATION INC.
c/o Kiera Givens, Registered Agent
1129 Cedar Street, Apt. 1A
Glendale Heights, IL 60189

Stefon Givens
206 W. Division Street
Villa Park, IL 60181

CERTIFICATE OF SERVICE

I, Molly Kordas, an Assistant Attorney General, certify that on the 17th day of January, 2025, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List by certified mail with return receipt.

/s/ Molly Kordas

Molly Kordas

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

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)	
Respondents.)	
)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), complains of ROYAL CREATION INC., an Illinois corporation, and STEFON GIVENS, an individual, (“Respondents”), as follows:

COUNT I
WATER POLLUTION

1. This Complaint 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 Respondent Royal Creation Inc., an Illinois corporation, and on the Attorney General’s own motion against Respondent Stefon Givens, an individual, pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

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 (2022), and charged with, *inter alia*, the duty of enforcing the Act.

3. Royal Creation Inc. (“Royal Creation”) is an Illinois corporation registered with the Office of the Illinois Secretary of State.

4. At all times relevant to this Complaint, Stefon Givens was and is an individual.

5. At all times relevant to this Complaint, Royal Creation has operated and continues to operate an interstate commercial trucking business.

6. Stefon Givens is the president of Royal Creation.

7. On October 19, 2020, a truck operated by Stefon Givens was involved in a collision at or near the intersection of Argo Fay Route and Thomson Road in Carroll County, Illinois (the “Collision Site”), less than one mile from an unnamed tributary to Johnson Creek.

8. The collision caused at least one of the truck’s two saddle fuel tanks to rupture, resulting in the release of up to 300 gallons of diesel fuel at the Collision Site.

9. The Village of Thomson Fire Department and a towing and roadside recovery service responded to the incident and diked the area near the unnamed tributary.

10. On October 19, 2020, the Carroll County Emergency Management Agency reported the incident to the Illinois Emergency Management Agency (“IEMA”).

11. Following the day of the collision, the area received approximately two inches of rain.

12. On October 23, 2020, an Illinois EPA inspector visited the Collision Site (“October 23, 2020 Illinois EPA Inspection”).

13. At the time of the October 23, 2020 Illinois EPA Inspection, the following conditions were present at the Collision Site:

- a. Absorbent booms placed near the site of the spill;
- b. A puddle of unidentifiable liquid on the ground; and

c. A noticeable sheen on the surface of the puddle on the ground.

14. At the time of the October 23, 2020 Illinois EPA Inspection, the Respondents had not performed any remediation of the Collision Site.

15. On October 26, 2020, Stefon Givens reported the collision and release of diesel fuel to IEMA.

16. Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), 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.

17. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

18. Royal Creation, an Illinois corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

19. Stefon Givens, an individual, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

20. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides the following definition:

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

21. Diesel fuel is a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

22. Section 3.550 of the Act, 415 ILCS 5/3.550 (2022), 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 throughout, or border upon this State.

23. Johnson Creek and its unnamed tributary are each “waters” of the State of Illinois as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2022).

24. Section 3.545 of the Act, 415 ILCS 5/3.545 (2022), provides as follows:

“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.

25. As operator of the vehicle involved in the collision, Respondent Stefon Givens caused, allowed, or threatened the discharge of diesel fuel, a contaminant, into an unnamed tributary to Johnson Creek.

26. As operator of the vehicle through its employee and agent Stefon Givens, Respondent Royal Creation caused, allowed, or threatened the discharge of diesel fuel, a contaminant, into an unnamed tributary to Johnson Creek.

27. The Respondents’ discharge of diesel fuel into waters of the State created or was 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, and therefore

constituted “water pollution” as that term is defined by Section 3.545 of the Act, 415 ILCS 5/3.545 (2022).

28. By their acts and omissions, the Respondents each caused, threatened, and/or allowed the discharge of contaminants into the environment so as to cause or tend to cause water pollution in Illinois, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, STEFON GIVENS, an individual, and Respondent, ROYAL CREATION INC., an Illinois corporation, with respect to Count I:

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

2. Finding that the Respondents have each violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);

3. Ordering the Respondents to cease and desist from any future violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);

4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Respondents to pay all costs, including attorney, expert witness, and consultant fees, expended by the State in its pursuit of this action; and

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

COUNT II
CREATING A WATER POLLUTION HAZARD

1-26. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 15 and 17 through 27 of Count I, as paragraphs 1 through 26 of this Count II.

27. Section 12(d) of the Act, 415 ILCS 5/12(d) (2022), 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.

28. On or about October 19, 2020, as operator of the vehicle involved in the collision, Respondent Stefon Givens caused diesel fuel, a contaminant, to be deposited onto the ground at the Collision Site near an unnamed tributary to Johnson Creek such that it was capable of flowing into Johnson Creek, thereby creating a water pollution hazard in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022).

29. On or about October 19, 2020, as operator of the vehicle through its employee and agent Stefon Givens, Respondent Royal Creation caused diesel fuel, a contaminant, to be deposited onto the ground at the Collision Site near an unnamed tributary to Johnson Creek such that it was capable of flowing into Johnson Creek, thereby creating a water pollution hazard in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, STEFON GIVENS, an individual, and Respondent, ROYAL CREATION INC., an Illinois corporation, with respect to Count II:

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

2. Finding that the Respondents have each violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2022);

3. Ordering the Respondents to cease and desist from any future violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022);

4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Respondents to pay all costs, including attorney, expert witness, and consultant fees, expended by the State in its pursuit of this action; and

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

COUNT III
OPEN DUMPING OF WASTE

1-18. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 15 and 17 through 19 of Count I, as paragraphs 1 through 18 of this Count III.

19. Section 21(a) of the Act, 415 ILCS 5/21(a) (2022), provides as follows:

No person shall:

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

20. Section 3.535 of the Act, of the Act, 415 ILCS 5/3.535 (2022), provides as follows:

“Waste” means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.135 [415 ILCS 5/3.135], or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended [33 U.S.C. § 1342], or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) [42 U.S.C. § 2011 et seq.] or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) [30 U.S.C. § 1201 et seq.] or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto.

21. Section 3.385 of the Act, 415 ILCS 5/3.385 (2022), provides as follows:

“REFUSE” means waste.

22. The spilled diesel fuel is discarded material and is therefore “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2022), and also “refuse” as defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2022).

23. Section 3.185 of the Act, 415 ILCS 5/3.185 (2022), 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.

24. As operator of the vehicle involved in the collision, Respondent Stefon Givens caused and/or allowed the discharge, deposit, dumping, spilling, leaking or placing of waste at the Collision Site in a manner such that the waste entered the environment or was discharged into an unnamed tributary to Johnson Creek, and therefore constitutes “disposal” as that term is defined by Section 3.185 of the Act, 415 ILCS 5/3.185 (2022).

25. As operator of the vehicle through its employee and agent Stefon Givens, Respondent Royal Creation caused and/or allowed the discharge, deposit, dumping, spilling, leaking or placing of waste at the Collision Site in a manner such that the waste entered the environment or was discharged into an unnamed tributary to Johnson Creek, and therefore constitutes “disposal” as that term is defined by Section 3.185 of the Act, 415 ILCS 5/3.185 (2022).

26. Section 3.460 of the Act, 415 ILCS 5/3.460 (2022), 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.

27. The Collision Site is a location or place which is used for purposes subject to

regulation under the Act and regulations thereunder, and is therefore a “site” as that term is defined by Section 3.460 of the Act, 415 ILCS 5/3.460 (2022).

28. Section 3.305 of the Act, 415 ILCS 5/3.305 (2022), 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.

29. Section 3.445 of the Act, 415 ILCS 5/3.445 (2022), provides, in pertinent part, as follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580 . . .

30. Illinois EPA has never issued the Respondents a permit for the disposal of waste at the Collision Site.

31. At all times relevant to this Complaint, the Collision Site was not permitted by Illinois EPA for the disposal of waste on land, and thus did not fulfill the requirements of a sanitary landfill as defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2022).

32. By causing and/or allowing the discharge, deposit, dumping, spilling, leaking, and/or placing of waste at the Collision Site, which was not permitted by Illinois EPA for the disposal of waste, the Respondents each caused or allowed the open dumping of waste and thereby violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, STEFON GIVENS, an individual, and Respondent, ROYAL CREATION INC., an Illinois corporation, with respect to Count III:

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

2. Finding that the Respondents have each violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2022);
3. Ordering the Respondents to cease and desist from any future violations of Section 21(a) of the Act, 415 ILCS 5/21(a) (2022);
4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Ordering the Respondents to pay all costs, including attorney, expert witness, and consultant fees, expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT IV
CONDUCTING A WASTE DISPOSAL OPERATION WITHOUT A PERMIT

1-25. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 15 and 17 through 19 of Count I, and paragraphs 20 through 25, and paragraph 30 of Count III, as paragraphs 1 through 25 of this Count IV.

26. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1)(2022), 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....

27. By causing or allowing the discharge, deposit, dumping, spilling, leaking, or placing of diesel fuel on the ground at the Collision Site, Respondent Stefon Givens, as operator of the vehicle involved in the collision, caused or allowed the disposal of waste at the Collision

Site, and thereby conducted a waste disposal operation, without application for or obtaining a permit from Illinois EPA.

28. By causing or allowing the discharge, deposit, dumping, spilling, leaking, or placing of diesel fuel on the ground at the Collision Site, Respondent Royal Creation, as operator of the vehicle through its employee and agent Stefon Givens, caused or allowed the disposal of waste at the Collision Site, and thereby conducted a waste disposal operation, without application for or obtaining a permit from Illinois EPA.

29. By conducting a waste disposal operation without an Illinois EPA-issued permit, the Respondents each violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, STEFON GIVENS, an individual, and Respondent, ROYAL CREATION INC., an Illinois corporation, with respect to Count IV:

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

2. Finding that the Respondents have each violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2022);

3. Ordering the Respondents to cease and desist from any future violations of Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2022);

4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Respondents to pay all costs, including attorney, expert witness, and consultant fees, expended by the State in its pursuit of this action; and

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

COUNT V
WASTE DISPOSAL AT AN UNPERMITTED SITE

1-28. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 15 and 17 through 19 of Count I, and paragraphs 20 through 27, 30 and 31 of Count III, as paragraphs 1 through 28 of this Count V.

29. Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), provides, in pertinent part, 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.

30. Because Illinois EPA has never issued a permit for the disposal of waste at the Collision Site, the Collision Site fails to meet the requirements of the Act for the disposal, treatment, storage, or abandonment of waste.

31. On or about October 19, 2020, or on dates better known to the Respondents, Respondent Stefon Givens, as operator of the vehicle involved in the collision, disposed of waste at the Collision Site.

32. On or about October 19, 2020, or on dates better known to the Respondents, Respondent Royal Creation, as operator of the vehicle through its employee and agent Stefon Givens, disposed of waste at the Collision Site.

33. By disposing of waste at the Collision Site, which fails to meet the requirements of the Act, the Respondents each violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully

requests that the Board enter an Order against Respondent, STEFON GIVENS, an individual, and Respondent, ROYAL CREATION INC., an Illinois corporation, with respect to Count V:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
2. Finding that the Respondents have each violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2022);
3. Ordering the Respondents to cease and desist from any future violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2022);
4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Ordering the Respondents to pay all costs, including attorney, expert witness, and consultant fees, expended by the State in pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT VI
OPEN DUMPING RESULTING IN LITTER

1-32. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 15 and 17 through 19 of Count I, and paragraphs 19 through 32 of Count III, as paragraphs 1 through 32 of this Count VI.

33. Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022), 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. . . .

34. As a result of being a “disposal site” as defined in Sections 3.185 and 3.460 of the Act, 415 ILCS 5/3.185 and 3.460 (2022), the Collision Site is also a dump site.

35. Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2022), provides as follows:

“Litter” means any discarded, used or unconsumed substance or waste. “Litter” may include, but is not limited to, any garbage, trash, refuse, cigarettes, 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.

36. The spilled diesel fuel is a substance that the Respondents discarded, abandoned or otherwise disposed of improperly and is therefore “litter” as that term is defined by Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2022).

37. As operator of the vehicle involved in the collision, Respondent Stefon Givens caused or allowed the open dumping of waste resulting in litter at the Collision Site, and thereby violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022).

38. As operator of the vehicle through its employee and agent Stefon Givens, Respondent Royal Creation caused or allowed the open dumping of waste resulting in litter at the Collision Site, and thereby violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, STEFON GIVENS, an individual, and

Respondent, ROYAL CREATION INC., an Illinois corporation, with respect to Count VI:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
2. Finding that the Respondents have each violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022);
3. Ordering the Respondents to cease and desist from any future violations of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022);
4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Ordering the Respondents to pay all costs, including attorney, expert witness, and consultant fees, expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT VII
OPEN DUMPING RESULTING IN LIQUID DISCHARGE FROM THE DUMP SITE

1-33. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 15 and 17 through 19 of Count I, paragraphs 19 through 32 of Count III, and paragraph 34 of Count VI, as paragraphs 1 through 33 of this Count VII.

34. Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2022), 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 . . .

35. As operator of the vehicle involved in the collision, Respondent Stefon Givens caused or allowed the open dumping of diesel fuel, a waste, resulting in standing or flowing liquid discharge from the Collision Site, and thereby violated Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2022).

36. As operator of the vehicle through its employee and agent Stefon Givens, Respondent Royal Creation caused or allowed the open dumping of diesel fuel, a waste, resulting in standing or flowing liquid discharge from the Collision Site, and thereby violated Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, STEFON GIVENS, an individual, and Respondent, ROYAL CREATION INC., an Illinois corporation, with respect to Count VII:

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

2. Finding that the Respondents have each violated Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2022);

3. Ordering the Respondents to cease and desist from any future violations of Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2022);

4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Respondents to pay all costs, including attorney, expert witness, and consultant fees, expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board 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:
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