

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	No.
)	
FRANKLIN DISCOUNT TIRES, INC.,)	
an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

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

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the 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/ Taylor Desgrosseilliers
Taylor Desgrosseilliers
Assistant Attorney General
Environmental Bureau
69 W. Washington Street, 18th Floor
Chicago, Illinois 60602
(773) 505-5288
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Dated: July 2, 2025

SERVICE LIST

FRANKLIN DISCOUNT TIRES INC.

SHARABATEE, SAMIR
3101 MANNHEIM RD
FRANKLIN PARK, IL 60131-2398

CERTIFICATE OF SERVICE

I, Taylor Desgrosseilliers, an Assistant Attorney General, certify that on the 2nd day of July, 2025, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by depositing an envelope by certified mail with return receipt with the U.S. Post Office located at 115 S. LaSalle, Chicago, Illinois 60603.

/s/ Taylor Desgrosseilliers

Taylor Desgrosseilliers

Assistant Attorney General

Environmental Bureau

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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, complains of the Respondent, FRANKLIN DISCOUNT TIRES, INC., an Illinois corporation, as follows:

COUNT I
FAILURE TO PROPERLY STORE USED OR WASTE TIRES:
ALLOWING WATER TO ACCUMULATE IN TIRES

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 against FRANKLIN DISCOUNT TIRES, INC., an Illinois corporation (“Respondent”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

2. The Illinois Environmental Protection Agency (“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, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to the Complaint, Respondent was an Illinois corporation in good standing authorized to do business in the State of Illinois. Respondent was incorporated in the State of Illinois on November 29, 2018.

4. At all times relevant to this Complaint, Samir Sharabatee was and is Respondent's registered agent, President, and Secretary.

5. At all times relevant to the Complaint, Respondent owned or operated and continues to own or operate businesses located at 3101 Mannheim Road, Franklin Park, Cook County, Illinois ("Site"), selling new and used tires and providing related services.

6. As of the date of the filing of this Complaint, the Site is located in an area of Environmental Justice ("EJ") concern according to the Illinois EPA EJ Start map.

7. On April 23, 2019, Illinois EPA inspected the Site (the "First Inspection") to determine its compliance with used and waste tire management standards. At that time, 90 used or waste tires were stored outside at the Site in stacks on the ground and on racks, uncovered, in a manner that allowed water to accumulate in the tires.

8. On September 17, 2019, Illinois EPA conducted a follow-up inspection (the "Second Inspection") at the Site. At that time, approximately 110 used or waste tires were stored at the Site outside in stacks on the ground and on racks, uncovered, in a manner that allowed water to accumulate in the tires.

9. On December 13, 2019, Illinois EPA conducted another follow-up inspection (the "Third Inspection") at the Site. At that time, approximately 100 used or waste tires were stored at the Site outside in stacks on the ground and on racks, uncovered, in a manner that allowed water to accumulate in the tires.

10. On January 27, 2021, Illinois EPA conducted a follow-up inspection (the "Fourth Inspection") at the Site. At that time, approximately 200 used or waste tires were stored at the Site outside in stacks on the ground and on racks, uncovered, in a manner that allowed water to accumulate in the tires. Some of the tires contained water.

11. On June 29, 2021, Illinois EPA conducted a follow-up inspection (the “Fifth Inspection”) at the Site. At that time, approximately 200 used or waste tires were stored at the Site outside in stacks on the ground and on racks, uncovered, in a manner that allowed water to accumulate in the tires.

12. On January 17, 2024, Illinois EPA conducted another inspection (the “Sixth Inspection”) of the Site. At that time, approximately 30 used or waste tires were located stored at the Site outside and uncovered, in a manner that allowed water to accumulate in the tires.

13. On January 26, 2024, Respondent sent a picture to Illinois EPA showing the waste tires outside at the Site had been covered with a tarp.

14. Section 55(a)(3) of the Act, 415 ILCS 5/55(a)(3) (2022), provides as follows:

a. No person shall:

* * *

(3) Except at a tire storage site which contains more than 50 used tires, cause or allow the storage of any used tire unless the tire is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water.

15. Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2022), provides, in pertinent part, as follows:

(k) No person shall:

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

16. 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.

17. Respondent, a corporation, is a “person” within the meaning of Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

18. Sections 54.09, 54.10, 54.13, and 54.16 of the Act, 415 ILCS 5/54.09, 54.10, 54.13, and 54.16 (2022), provide the following definitions:

§ 54.09. “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.

§ 54.10. “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.

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

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

19. At the Site, Respondent engaged in the “storage” of “tires” that were “used tire[s]” and/or “waste tire[s]” as those terms are defined under Sections 54.09, 54.10, 54.13, and 54.16 of the Act, 415 ILCS 5/54.09, 54.10, 54.13, and 54.16 (2022).

20. Sections 54.01, 54.02, 54.03, and 54.07 of the Act, 415 ILCS 5/54.01, 54.02, 54.03, and 54.07 (2022), provide the following definitions:

§ 54.01. “Altered tire” means a used tire which has been altered so that it is no longer capable of holding accumulations of water, including, but not limited to, used tires that have been shredded, chopped, drilled with holes sufficient to assure drainage, slit longitudinally and stacked so as not to collect water, or wholly or partially filled with cement or other material to

prevent the accumulation of water. "Alteration" or "altering" means action which produces an altered tire.

§ 54.02. "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.

§ 54.03. "Covered tire" means a used tire located in a building, vehicle or facility with a roof extending over the tire, or securely located under a material so as to preclude exposure to precipitation.

§ 54.07. "Reprocessed tire" means a used tire which has been recapped, retreaded or regrooved and which has not been placed on a vehicle wheel rim.

21. The tires present at the Site during the Illinois EPA inspections were not altered, converted, covered, or reprocessed as those terms are defined under Sections 54.01, 54.02, 54.03, and 54.07 of the Act, 415 ILCS 5/54.01, 54.02, 54.03, and 54.07 (2022).

22. From at least April 23, 2019 to January 26, 2024, or a time better known to Respondent, Respondent caused or allowed the uncovered storage of between 90 and 200 used or waste tires at the Site without altering, reprocessing, converting, or otherwise taking any action to prevent the accumulation of water within the tires, in violation of Section 55(a)(3) of the Act, 415 ILCS 5/55(a)(3) (2022).

23. From at least April 23, 2019, or a time better known to Respondent, and continuing to January 26, 2024, Respondent caused or allowed water to accumulate in used or waste tires at the Site, in violation of Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, FRANKLIN DISCOUNT TIRES, INC., an Illinois corporation, with respect to Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Sections 55(a)(3) and 55(k)(1) of the Act, 415 ILCS 5/55(a)(3) and 55(k)(1) (2022);
3. Ordering Respondent to cease and desist from any further violations of Sections 55(a)(3) and 55(k)(1) of the Act, 415 ILCS 5/55(a)(3) and 55(k)(1) (2022);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Sections 55(a)(3) and 55(k)(1) of the Act, 415 ILCS 5/55(a)(3) and 55(k)(1) (2022), and an additional civil 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 Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT II

FAILURE TO MAINTAIN RECORDS OF TIRE DISPOSAL

1-16. Complainant realleges and incorporates herein by reference paragraphs 1 through 12 and 14 through 17 of Count I as paragraphs 1 through 16 of this Count II.

17. During Illinois EPA's First Inspection, Samir Sharabatee stated that K & S Tire Recycling, Inc. collects Respondent's used and waste tires, but did not maintain or provide any receipts for their most recent pickup of used or waste tires or any receipts for other pickups.

18. During the Second Inspection, Samir Sharabatee did not maintain or provide any receipts documenting the collection of Respondent's used or waste tires for disposal by a tire transporter.

19. During Illinois EPA's Third Inspection, Samir Sharabatee did not maintain or provide a receipt documenting that K & S Tire Recycling, Inc. or any other tire transporter had collected Respondent's used or waste tires for disposal.

20. At the time of Illinois EPA's Fourth Inspection, Samir Sharabatee did not maintain or provide Illinois EPA with any receipts documenting the collection of Respondent's used or waste tires for disposal by a tire transporter.

21. During Illinois EPA's Fifth Inspection, Samir Sharabatee did not maintain or provide any receipts documenting the collection of Respondent's used or waste tires from the Site for disposal by a tire transporter.

22. Following Illinois EPA's Fifth Inspection, Illinois EPA received documentation that on January 30, 2021, Illinois Tire Recycling, a registered tire transporter in Illinois, collected used or waste tires from the Site for disposal.

23. At the time of Illinois EPA's Sixth Inspection, Samir Sharabatee presented Respondent's four most recent receipts from K & S Tire Recycling, Inc., indicating that K & S Tire Recycling, Inc. had collected used or waste tires from the Site on September 20, 2023, November 8, 2023, November 15, 2023, and December 19, 2023.

24. Section 55(e) of the Act, 415 ILCS 5/55(e) (2022), provides as follows:

- (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.

25. Section 848.607(a) of the Pollution Control Board ("Board") Used and Waste Tire Regulations, 35 Ill. Adm. Code 848.607(a), provides as follows:

- (a) Upon receiving used or waste tires, a tire transporter must provide a receipt to the person from whom the used or waste tires are received. The person from whom the used or waste tires are received and the

tire transporter must each keep a copy of the receipt. The receipt must include all of the following: the signature of the person from whom the used or waste tires are received; the tire transporter's signature; the name and registration number of the tire transporter; the name, address, and telephone number of the site from which used or waste tires were transported; the date the used or waste tires were transported from the site; the number or weight, in tons, of used or waste tires transported from the site; and the destinations of the used or waste tires.

26. Section 54.12b of the Act, 415 ILCS 5/54.12b (2022) provides the following definition:

“Tire transporter” means a person who transports used or waste tires in a vehicle.

27. From at least April 23, 2019 until January 30, 2021, or a time best known to Respondent, Respondent failed to retain copies of the receipts provided by the tire transporter that received Respondent's used or waste tires.

28. By failing to retain copies of the receipts provided by the tire transporter that received its used or waste tires, Respondent violated Section 848.607(a) of the Board Used and Waste Tire Regulations, 35 Ill. Adm. Code 848.607(a), and thereby also violated Section 55(e) of the Act, 415 ILCS 5/55(e) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, FRANKLIN DISCOUNT TIRES, INC., an Illinois corporation, with respect to Count II:

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

2. Finding that Respondent violated Section 55(e) of the Act, 415 ILCS 5/55(e) (2022), and Section 848.607(a) of the Board Used and Waste Tire Regulations, 35 Ill. Adm. Code 848.607(a);

3. Ordering Respondent to cease and desist from any further violations of Section 55(e) of the Act, 415 ILCS 5/55(e) (2022), and Section 848.607(a) of the Board Used and Waste Tire Regulations, 35 Ill. Adm. Code 848.607(a);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 55(e) of the Act, 415 ILCS 5/55(e) (2022), and Section 848.607(a) of the Board Used and Waste Tire Regulations, 35 Ill. Adm. Code 848.607(a), and an additional civil 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 Respondent; and

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

COUNT III

FAILURE TO COLLECT RETAIL TIRE FEE FROM CUSTOMERS

1-18. Complainant realleges and incorporates herein by reference paragraphs 1 through 12 and 14 through 19 of Count I as paragraphs 1 through 18 of this Count III.

19. On April 23, 2019, at the time of Illinois EPA's First Inspection, Samir Sharabatee reported to Illinois EPA that he was not aware of the requirement to charge a \$2.50 fee per tire sold ("Tire User Fee"), the requirement that the Tire User Fee be included as a distinct item on customer invoices, or the requirement to remit those fees to the Illinois Department of Revenue ("Illinois DoR") and that Respondent neither charged the Tire User Fee nor remitted it to Illinois DoR.

20. On September 17, 2019, at the time of Illinois EPA's Second Inspection, Samir Sharabatee did not produce to Illinois EPA a customer invoice documenting a tire sale. Respondent

did not provide any documentation to Illinois EPA that the Tire User Fee was being charged, specifically as a distinct item on invoices for tire sales.

21. At the time of the Second Inspection, Illinois EPA contacted Illinois DoR, which stated the Site had neither submitted a quarterly return remitting the Tire User Fees to it nor registered as an entity required to do so.

22. On December 13, 2019, during Illinois EPA's Third Inspection, Samir Sharabatee did not provide to Illinois EPA any documentation showing that the Tire User Fee was being charged, specifically as a distinct item on tire sale invoices. However, Mr. Sharabatee claimed that he paid the Tire User Fee to Illinois DoR on behalf of Respondent.

23. On the day of the Third Inspection, Illinois DoR reported to Illinois EPA that the Site had not submitted a quarterly return remitting the Tire User Fees.

24. On January 27, 2021, at the time of Illinois EPA's Fourth Inspection, Illinois DoR reported to Illinois EPA that the Site had not submitted a quarterly return remitting any Tire User Fees.

25. On June 29, 2021, during Illinois EPA's Fifth Inspection, Samir Sharabatee did not produce for Illinois EPA a customer invoice that included the Tire User Fee. Mr. Sharabatee did not provide to Illinois EPA any documentation showing that the Tire User Fee was being charged, specifically as a distinct item on tire sale invoices.

26. Following the Fifth Inspection, Illinois EPA found that Respondent had submitted a quarterly return remitting the Tire User Fees to it and registered as an entity required to do so.

27. On January 17, 2024, during the Sixth Inspection, no receipts for tire sales to customers were available for Illinois EPA to review.

28. On January 22, 2024, Samir Sharabatee sent Illinois EPA copies of recent customer receipts for tires sales with the Tire User Fee properly included as a separate line item.

29. Sections 55.8(a)(1) and (1.5) of the Act, 415 ILCS 5/55.8(a)(1) and (1.5) (2022), provide 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:

(1) beginning on June 20, 2003 (the effective date of Public Act 93-32), collect from retail customers a fee of \$2 per new or used tire sold and delivered in this State, to be paid to the Department of Revenue and deposited into the Used Tire Management Fund, less a collection allowance of 10 cents per tire to be retained by the retail seller and a collection allowance of 10 cents per tire to be retained by the Department of Revenue and paid into the General Revenue Fund; the collection allowance for retail sellers, however, shall be allowed only if the return is filed timely and in the manner required by this Title XIV and only for the amount that is paid timely in accordance with this Title XIV;

(1.5) beginning on July 1, 2003, collect from retail customers an additional 50 cents per new or used tire sold and delivered in this State; the money collected from this fee shall be deposited into the Emergency Public Health Fund;

30. Section 55.9 of the Act, 415 ILCS 5/55.9 (2022), provides as follows:

Retailers shall collect the fee from the purchaser by adding the fee to the selling price of the tire. The fee imposed by Section 55.8 shall be stated as a distinct item separate and apart from the selling price of the tire. The fee imposed by Section 55.8 shall not be includable in the gross receipts of the retailer subject to the Retailers' Occupation Tax Act, the Use Tax Act or any locally imposed retailers' occupation tax. The fee imposed by Section 55.8, and any such fees collected by a retailer, shall constitute a debt owed by the retailer to this State.

31. Section 55(k)(2) of the Act, 415 ILCS 5/55(k)(2) (2022), provides as follows:

(k) No person shall:

* * *

(2) Fail to collect a fee required under Section 55.8 of this Title.

* * *

32. Because Respondent sold and continues to sell new or used tires at retail, they were and are required to collect from retail customers a fee of \$2.50 per tire sold at the Site by adding the fee to the selling price of the tires. From at least April 23, 2019 until January 22, 2024, or a time better known to Respondent, Respondent failed to collect a Tire User Fee for each tire sold.

33. From at least April 23, 2019 until June 29, 2021, or a time better known to Respondent, Respondent, a person selling new or used tires at retail, failed to include the Tire User Fee as a distinct item separate from the selling price of the tire.

34. By failing to collect a Tire User Fee for each tire sold, included as a distinct item separate from the selling price of the tire on the invoice, Respondent violated Sections 55.8(a)(1) and (1.5), and 55.9 of the Act, 415 ILCS 5/55.8(a)(1) and (1.5), and 55.9 (2022).

35. By violating Section 55.8(a)(1) and (1.5), 415 ILCS 5/55.8(a)(1) and (1.5) (2022), Respondent thereby violation Section 55(k)(2) of the Act, 415 ILCS 5/55(k)(2) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, FRANKLIN DISCOUNT TIRES, INC., an Illinois corporation, with respect to Count III:

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

2. Finding that Respondent violated Sections 55.8(a)(1) and (1.5), 55.9, and 55(k)(2) of the Act, 415 ILCS 5/55.8(a)(1) and (1.5), 55.9, and 55(k)(2) (2022);

3. Ordering Respondent to cease and desist from any further violations of Sections 55.8(a)(1) and (1.5), 55.9, and 55(k)(2) of the Act, 415 ILCS 5/55.8(a)(1) and (1.5), 55.9, and 55(k)(2) (2022);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Sections 55.8(a)(1) and (1.5), 55.9, and 55(k)(2) of the Act, 415 ILCS 5/55.8(a)(1) and (1.5), 55.9, and 55(k)(2) (2022), and an additional civil 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 Respondent; and

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

COUNT IV

FAILURE TO FILE A RETURN REQUIRED BY THE ACT

1-26. Complainant realleges and incorporates herein by reference paragraphs 1 through 12 and 14 through 17 of Count I and paragraphs 19 through 28 of Count III as paragraphs 1 through 26 of this Count IV.

27. During the First Inspection on April 23, 2019, Samir Sharabatee stated that he was not aware of the requirement that Respondent submit quarterly returns to Illinois DoR.

28. On September 17, 2019, Illinois DoR reported to Illinois EPA that the Site was not registered to submit quarterly returns.

29. On December 13, 2019, Illinois DoR reported to Illinois EPA that it had not received a quarterly return from the Site.

30. On January 27, 2021, Illinois DoR reported to Illinois EPA that it had not received a quarterly return from the Site.

31. Following the Fifth Inspection on June 29, 2021, Illinois EPA found that Respondent was registered and had submitted quarterly returns for the Site.

32. On January 17, 2024, the day of the Sixth Inspection, Illinois EPA contacted Illinois DoR, which reported that Respondent had submitted its quarterly return for the third quarter of 2023.

33. Section 55.10 of the Act, 415 ILCS 5/55.10 (2022), provides in pertinent part as follows:

(a) Except as otherwise provided in this Section, . . .

* * *

For returns due after January 31, 2010, each retailer of tires maintaining a place of business in this State shall make a return to the Department of Revenue on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of that year; with the return for April, May, and June of a given year being due by July 20 of that year; with the return for July, August, and September of a given year being due by October 20 of that year; and with the return for October, November, and December of a given year being due by January 20 of the following year.

34. Section 55(k)(3) of the Act, 415 ILCS 5/55(k)(2), provides as follows:

(k) No person shall:

* * *

(3) Fail to file a return required under Section 55.10 of this Title.

* * *

35. From at least April 23, 2019 until April 20, 2021, or a date better known to Respondent, Respondent failed to file quarterly returns with Illinois DoR.

36. By failing to file quarterly returns with Illinois DoR, Respondent violated Section 55.10 of the Act, 415 ILCS 5/55.10 (2022), and thereby violated Section 55(k)(3) of the Act, 415 ILCS 5/55(k)(3) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, FRANKLIN DISCOUNT TIRES, INC., an Illinois corporation, with respect to Count IV:

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

2. Finding that Respondent violated Sections 55.10 and 55(k)(3) of the Act, 415 ILCS 5/55.10 and 55(k)(3) (2022);

3. Ordering Respondent to cease and desist from any further violations of Sections 55.10 and 55(k)(3) of the Act, 415 ILCS 5/55.10 and 55(k)(3) (2022);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Sections 55.10 and 55(k)(3) of the Act, 415 ILCS 5/55.10 and 55(k)(3) (2022), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during of violation;

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

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

COUNT V

FAILURE TO NOTIFY THE AGENCY OF TIRE RETAIL ACTIVITY

1-16. Complainant realleges and incorporates herein by reference paragraphs 1 through 12 and 14 through 17 of Count I as paragraphs 1 through 16 of this Count V.

17. At the time of Illinois EPA's Fourth Inspection, Respondent had not submitted a Used or Waste Tire Activity Notification form to Illinois EPA.

18. At the time of Illinois EPA's Fifth Inspection, Respondent had not submitted a Used or Waste Tire Activity Notification form to Illinois EPA.

19. At the time of Illinois EPA's Sixth Inspection, Respondent had submitted a Used or Waste Tire Activity Notification to Illinois EPA.

20. Section 55(c) of the Act, 415 ILCS 5/55(c) (2022), provides as follows:

(c) Any person who sells new or used tires at retail or operates a tire storage site or a tire disposal site which contains more than 50 used or waste tires shall give notice of such activity to the Agency. Any person engaging in such activity for the first time after January 1, 1990, shall give notice to the Agency within 30 days after the date of commencement of the activity. The form of such notice shall be specified by the Agency and shall be limited to information regarding the following:

- (1) the name and address of the owner and operator;
- (2) the name, address and location of the operation;
- (3) the type of operations involving used and waste tires (storage, disposal, conversion or processing); and
- (4) the number of used and waste tires present at the location.

21. Upon information and belief, Respondent began selling new and used tires at retail for the first time on or before April 23, 2019, approximately 29 years after January 1, 1990.

22. From at least January 27, 2021 until January 17, 2024, or a date better known to Respondent, Respondent did not submit a Used or Waste Tires Activity Notification Form notifying Illinois EPA of its activities as a tire retailer.

23. By failing to submit a Used or Waste Tires Activity Notification Form notifying Illinois EPA of its activities as a tire retailer, Respondent violated Section 55(c) of the Act, 415 ILCS 5/55(c) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, FRANKLIN DISCOUNT TIRES, INC., an Illinois corporation, with respect to Count V:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Section 55(c) of the Act, 415 ILCS 5/55(c) (2022);
3. Ordering Respondent to cease and desist from any further violations of Section 55(c) of the Act, 415 ILCS 5/55(c) (2022);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 55(c) of the Act, 415 ILCS 5/55(c) (2022), and an additional civil 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 Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

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

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

BY: /s/ Stephen J. Sylvester
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel

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Assistant Attorney General
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