

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 26-025
)	
AURELIO ZAPATA, an individual,)	
d/b/a CHI-TOWN CUSTOMS)	
INCORPORATED,)	
)	
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 a Motion for Relief from Hearing Requirement and Stipulation and Proposal for Settlement, true and correct copies of which are attached hereto and hereby served upon you.

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

By: /s/ Taylor Desgrosseilliers
Taylor Desgrosseilliers
Assistant Attorney General
Environmental Bureau
Office of the Illinois Attorney General
69 W. Washington Street, 18th Floor
Chicago, IL 60602
(773) 505-5288
T.Desgrosseilliers@ilag.gov

Date: November 19, 2025

SERVICE LIST

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
Brad.Halloran@illinois.gov
(Via Email)

Aurelio Zapata d/b/a Chi-Town Customs, Incorporated

Samuel S. Bae
Law Office of Samuel S. Bae
1400 E. Touhy Avenue, Suite 245
Des Plaines, IL 60018
ssb@baelegal.com
(Via Email and Certified Mail)

CERTIFICATE OF SERVICE

I, Taylor Desgrosseilliers, an Assistant Attorney General, certify that on the 19th day of November 2025, I caused to be served the foregoing Notice of Filing, Motion for Relief from Hearing Requirement, and Stipulation and Proposal for Settlement on the parties named on the attached Service List via the methods described.

/s/ Taylor Desgrosseilliers

Taylor Desgrosseilliers

Assistant Attorney General

Environmental Bureau

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MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2024), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2024). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 55(a)(3), (k)(1), (k)(2), and (k)(3), 55.8(a)(1) and (a)(1.5), 55.9, and 55.10 of the Act, 415 ILCS 5/55(a)(3), (k)(1), (k)(2), and (k)(3), 55.8(a)(1) and (a)(1.5), 55.9, and 55.10 (2024).
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.
4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not

necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2024).

Respectfully submitted,

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

By: /s/ Taylor Desgrosseilliers
Taylor Desgrosseilliers
Assistant Attorney General
Environmental Bureau
Office of the Illinois Attorney General
69 W. Washington Street, 18th Floor
Chicago, IL 60602
(773) 505-5288
Primary e-mail: T.Desgrosseilliers@ilag.gov
Secondary e-mail: maria.cacaccio@ilag.gov

Dated: 11/18/2025

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
by KWAME RAOUL, Attorney)
General of the State of Illinois,)
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Complainant,)
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v.)
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AURELIO ZAPATA, an individual,)
d/b/a CHI-TOWN CUSTOMS)
INCORPORATED,)
)
Respondent.)

PCB No. 26-025

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and Respondent, AURELIO ZAPATA, an individual, d/b/a CHI-TOWN CUSTOMS INCORPORATED (“Respondent”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2024), and the Board’s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties & Factual Background

1. On September 24, 2025, a Complaint was filed on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2024), against the Respondent.

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 (2024).

3. At all times relevant to the Complaint, Respondent was and is an Illinois resident who owned and operated a tire retail business located at 311 North Cicero Avenue, Chicago, Cook County, Illinois ("Site").

4. Respondent manages the Site and does business at the Site under the name "Chi-Town Customs Incorporated."

5. Illinois EPA inspected the Site five times between 2019 and 2024 to determine its compliance with used and waste tire management standards. Inspections found approximately 185 to approximately 300 used and/or waste tires at the Site during these inspections. Used and/or waste tires were stored uncovered outside, in a manner that allowed water to accumulate in the tires, and water had accumulated in some of the tires.

6. During these five inspections, the Respondent was unable to provide a receipt to Illinois EPA showing that he charged the \$2.50 tire user fee ("Tire User Fee") as a separate and distinct line item on receipts for tire sales.

7. During the period from 2019 to 2024, Illinois EPA contacted Illinois Department of Revenue ("Illinois DoR"), which stated that Respondent was not registered as an entity required to submit Tire User Fees and had not submitted any tire user fees to Illinois DoR.

8. On June 13, 2025, Respondent submitted to Illinois EPA documentation, including Tire User Fee Return forms, showing that as of March 31, 2025, Illinois DoR had received the quarterly Tire User Fees for the time period from March 31, 2016, to March 31, 2025.

9. On June 16, 2025, Respondent submitted to Illinois EPA five receipts for tire sales on June 10, 2025 through June 12, 2025, which included the Tire User Fee as a separate and distinct line item.

10. On June 26, 2025, Illinois EPA performed another follow-up inspection at the Site. During that inspection, all apparent violations were resolved. All used and/or waste tires at the Site were stored under cover and there was no evidence of water accumulation in the tires.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act:

- Count I: Failure to Properly Store Used or Waste Tires, Allowing Water to Accumulate in Tires in violation of Sections 55(a)(3) and 55(k)(1) of the Act, 415 ILCS 5/55(a)(3) and 55(k)(1) (2024).
- Count II: Failure to Collect Retail Tire Fee from Customers in violation of Sections 55.8(a)(1), 55.8(a)(1.5), 55.9, and 55(k)(2) of the Act, 415 ILCS 5/55.8(a)(1), 55.8(a)(1.5), 55.9 and 55(k)(2) (2024).
- Count III: Failure to File a Return Required by the Act, in violation of Sections 55.10 and 55(k)(3) of the Act, 415 ILCS 5/55.10 and 55(k)(3) (2024).

C. Non-Admission of Violations

The Respondent neither admits nor denies the violation(s) alleged in the Complaint filed

in this matter and referenced above.

D. Compliance Activities to Date

1. On June 13, 2025, Respondent submitted to Illinois EPA documentation, including Tire User Fee Return forms, showing that as of March 31, 2025, Illinois DoR had received the quarterly Tire User Fees for the time period from March 31, 2016 to March 31, 2025.
2. On June 16, 2025, Respondent submitted to Illinois EPA five receipts for tire sales on June 10, 2025 through June 12, 2025, which included the Tire User Fee as a separate and distinct line item.
3. On June 26, 2025, Illinois EPA inspected the Site and found the used and/or waste tires at the Site were stored under cover and there was no evidence of water accumulation in the tires.
4. On June 26, 2025, at the time of the Illinois EPA inspection, tire tracking receipts from Illinois Tire Recycling were available at the Site for review.
5. On June 26, 2025, at the time of the Illinois EPA inspection, customer receipts for the sale of tires showing the Tire User Fee as a distinct line item were available at the Site for review.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of his officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged

in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2024).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2024), provides as follows:

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

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

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

1. Respondent's violations created conditions conducive to the proliferation of mosquitoes and other disease vectors, thereby threatening human health and the environment. The Illinois EPA's information gathering responsibilities were hindered by Respondent's violations.

2. There is social and economic benefit to the Site.

3. Operation of the Site was and is suitable for the area in which it is located.

4. Storing tires in accordance with the Act and Regulations, maintaining documentation, collecting fees, and remitting taxes are technically practicable and economically responsible.

5. Respondent has subsequently complied with the Act and the Board and Illinois EPA regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2024), provides as follows:

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

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a “supplemental environmental project”, which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

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

1. The duration of Respondent’s violations are as follows:
 - a. Respondent failed to properly store his used or waste tires such that water was

prevented from accumulating in the tires. This violation began on or about February 15, 2019 and was resolved as of June 26, 2025.

- b. Respondent failed to collect the retail tire fee from customers. This violation began on or about February 15, 2019 and was resolved on June 10, 2025.
- c. Respondent failed to file quarterly returns with Illinois DoR as required by the Act. This violation began on or about February 15, 2019 and was resolved on March 31, 2025.

2. Respondent was not diligent in attempting to come back into compliance with the Act, Board and Illinois EPA Regulations and applicable federal regulations once the Illinois EPA notified him of his noncompliance.

3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Ten Thousand Dollars (\$10,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. There was no self-disclosure of the violations contained in the Complaint.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

Respondent shall pay a civil penalty in the sum of Ten Thousand Dollars (\$10,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Stipulated Penalties, Interest, and Default

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

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

3. The stipulated penalties shall be enforceable by Complainant and shall be in addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Stipulation.

C. Payment Procedures

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

Illinois Environmental Protection Agency
Fiscal Services
2520 W. Iles Ave.
P.O. Box 19276
Springfield, Illinois 62794-9276

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

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

Taylor Desgrosseilliers
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

D. Future Compliance

1. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

2. This Stipulation 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.

3. Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of Respondent's payment of the Ten Thousand Dollar (\$10,000.00) penalty, his commitment to cease and desist as contained in Section V.D.3 above, and upon the Board's approval of this Stipulation, Complainant releases, waives, and discharges Respondent from any further liability or penalties for the violations of the Act and Board and Illinois EPA Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on September 24, 2025. Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against Respondent with respect to all other matters, including but not limited to, the following:

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

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

F. Enforcement of Stipulation

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

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument.

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


PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

KWAME RAOUL, Attorney General
of the State of Illinois

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

JAMES JENNINGS, Acting Director
Illinois Environmental Protection Agency

BY: 
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

BY: 
ANDREW ARMSTRONG
Chief Legal Counsel

DATE: 11/14/25

DATE: 10/30/2025

AURELIO ZAPATA, d/b/a CHI-TOWN
CUSTOMS INCORPORATED

BY (print): _____

ITS: _____

SIGNATURE: _____

DATE: _____

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ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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BY: _____
STEPHEN J. SYLVESTER, Chief
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Assistant Attorney General

BY: _____
ANDREW ARMSTRONG
Chief Legal Counsel

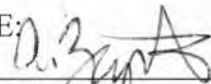
DATE: _____

DATE: _____

AURELIO ZAPATA, d/b/a CHI-TOWN
CUSTOMS INCORPORATED

BY (print): Aurelio Zapata

ITS: President

SIGNATURE: 

DATE: 11-10-2025