

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

Complainant,)

v.)

MOTOR CITY CHEVROLET GMC, INC.,)
an Illinois corporation,)

Respondent)

PCB No. 2025-008
(Enforcement – Land)

NOTICE OF FILING

TO: See attached service list (via Electronic filing)

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Illinois Pollution Control Board by electronic filing the following **Stipulation and Proposal for Settlement and Motion for Relief From Hearing Requirement**, copies of which is attached and hereby served upon you.

Respectfully submitted,

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

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

By: /s/ Seeta Goyal
Seeta Goyal
Assistant Attorney General
ARDC #6349144
Environmental Bureau
Illinois Attorney General's Office
500 South 2nd Street
Springfield, Illinois 62701
Ph: (773)-590-7946
Fax: (217) 524-7740
seeta.goyal@ilag.gov

Dated: November 21, 2025

Service List

For the Respondent

Eric R. Ellenberger
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For the Agency

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MOTOR CITY CHEVROLET GMC, INC.,)
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Respondent)

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(Enforcement – Land)

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 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (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 12(a) and (d), 21(a), (e), and (p)(1) of the Act, 415 ILCS 5/12 (a) and (d) (2024), 415 ILCS 5/21(a), (e), and (p)(1) (2024), and Sections 722.111, 739.122(b), 739.122(d) and 808.121(a) of the Board’s regulations, 35 Ill. Adm. Code 722.111, 739.122(b), 739.122(d), and 808.121(a) .

2. Complainant filed the Complaint in this matter on August 26, 2024. Complainant is filing the Stipulation and Proposal for Settlement with the Board simultaneously with this Motion.

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

4. This Agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

5. 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

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

By: /s/ Seeta Goyal
Seeta Goyal
Assistant Attorney General
ARDC #6349144
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Illinois Attorney General's Office
500 South 2nd Street
Springfield, Illinois 62701
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Fax: (217) 524-7740
seeta.goyal@ilag.gov

DATED: November 21, 2025

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

Complainant,

v.

MOTOR CITY CHEVROLET BUICK GMC, INC.,
an Illinois corporation,

Respondent.

PCB 25-008
(Enforcement-Land)

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 Motor City Chevrolet Buick GMC, Inc. ("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

1. On August 26, 2024, a Complaint was filed against the Respondent on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his

own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2024).

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 corporation that owned and operated a facility located at 1511 Railroad Avenue, Kewanee, Henry County, Illinois ("Site"). Motor City is an automobile dealership that operates a service department at the Site. As of the date of filing of this Stipulation, the Site is located in an area of Environmental Justice ("EJ") concern as identified using Illinois EPA EJ Start.

4. On July 26, 2019, Illinois EPA inspected the Site ("Inspection") after receiving a complaint regarding waste oil tanks leaking onto the ground. While at the Site, Illinois EPA observed two tanks, one red and one white, and their respective concrete secondary containment units. Illinois EPA observed oil-stained cat litter on the floor of the red tank's containment unit as well as oil stains on the outer wall of the containment unit. In the containment unit for the white tank, Illinois EPA observed oil-stained gravel as well as large dents on the white tank. Additionally, Illinois EPA observed oil-stained soils surrounding both containment units and near holes in the base of both containment units.

5. At the time of the Inspection, waste had been discharged, deposited, dumped, spilled, leaked, and/or placed on the land at the Site in such a manner that waste, or constituents thereof, could enter the environment, be emitted into the air, or be discharged into waters or ground waters.

B. Allegations of Non-Compliance

Petitioner contends that the Respondent has violated the following provisions of the Act

and Board Regulations:

- Count I: Open Dumping of Waste
415 ILCS 5/21(a) (2024)
- Count II: Open Dumping Resulting in Litter
415 ILCS 5/21(p)(1) (2024)
- Count III: Water Pollution
415 ILCS 5/12(a) (2024)
- Count IV: Water Pollution Hazard
415 ILCS 5/12(d) (2024)
- Count V: Failure to Make Waste Determinations
415 ILCS 5/21(e) (2024); 35 Ill. Adm. Code 722.111, 808.121(a)
- Count VI: Used Oil Storage Violations
415 ILCS 5/21(e) (2024); 35 Ill. Adm. Code 739.122(b), (d)

C. Admission of Violations

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B. herein.

D. Compliance Activities to Date

1. In September 2019, Respondent arranged for the testing of used oil at the Site.
2. In November 2019, Respondent arranged for the removal of two above-ground waste oil storage tanks and the excavation of oil-stained soil at the Site.
3. On November 21, 2019, Respondent submitted to Illinois EPA a Removal and Closure Report that indicated that the tanks and secondary containment units had been removed, as well as 31.54 tons of waste, including the contaminated cat litter, gravel, and soil.
4. In January 2021, Respondent enrolled the Site in the Site Remediation Program. On July 26, 2022, Illinois EPA issued Respondent a focused No Further Remediation Letter.

II. APPLICABILITY

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

hindered the Illinois EPA's information gathering responsibilities.

2. There is social and economic benefit to Respondent's automotive dealership.
3. Operation of Respondent's automotive dealership was and is suitable for the area in which it is located, if operated in compliance with the Act and Board regulations.
4. Compliance with the Act and Board regulations was both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board 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. On or before July 2019, two above-ground waste oil storage tanks at the Site leaked onto the soil. Sampling of the used oil in September 2019 concluded that the concentrations exceeded the Illinois EPA *Tiered Approach to Corrective Action Objectives (TACO)* remediation objectives for the soil component of Class I and Class II groundwater. In November 2019, the two tanks were removed and the oil-stained soil was excavated. In January 2021, Respondent enrolled the Site in the Site Remediation Program and, on July 26, 2022, Respondent obtained a No Further Remediation Letter from Illinois EPA.
2. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once the Illinois EPA notified it of its 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, Three Hundred and Forty-Five Dollars (\$10,345.00) 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. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.
8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Ten Thousand, Three Hundred and Forty-Five Dollars (\$10,345.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the 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, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

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

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund

("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services #2
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:

Seeta Goyal
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South 2nd Street
Springfield, Illinois 62701

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 the 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 the 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. The 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 the Respondent's payment of the \$10,345.00 penalty, its commitment to cease and desist as contained in Section V.D.3 above, and completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the 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 resource damages arising out of the alleged violations; and
- d. liability or claims based on the 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 the Respondent.

F. Enforcement and Modification of Stipulation

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

available means.

G. Execution of Stipulation

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

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

PEOPLE OF THE STATE OF ILLINOIS

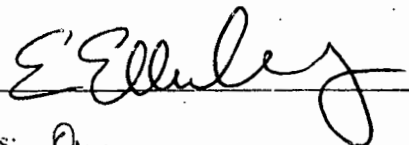
KWAME RAOUL
Attorney General
State of Illinois

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

BY: 
RACHEL MEDINA, Chief
Assistant Attorney General
Environmental Bureau

DATE: 11/17/2025

RESPONDENT
MOTOR CITY CHEVROLET BUICK
GMC, INC.

BY: 
Its: Owner

DATE: 10-3-25

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

JAMES JENNINGS, Acting Director
Illinois Environmental Protection Agency

BY: 
ANDREW ARMSTRONG
Chief Legal Counsel

DATE: 11/13/2025

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CERTIFICATE OF SERVICE

Michael Lehman, under penalties as provided by law pursuant to §1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), certifies that the statements set forth in this certificate of service are true and correct, and that he has served a copy of the foregoing ***Notice of Filing, Motion for Relief from Hearing Requirement, and Stipulation and Proposal for Settlement as to Respondent Motor City Chevrolet GMC, Inc.*** by electronic and U.S. Mail on November 21, 2025 to the following:

Eric R. Ellenberger
President and Registered Agent
403 East McClure Street
Kewanee, IL 61443
via certified mail

Bruce L. Carmen, Attorney
116 North East Street
Cambridge, Illinois 61238

A copy of this was also e-filed with the Illinois Pollution Control Board on this date

/s/ Michael Lehman
Michael Lehman
Environmental Bureau

Seeta Goyal (ARDC #6349144)
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's
Office 500 South 2nd Street
Springfield, Illinois 62701 Ph:
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