

ORIGINAL



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STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 27, 2007

PCB 08-26

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. Gary Cates, et al.***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Notice of Filing, Entry of Appearance and Complaint in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen J. Janasie".

Stephen J. Janasie
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

SJJ/pjk
Enclosures

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 GARY CATES, d/b/a CHERRY STREET)
 AUTOMOTIVE, CALVIN BOOTH, d/b/a)
 AUTO SALVAGE ILLINOIS, and S. I.)
 PROMOTION FLORA, INC.,)
)
 Respondents.)

PCB No. 08-26
 (Enforcement)

NOTICE OF FILING

To: Gary Cates, d/b/a Cherry Street Automotive
 c/o John Stanley
 Attorney at Law
 P.O. Box 399
 Carmi, IL 62821

Calvin Booth, d/b/a Auto Salvage Illinois
 S. I. Promotion Flora, Inc.
 c/o Jennifer Martin
 Crain, Miller & Wernsman, Ltd.
 623 E. Broadway, P.O. Box 867
 Centralia, IL 62801

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, a copy of which is attached hereto and herewith served upon you. Failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in this 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.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2004), to correct the pollution alleged in the Complaint filed in this case.

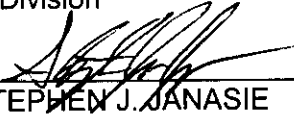
Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

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

BY: _____


STEPHEN J. JANASIE
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: September 27, 2007

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OCT 01 2007

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL
CERTIFICATE OF SERVICE

I hereby certify that I did on September 27, 2007, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: Gary Cates, d/b/a Cherry Street Automotive
c/o John Stanley
Attorney at Law
P.O. Box 399
Carmi, IL 62821

Calvin Booth, d/b/a Auto Salvage Illinois
S. I. Promotion Flora, Inc.
c/o Jennifer Martin
Crain, Miller & Wernsman, Ltd.
623 E. Broadway, P.O. Box 867
Centralia, IL 62801

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601



Stephen J. Janasie
Assistant Attorney General

This filing is submitted on recycled paper.

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

OCT 01 2007

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 GARY CATES, d/b/a CHERRY STREET)
 AUTOMOTIVE, CALVIN BOOTH, d/b/a)
 AUTO SALVAGE ILLINOIS, and S. I.)
 PROMOTION FLORA, INC.,)
)
 Respondents.)

STATE OF ILLINOIS
Pollution Control Board

PCB No. *08-26*
(Enforcement)

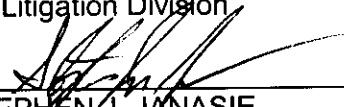
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, STEPHEN J. JANASIE, Assistant Attorney General of the State of Illinois, hereby enters his appearance as attorney of record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN
Attorney General of the
State of Illinois

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

BY: 
STEPHEN J. JANASIE
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: September 27, 2007

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
WHITE COUNTY, ILLINOIS

RECEIVED
CLERK'S OFFICE

OCT 01 2007

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois,)
)
Complainant,)
)
vs.)
)
GARY CATES, d/b/a CHERRY STREET)
AUTOMOTIVE, CALVIN BOOTH,)
d/b/a AUTO SALVAGE ILLINOIS,)
and S. I. PROMOTION FLORA, INC.,)
)
Defendants.)

PCB No. 08-26
(Enforcement)

COMPLAINT

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of the Respondents, GARY CATES, d/b/a Cherry Street Automotive, CALVIN BOOTH, d/b/a Auto Salvage Illinois, and S. I. PROMOTION FLORA, INC., as follows:

OPEN DUMPING VIOLATIONS

1. This Complaint is brought on behalf of the People of the State of Illinois, *ex rel.* LISA MADIGAN, the Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency"), pursuant to Section 42(d) and (e) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(d) and (e) (2006).
2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly under Section 4 of the Act, 415 ILCS 5/4 (2006), and charged, *inter alia*, with the duty of enforcing the Act.
3. At all times relevant to the violations alleged in this Complaint, title to the property

located at 810 Elm Street, Carmi, Illinois, was held by M. G. T., Inc. Respondent Gary Cates was the Registered Agent for M. G. J., Inc. M. G. J., Inc., was an Illinois corporation which was dissolved in 1996. Respondent Gary Cates also owns and operates a business known as Cherry Street Automotive which conducted and continues to conduct a portion of its business at the property located at 810 Elm Street, Carmi, Illinois.

4. Respondent Calvin Booth conducts an auto salvage operation under the name of Auto Salvage Illinois, which is an assumed name for S. I. Promotions Flora, Inc., an Illinois for-profit corporation.

5. Commencing on some date prior to August 31, 2004, known to the Defendants and continuing thereafter, Respondent S. I. Promotions Flora, Inc., and/or Respondent Calvin Booth, d/b/a Auto Salvage Illinois, pursuant to a contract with Respondent, Gary Cates, d/b/a Cherry Street Automotive, salvaged numerous automobiles located on the property at 810 Elm Street, Carmi, Illinois.

6. Section 21(a) of the Act, 415 ILCS 5/21(a) (2006), provides:

No person shall:

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

* * *

7. Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2006), provides:

(a) No person shall:

(1) Cause or allow the open dumping of any used or waste tires.

8. On or about September 1, 2004, and other dates known to the Respondent, Respondent S. J. Promotions Flora, Inc., and/or Calvin Booth, pursuant to the contract to salvage automobiles with Respondent Gary Cates, d/b/a Cherry Street Automotive, in the process of removing gas tanks and batteries, caused or allowed the spillage or discharge of gasoline and

other automotive fluids onto the soil at the property located at 810 Cherry Street in Carmi, Illinois, in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2006).

9. On or about September 1, 2004, and other dates known to the Respondents, Respondents caused or allowed the dumping of used or waste tires on the property located at 810 Cherry Street in Carmi, Illinois, in violation of Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2006).

PRAYER FOR RELIEF

WHEREFORE, the Complaint, People of the State of Illinois, respectfully requests that this Board enter an order against Respondents for the following:

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

B. Finding that the Respondents Gary Cates, d/b/a Cherry Street Automotive, Calvin Booth, d/b/a Auto Salvage Illinois, and S. I. Promotions Flora, Inc., have violated Section 21(a), and 55(a)(1) of the Act, 415 ILCS 5/21(a) and 55(a)(1) (2006).

C. Ordering the Respondents to cease and desist from further violations of the Act and its regulations;

D. Assessing against the Respondents a monetary penalty of up to Fifty Thousand Dollars (\$50,000.00) for each violation and up to an additional Ten Thousand Dollars (\$10,000.00) for each day that the violation has continued;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2006), award the Complainant its costs and reasonable attorney's fees; and

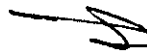
F. Grant such other and further relief as this Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois

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

BY:



THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:
STEPHEN J. JANASIE
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 9/27/07