

**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.  
(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 Complaint, a copy of which is attached 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 or the clerk’s office, or an attorney.

NOTIFICATION – YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, *et seq.*] to correct the alleged violations.

PEOPLE OF THE STATE OF ILLINOIS  
KWAME RAOUL, ATTORNEY GENERAL

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

By: /s/ Emma L. Hudspath  
EMMA L. HUDSPATH, #6324083  
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Environmental Bureau  
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Service List

*For the Respondent*

Eric R. Ellenberger  
President and Registered Agent  
403 East McClure Street  
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an Illinois corporation,	)	
	)	
Respondent.	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of Respondent, MOTOR CITY CHEVROLET GMC, INC., an Illinois corporation, as follows:

**COUNT I**  
**OPEN DUMPING OF WASTE**

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 and at the request of the Illinois EPA, pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022), against Respondent, MOTOR CITY CHEVROLET GMC, INC., an Illinois corporation.

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 (2022), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2022), and charged, *inter alia*, with the duty of determining standards and adopting regulations.

4. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2022), after providing Respondent, MOTOR CITY CHEVROLET GMC, INC. (“Motor City”), with notice and opportunity for a meeting with Illinois EPA.

5. Motor City is an Illinois corporation not in good standing, with a facility located at 1511 Railroad Avenue, Kewanee, Henry County, Illinois (“Site”). Motor City is an automobile dealership that runs a service department at the Site. At the time of the violations, Motor City operated under the business name MOTOR CITY CHEVROLET BUICK GMC, INC.

6. On July 26, 2019, Illinois EPA inspected the Site 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 both tank’s containment units as well as large dents on the white tank. Additionally, Illinois EPA observed oil-stained concrete and soil present near holes in the base of both containment units.

7. On August 23, 2019, Illinois EPA issued Violation Notice L-2019-00236 to Respondent.

8. On October 17, 2019, Illinois EPA issued Violation Notice L-2019-00267 to Respondent.

9. 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.

10. 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.

11. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), provides as follows:

“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.

12. Respondent is a corporation and therefore a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

13. Section 3.535 of the Act, 415 ILCS 5/3.535 (2022), provides, in pertinent part, as follows:

“Waste” means any garbage . . . 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...

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

“Refuse” means waste.

15. The oil-stained cat litter, gravel, concrete, and soil, present on the Site on July 26, 2019, were “discarded material,” and therefore “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535, and is therefore also “refuse” as that term is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2022).

16. 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.

17. 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.

18. The Site is a “site” as that term is defined in Section 3.460 of the Act, 415 ILCS 5/3.460 (2022).

19. 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.

20. Waste was 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. Therefore, “disposal” has occurred at the Site as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2022).

21. The Site is a “site” on which waste has been “disposed,” as those terms are defined in Sections 3.185 and 3.460 of the Act, 415 ILCS 5/3.185 and 5/3.460 (2022), making the Site a “disposal site” as that term is used in Section 3.305 of the Act, 415 ILCS 5/3.305 (2022).

22. 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 . . . without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day’s operation, or by such other methods and intervals as the Board may provide by regulation.

23. Section 3.105 of the Act, 415 ILCS 5/3.105 (2022), provides as follows:

“Agency” is the Environmental Protection Agency established by this Act.

24. At all times relevant to this Complaint, the Site has not been permitted by Illinois EPA for the disposal of wastes on land, and therefore is not a “sanitary landfill” as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2022).

25. Beginning prior to July 26, 2019, and on dates better known to Respondent, Respondent caused or allowed the consolidation of refuse at a disposal site not meeting the requirements of a sanitary landfill, and therefore caused or allowed open dumping of waste at the Site.

26. By causing or allowing the open dumping of waste at the Site, Respondent has violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, MOTOR CITY CHEVROLET GMC, INC., on this Count I, as follows:

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

B. Finding that the Respondent has violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2022);

C. Ordering Respondent to cease and desist from further violations of Section 21(a) of the Act, 415 ILCS 5/21(a) (2022);

D. Assessing against Respondent a civil penalty of up to \$50,000.00 for each violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2022), and an additional civil penalty of up to

\$10,000.00 for each day such violation continued pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

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

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT II**  
**OPEN DUMPING RESULTING IN LITTER**

1-25. Complainant realleges and incorporates by reference herein paragraphs 1 through 25 of Count I as paragraphs 1 through 25 of this Count II.

26. Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (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:

(1) litter;

27. Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2020), defines the term “litter” as follows:

(a) “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.

28. Discarded materials present at the Site, such as the oil-stained cat litter, gravel, concrete, and soil, constitute litter.

29. Beginning prior to July 26, 2019, and on dates better known to Respondent, Respondent caused or allowed the open dumping of waste at the Site in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2022), in a manner that resulted in litter, and thereby violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, MOTOR CITY CHEVROLET GMC, INC., on Count II, as follows:

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

B. Finding that Respondent has violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022);

C. Ordering Respondent to cease and desist from further violations of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022);

D. Assessing against Respondent a civil penalty of up to \$50,000.00 for each violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2022), and an additional civil penalty of up to \$10,000.00 for each day such violations continued pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

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

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT III**  
**WATER POLLUTION**

1-11. Complainant realleges and incorporates by reference herein paragraphs 1 through 9, and paragraphs 11 and 12 of Count I as paragraphs 1 through 11 of this Count III.

12. 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.

13. Section 3.545 of the Act, 415 ILCS 5/3.545 (2022), provides the following definition:

“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 nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, or agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

14. Section 3.550 of the Act, 415 ILCS 5/3.550 (2022), states as follows:

“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 through, or border upon this State.

15. Groundwater is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2022).

16. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), states as follows:

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

17. The used oil discharged from the red and white tanks at the Site constitute a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.320 (2022).

18. The used oil discharged from the red and white tanks at the Site caused or tended to cause water pollution in that such discharges rendered or were likely to have rendered groundwater harmful or detrimental or injurious to public health, safety, or welfare, or to agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish or other aquatic life, and created or were likely to create a nuisance.

19. Respondent caused, allowed, or threatened the discharge of contaminants into the soil so as to cause or tend to cause water pollution, in that the discharge of oil into the soil threatened to cause water pollution to the groundwater.

20. By causing, threatening, or allowing the discharge of contaminants into the environment so as to cause or tend to cause water pollution, Respondent has violated Section 12(a) of the Act, 415 ILCS 5/21(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, MOTOR CITY CHEVROLET GMC, INC., on Count III, as follows:

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

B. Finding that Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);

C. Ordering Respondent to cease and desist from further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);

D. Assessing against Respondent a civil penalty of up to \$50,000.00 for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), and an additional civil penalty of up to \$10,000.00 for each day such violations continued pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

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

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT IV**  
**WATER POLLUTION HAZARD**

1-17. Complainant realleges and incorporates by reference herein paragraphs 1 through 9, and paragraphs 11 and 12 of Count I, paragraphs 13 through 18 of Count III, as paragraphs 1 through 17 of this Count IV.

18. 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.

19. By allowing oil to be discharged onto the soil surrounding the two storage tanks, Respondent deposited contaminants upon the land in such a place and manner so as to create a water pollution hazard.

20. By depositing contaminants upon the land in such a place and manner so as to create a water pollution hazard, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, MOTOR CITY CHEVROLET GMC, INC., on Count IV, as follows:

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

B. Finding that Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2022);

C. Ordering Respondent to cease and desist from further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022);

D. Assessing against Respondent a civil penalty of up to \$50,000.00 for each violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2022), and an additional civil penalty of up to \$10,000.00 for each day such violations continued pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

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

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT V**  
**FAILURE TO MAKE WASTE DETERMINATIONS**

1-25. Complainant realleges and incorporates by reference herein paragraphs 1 through 25 of Count I as paragraphs 1 through 25 of this Count V.

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

No person shall:

\* \* \*

- (e) Dispose, treat, store or abandon any waste . . . except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

27. Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111, provides, in pertinent part:

A person that generates a solid waste . . . must make an accurate determination as to whether that waste is a hazardous waste in order to ensure that the waste is properly managed according to applicable RCRA regulations.

28. Section 721.102 of the Board Regulations, 35 Ill. Adm. Code 721.102, provides in pertinent part:

- a) Solid Waste
  - 1) A solid waste is any discarded material...
  - 2) Discarded Material
    - A) A discarded material is any material that is described as follows:
      - i) It is abandoned...
      - ii) It is recycled...
      - iii) It is considered inherently waste-like...
- b) A material is a solid waste if it is abandoned in one of the following ways:
  - 1) It is disposed of:

\*\*\*
  - 2) It is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated;

29. The used oil constitutes a solid waste as is defined in Section 721.102 of the Board Regulations, 35 Ill. Adm. Code 721.102.

30. Respondent did not make any determinations as to whether the used oil constituted hazardous waste.

31. By not making a determination as to whether the used oil constituted hazardous waste, Respondent violated Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111.

32. Section 808.121(a) of the Board Regulations, 35 Ill. Adm. Code 808.121(a), provides, in pertinent part, as follows:

- a) Each person who generates waste shall determine whether the waste is a special waste.

BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

33. Section 808.110 of the Board Regulations, 35 Ill. Adm. Code 808.110, provides, as follows:

“Special waste” means any hazardous waste, and any industrial process waste or pollution control waste which has not been declassified pursuant to Section 808.245.

34. Respondent did not make any determinations as to whether the oil constituted special waste.

35. By not making a determination as to whether the oil constituted special waste, Respondent violated Section 808.121(a) of the Board Regulations, 35 Ill. Adm. Code 808.121(a).

36. By violating Sections 722.111 and 808.121(a) of the Board Regulations, 35 Ill. Adm. Code 722.111 and 808.121(a), Respondent disposed, treated, stored or abandoned waste at a site that did not meet the requirements of the Act and of regulations and standards thereunder and thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, MOTOR CITY CHEVROLET GMC, INC., on Count V, as follows:

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

B. Finding that Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), and Sections 722.111 and 808.121(a) of the Board Regulations, 35 Ill. Adm. Code 722.111, 808.121(a):

C. Ordering Respondent to cease and desist from further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), and Sections 722.111 and 808.121(a) of the Board Regulations, 35 Ill. Adm. Code 722.111, 808.121(a);

D. Assessing against Respondent a civil penalty of up to \$50,000.00 for each violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), and an additional civil penalty of up to \$10,000.00 for each day such violations continued pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

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

F. Ordering such other and further relief as the Board deems appropriate and just.

**COUNT VI**  
**USED OIL STORAGE VIOLATIONS**

1-26. Complainant realleges and incorporates by reference herein paragraphs 1 through 25 of Count I, and paragraph 26 of Count V, as paragraphs 1 through 26 of this Count VI.

27. Section 739.122 of the Board Regulations, 35 Ill. Adm. Code 739.122, provides, in pertinent part, as follows:

A used oil generator is subject to all applicable federal Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this subpart C...

\* \* \*

- b) Condition of Units. The following must be true of containers and aboveground tanks used to store used oil at a generator facility:
- 1) The containers must be in good condition (no severe rusting, apparent structural defects or deterioration); and
  - 2) The containers may not be leaking (no visible leaks).

\* \* \*

- d) Response to Releases. Upon detection of a release of used oil to the environment... a generator must perform the following cleanup steps:
- 1) Stop the release;
  - 2) Contain the released used oil;
  - 3) Properly clean up and manage the released oil and other materials; and
  - 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

28. Section 739.100 of the Board Regulations, 35 Ill. Adm. Code 739.100, provides as follows:

“Aboveground tank” means a tank used to store or process used oil that is not an underground storage tank, as defined in 35 Ill. Adm. Code 280.12.

BOARD NOTE: This definition is different from the definition for “aboveground tank” given in 35 Ill. Adm. Code 720.110. Although

the meanings are similar, the main distinction is that the definition for this part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks that contain hazardous wastes. This definition of aboveground tank is limited to this Part only.

“Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

“Used oil” means any oil that has been refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities.

“Used oil generator” means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

29. The tanks present at the Site constitute “aboveground tanks” and “containers” as those terms are defined in Section 739.100 of the Board Regulations, 35 Ill. Adm. Code, 35 Ill. Adm. Code 739.100.

30. The oil stored in the tanks constitutes “used oil” as that term is defined in Section 739.100 of the Board Regulations, 35 Ill. Adm. Code, 35 Ill. Adm. Code 739.100.

31. Defendant constitutes a “used oil generator” as that term is defined in Section 739.100 of the Board Regulations, 35 Ill. Adm. Code, 35 Ill. Adm. Code 739.100.

32. The white tank contained obvious dents, thereby violating Section 739.122(b)(1) of the Board Regulations, 35 Ill. Adm. Code 739.122(b)(1).

33. Oil leaks were present underneath both the white tank and red tank thereby violating Section 739.122(b)(2) of the Board Regulations, 35 Ill. Adm. Code 739.122(b)(2).

34. Upon detection of the release of used oil, Respondent did not properly stop the release of used oil to the environment by taking the steps outlined in Section 739.122(d).

35. By violating Section 739.122(b) and (d) of the Board Regulations, 35 Ill. Adm. Code 739.122(b) and (d), Respondent disposed, treated, stored or abandoned waste at a site that

did not meet the requirements of the Act and of regulations and standards thereunder and thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, MOTOR CITY CHEVROLET GMC, INC., on Count VI, as follows:

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

B. Finding that Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2018), and Sections 739.122(b), and 739.122(d) of the Board Regulations, 35 Ill. Adm. Code 739.122(b), (d);

C. Ordering Respondent to cease and desist from further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), and Sections 739.122(b), and 739.122(d) of the Board Regulations, 35 Ill. Adm. Code 739.122(b), (d);

D. Assessing against Respondent a civil penalty of up to \$50,000.00 for each violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2022), and an additional civil penalty of up to \$10,000.00 for each day such violations continued pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

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

F. Ordering such other and further relief as the Board deems appropriate and just.

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/Rachel R. Medina  
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emma.hudspath@ilag.gov

**CERTIFICATE OF SERVICE**

I, Emma L. Hudspath, an Assistant Attorney General, certify that on the 23<sup>rd</sup> day of August, 2024, 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/ Emma L. Hudspath  
Emma L. Hudspath  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
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