

**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. 2025-
	)	(Enforcement – Water)
GOULD TRANSPORTATION SERVICES, INC.,	)	
An Illinois corporation d/b/a GOULD BUS	)	
SERVICES, an unincorporated entity,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: *See attached service list.*

PLEASE TAKE NOTICE that I have filed today with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following **Complaint, Motion for Relief from Hearing Requirement, and Stipulation and Proposal for Settlement**, copies of which are 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, 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.

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/ Kevin D. Barnai  
Kevin D. Barnai (ARDC #6329422)  
Assistant Attorney General  
Environmental Bureau

DATED: February 27, 2025

Kevin D. Barnai (ARDC #6329422)  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706  
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**Service List**

For the Respondent:

Matt C. Deering  
Registered Agent  
Gould Transportation Services, Inc.  
d/b/a Gould Bus Services  
306 W. Church Street  
Champaign, IL 61820

Ryan S. Gould, President  
Gould Transportation Services, Inc.  
d/b/a Gould Bus Services  
P.O. Box 470  
Tuscola, IL 61953

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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.	)	PCB No. 2025-
	)	(Enforcement - Water)
GOULD TRANSPORTATION	)	
SERVICES, INC., an Illinois corporation, d/b/a	)	
GOULD BUS SERVICES, an unincorporated	)	
entity,	)	
Respondent.	)	

**COMPLAINT**

Complainant, 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 Environmental Protection Agency, complains of the Respondent, GOULD TRANSPORTATION SERVICES, INC., an Illinois corporation d/b/a GOULD BUS SERVICES, an unincorporated entity, as follows:

**COUNT I**  
**FAILURE TO OBTAIN COVERAGE UNDER GENERAL NATIONAL POLLUTANT**  
**DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR STORM WATER**  
**DISCHARGES FROM INDUSTRIAL ACTIVITIES**

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 Environmental Protection Agency ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2022).

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 (2022), and is charged, *inter alia*, with the duty of enforcing the Act.

3. Respondent, GOULD TRANSPORTATION SERVICES, INC. d/b/a GOULD BUS SERVICES (“Respondent”) is an Illinois corporation in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State. Respondent owns and operates a school bus transportation business and stores school buses located at 400 South Washington St., Tuscola, Douglas County, Illinois (“Tuscola Facility”), and at 216 Byron Street, Oakland, Coles County, Illinois (“Oakland Facility”) (collectively “the Facilities”).

4. The Scattering Fork River is downgradient of the Tuscola Facility, and stormwater discharges from the Tuscola Facility to the Scattering Fork River. The Hog Branch is downgradient of the Oakland Facility, and stormwater discharges from the Oakland Facility to the Hog Branch.

5. The Clean Water Act (“CWA”) regulates storm water discharges associated with industrial activity and prohibits such storm water discharges without an NPDES permit. The United States Environmental Protection Agency (“USEPA”) administers the NPDES program in each State unless the USEPA has delegated authority to do so to that State. The USEPA has authorized the State of Illinois to issue NPDES permits through the Illinois EPA in compliance with federal regulations, including storm water discharges regulated by 40 Code of Federal Regulations (“C.F.R.”) Sections 122.26 and 122.32, which require operators to obtain a NPDES permit to lawfully discharge storm water and implement a stormwater pollution prevention plan (“SWPPP”) for stormwater discharges associated with industrial activity.

6. Respondent’s operation of its industrial activity is subject to the Act and the rules and regulations promulgated by the Board. The Board’s regulations for water pollution are found in Title 35, Subtitle C, Chapter I of the Illinois Administrative Code (“Board Water Pollution Regulations”).

7. The Facilities are motor vehicle transportation facilities. As the owner of motor vehicle transportation facilities, Respondent is required to have coverage under the General National Pollutant Discharge Elimination System Permit for Industrial Activities for discharge of stormwater to waters of the State of Illinois (“General NPDES Stormwater Permit”).

8. On May 23, 1994, Illinois EPA issued the Facilities coverage pursuant to General NPDES Permit No. ILR001798 (the “Permit”).

9. On April 30, 2014, the Permit expired.

10. Illinois EPA issued a new iteration of the General NPDES Stormwater Permit on April 5, 2017, and anyone seeking coverage under that iteration of the General NPDES Stormwater Permit was required to submit a Notice of Intent (“NOI”) and a SWPPP to the Illinois EPA.

11. On August 27, 2018, Illinois EPA issued a letter to Respondent stating that Respondent was required to submit an NOI to renew coverage under the General NPDES Stormwater Permit, and a current SWPPP.

12. On July 11, 2019, Illinois EPA conducted an inspection of the Facilities (“July 2019 Inspection”).

13. At the time of the July 2019 Inspection, Illinois EPA’s inspector observed the Facilities ongoing operation as motor vehicle transportation facilities and the Facilities’ stormwater collection and discharge systems.

14. Based upon the observations made during the July 2019 Inspection, Illinois EPA determined that the Facilities were operational motor vehicle transportation facilities.

15. On November 9, 2021, Illinois EPA issued VN W-2021-50190 and VN W-2021-50191 to Respondent for its failure to properly renew coverage under the General NPDES Stormwater Permit and to submit a current SWPPP.

16. At all times relevant to the Complaint, the Facilities were and are motor vehicle transportation facilities.

17. On August 15, 2023, Respondent submitted No Exposure Certification (NEC) for the Oakland Facility.

18. On August 25, 2023, Illinois EPA determined—based on Respondent’s NEC—that the Oakland Facility was no longer required to obtain NPDES Industrial Stormwater Permit coverage and terminated the Oakland Facility’s coverage under the NPDES Permit.

19. On December 14, 2023, Respondent submitted No Exposure Certification (NEC) for the Tuscola Facility.

20. On December 15, 2023, Illinois EPA determined—based on Respondent’s NEC—that the Tuscola Facility was no longer required to obtain NPDES Industrial Stormwater Permit coverage, and terminated the Tuscola Facility’s coverage under the NPDES Permit.

21. Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), provides, in pertinent part, as follows:

No person shall:

\* \* \*

- (f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

\* \* \*

22. 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.

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

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

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

25. Stormwater discharges associated with industrial activity are a “contaminant,” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

26. Section 3.550 of the Act, 415 ILCS 5/3.550 (2022), provides 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.

27. Watercourses downgradient of the Facilities, including but not limited to the Scattering Fork River and Hog Branch, are “waters” of the State, as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2022).

28. Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

29. Section 122.26 of the Code of Federal Regulations, 40 CFR § 122.26, provides, in pertinent part, as follows:

(a) Permit Requirement.



- (1) Prior to October 1, 1994, discharges composed entirely of storm water shall not be required to obtain a NPDES permit except:

\* \* \*

- (ii) A discharge associated with industrial activity. . .

\* \* \*

- (b) Definitions.

\* \* \*

- (14) Storm water discharge associated with industrial activity means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. . . . The following categories of facilities are considered to be engaging in “industrial activity” for purposes of paragraph (b)(14):

\* \* \*

- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (b)(14) (i)-(vii) or (ix)-(xi) of this section are associated with industrial activity.

\* \* \*

30. The Facilities are classified as Industry Group 4151 - School Bus.

31. The Facilities are facilities considered to be engaging in “industrial activity” within the meaning of Section 122.26 of the Code of Federal Regulations, 40 CFR § 122.26.

32. Stormwater discharges from the Facilities are associated with industrial activity and therefore require an NPDES permit.

33. On or after April 30, 2014, and on dates better known to Respondent, through August 25, 2023, Respondent operated the Oakland Facility engaged in industrial activity without obtaining coverage under the General NPDES Stormwater Permit.

34. On or after April 30, 2014, and on dates better known to Respondent, through December 15, 2023, Respondent operated the Tuscola Facility engaged in industrial activity without obtaining coverage under the General NPDES Stormwater Permit.

35. By operating Facilities engaged in industrial activity without obtaining coverage under the General NPDES Stormwater Permit, Respondent caused, threatened, or allowed the discharge of stormwater associated with industrial activity into waters of the State without an NPDES permit, and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2022).

36. On or after April 30, 2014, and on dates better known to Respondent, through December 15, 2023, Respondent discharged stormwater associated with industrial activity from the Facilities into waters of the State without obtaining coverage under the General NPDES Stormwater Permit.

37. By discharging stormwater associated with industrial activity from the Facilities into waters of the State without obtaining coverage under the General NPDES Stormwater Permit, Respondent discharged contaminants into waters of the State in violation of the Act, and thereby violated Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

38. By causing, threatening, or allowing the discharge of stormwater associated with industrial activity into waters of the State in violation of the Board's NPDES regulations, Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondent, GOULD TRANSPORTATION SERVICES, INC., d/b/a GOULD BUS SERVICES, for the following relief:

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

B. Finding that the Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2022) and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

C. Ordering the Respondent to cease and desist from any further violations of Sections Section 12(f) of the Act, 415 ILCS 5/12(f) (2022) and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

D. Pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2022), assessing against the Respondent a civil penalty of \$10,000.00 for each day of each violation of Section 12(f) the Act, 415 ILCS 5/12(f) (2022) and Section 309.102(a) of the Board Water Pollution Regulations;

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**  
**WATER POLLUTION**

1-35. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 20, 22 through 34, 36, and 37 of Count I as paragraphs 1 through 35 of this Count II.

36. 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.

37. Section 3.545 of the Act, 415 ILCS 5/3.545 (2020), provides as follows:

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

38. The discharge of stormwater associated with industrial activities from the Facilities into downgradient receiving waters, is “water pollution,” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2022).

39. At times better known to Respondent, Respondent caused, threatened, or allowed the discharge of stormwater associated with industrial activity from the Facilities into waters of the State.

40. By causing, threatening, or allowing the discharge of stormwater associated with industrial activity from the Facilities, Respondent caused, threatened, or allowed the discharge of contaminants into the environment so as to cause or tend to cause water pollution in Illinois, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022).

41. By causing, threatening, or allowing the discharge of stormwater associated with industrial activity so as to violate the Board's regulations, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondent, GOULD TRANSPORTATION SERVICES, INC., d/b/a GOULD BUS SERVICES, for the following relief:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that the Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);
- C. Ordering the Respondent to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of up to \$50,000.00 for each violation of the Act, and an additional civil penalty of up to \$10,000.00 for each day each violation continued;
- 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.

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  
RACHEL R. MEDINA, Chief  
Environmental Bureau  
Assistant Attorney General  
(ARDC #6297171)

Dated: February 27, 2025

Kevin D. Barnai (ARDC #6329422)  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9035  
Kevin.Barnai@ilag.gov

**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. 2025-
	)	(Enforcement - Water)
GOULD TRANSPORTATION	)	
SERVICES, INC., an Illinois corporation, d/b/a	)	
GOULD BUS SERVICES, an unincorporated	)	
entity,	)	
Respondent.	)	

**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) (2022), 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) (2022). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2022), and Section 309.102(a) of the Board’s regulations, 35 Ill. Adm. Code 309.102(a) (2022).
2. Complainant is filing the Complaint with the Board simultaneous with this Motion and a Stipulation and Proposal for Settlement.
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) (2022).

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) (2022).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* KWAME RAOUL, Attorney General  
of the State of Illinois

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

BY: /s/ Kevin D. Barnai  
Kevin D. Barnai (ARDC #6329422)  
Assistant Attorney General  
Environmental Bureau

DATED: February 27, 2025

Kevin D. Barnai (ARDC #6329422)  
Assistant Attorney General  
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Springfield, Illinois 62706  
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SERVICES, INC., an Illinois corporation, d/b/a	)	
GOULD BUS SERVICES, an unincorporated	)	
entity,	)	
Respondent.	)	

**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 GOULD TRANSPORTATION SERVICES, INC., an Illinois corporation d/b/a GOULD BUS SERVICES, an unincorporated entity, (“Respondent” or “GOULD”), (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.* (2022), 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. Contemporaneous with this Stipulation, 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 31 of the Act, 415 ILCS 5/31 (2022), 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 (2022).

3. Respondent, GOULD TRANSPORTATION SERVICES, INC. d/b/a GOULD BUS SERVICES is an Illinois corporation in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State. Respondent owns and operates school bus transportation facilities and stores school buses located at 400 South Washington St., Tuscola, Douglas County, Illinois (“Tuscola Facility”). Respondent owns and operates a school bus transportation business and stores school buses located at 216 Byron Street, Oakland, Coles County, Illinois (“Oakland Facility”).

4. On August 15, 2023, Respondent submitted No Exposure Certification (NEC) for the Oakland Facility.

5. On August 25, 2023, Illinois EPA determined—based on Respondent’s NEC—that the Oakland Facility was no longer required to obtain NPDES Industrial Stormwater Permit coverage and terminated the Facility’s coverage under the NPDES Permit.

6. On December 14, 2023, Respondent submitted No Exposure Certification (NEC) for the Tuscola Facility.

7. On December 15, 2023, Illinois EPA determined—based on Respondent’s NEC—that the Tuscola Facility was no longer required to obtain NPDES Industrial Stormwater Permit coverage, and terminated the Facility’s coverage under the NPDES Permit.

**B. Allegations of Non-Compliance**

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

Count I: **Failure to Obtain NPDES Permit Coverage**  
Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), and Section 309.102(a) of the Board's regulations, 35 Ill. Adm. Code 309.102(a) (2022).

Count II: **Water Pollution**  
Section 12(a) of the Act, 415 ILCS 5/12(a) (2022).

**C. Non-Admission of Violations**

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced above, and this Stipulation shall not be interpreted as including such admission.

**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 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 (2022).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2022), 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. The Illinois EPA's information gathering responsibilities were hindered by Respondent's violations thereby threatening human health and the environment.
2. There is social and economic benefit to the Oakland Facility and Tuscola Facility.
3. Operation of the Facilities were and are suitable for the area in which it is located, so long as it is operated in compliance with the Act and Board regulations.
4. Obtaining a NEC for the Oakland Facility and Tuscola Facility and compliance with its terms 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) (2022), 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 November 9, 2021, Illinois EPA issued Respondent Violation Notice ("VN") W-2021-50190 and W-2021-50191 for its failure to renew its NPDES Permit for the Tuscola Facility and Oakland Facility. On August 25, 2023, Illinois EPA determined—based on Respondent's NEC—that the Oakland Facility was no longer required to obtain NPDES Industrial Stormwater Permit coverage and terminated the Facility's coverage under the NPDES Permit. On December 15, 2023, Illinois EPA determined—based on Respondent's NEC—that the Tuscola

Facility was no longer required to obtain NPDES Industrial Stormwater Permit coverage, and terminated the Facility's coverage under the NPDES Permit.

2. Respondent did not show due diligence in resolving the violations by failing to respond to either Violation Notices and failing to appear at the Notice of Intent to Pursue Legal Action meeting.

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 THIRTEEN THOUSAND SIX HUNDRED DOLLARS (\$13,600.00) 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**

The Respondent shall pay a civil penalty in the sum of THIRTEEN THOUSAND SIX HUNDRED DOLLARS (\$13,600.00) 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 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  
1021 North Grand Avenue East  
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:

Kevin D. Barnai  
Assistant Attorney General  
Environmental Bureau South  
Illinois Attorney General's Office  
500 South Second St.  
Springfield, Illinois 62701

**D. Future Compliance**

1. 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 Facilities which are 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 THIRTEEN THOUSAND SIX HUNDRED DOLLARS (\$13,600.00) penalty; its commitment to cease and desist as contained in Section V.D.3 above, 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 filed concurrently with this Stipulation. 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 resources damage 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 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. Opportunity For Public Comment**

Pursuant to 35 Ill. Adm. Code 103.300(b)(2), the Board shall publish notice of this Stipulation for at least 30 days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserves the right to withdraw its consent if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. Respondent consents to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the Complainant has notified Respondent in writing that it withdraws or withholds its consent for the

Stipulation. In the event the Complainant notifies the Respondent that it withdraws or withholds its consent for the Stipulation, then the terms of the agreement may not be used as evidence in any litigation between those entities.

**H. 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.

**(SIGNATURE PAGE TO FOLLOW)**

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

AGREED:

FOR THE COMPLAINANT:

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

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

JAMES JENNINGS, Acting Director  
Illinois Environmental Protection Agency

BY: Rachel Medina

RACHEL MEDINA  
Chief  
Environmental Bureau  
Assistant Attorney General

BY: Andrew Armstrong

ANDREW ARMSTRONG  
Chief Legal Counsel

DATE: 02/14/2025

DATE: 02/06/2025

FOR THE RESPONDENT:

GOULD TRANSPORTATION  
SERVICES, INC.

BY: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

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

AGREED:

FOR THE COMPLAINANT:

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

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

JAMES JENNINGS, Acting Director  
Illinois Environmental Protection Agency

BY: \_\_\_\_\_  
RACHEL MEDINA  
Chief  
Environmental Bureau  
Assistant Attorney General

BY: \_\_\_\_\_  
ANDREW ARMSTRONG  
Chief Legal Counsel

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

FOR THE RESPONDENT:

GOULD TRANSPORTATION  
SERVICES, INC.

BY: *Sandra Gould*

ITS: *Secretary*

DATE: *1/8/2025*

**CERTIFICATE OF SERVICE**

I, Kevin D. Barnai, Assistant Attorney General, certify that on the 27<sup>th</sup> day of February 2025, I caused to be served by Certified Mail the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement, Motion for Relief from Hearing Requirement to the parties listed below:

Matt C. Deering, Registered Agent  
Gould Transportation Services, Inc.  
d/b/a Gould Bus Services  
306 West Church Street  
Champaign, IL 61820

Ryan S. Gould, President  
Gould Transportation Services, Inc.  
d/b/a Gould Bus Services  
P.O. Box 470  
Tuscola, IL 61953

/s/ Kevin Barnai  
\_\_\_\_\_  
KEVIN BARNAI  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62701  
(217) 782-9035  
[kevin.barnai@ilag.gov](mailto:kevin.barnai@ilag.gov)