

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 26-CH-
)	
RANDY PETER and DEBRA PETER,)	
individuals,)	
)	
Respondents.)	

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, 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,
KWAME RAOUL, Attorney General
of the State of Illinois

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

By: /s/ Mallory Meade
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Dated: April 14, 2026

SERVICE LIST

Randy Peter
1333 E. 1500th Street
Quincy, IL 62305

Debra Peter
1333 E. 1500th Street
Quincy, IL 62305

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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 Respondents, RANDY PETER and DEBRA PETER, individuals, as follows:

COUNT I
OPEN DUMPING

1. This Complaint is brought 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 the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2024).

2. Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2024), and is 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 Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2024), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. At all times relevant to this Complaint, Respondents owned the parcels of property located at 1457 N 1363rd Ln, Quincy, IL 62305 (“the Site”) and 1333 E. 1500th St., Quincy, IL 62305 (“Precision Pumping Site.”).

5. Precision Pumping, Inc. is an Illinois corporation in good standing with authority to operate in the State of Illinois. Randy Peter is both the registered agent and president of Precision Pumping, Inc..

6. The Precision Pumping Site is adjacent to and located directly east of the Site at 1457 N 1363rd Ln, Quincy, IL 62305. The Precision Pumping Site measures 142.93 acres, and consists of farmland in the western portion and a pond pump on the eastern portion, located approximately 0.5 miles east of the Site. The pond pump is separated from the Site by County Road 1363 N.

7. The Site is 15 acres of land and consists of a long driveway leading up to a gravel lot. Miscellaneous farm equipment lines the driveway and southern portions of the lot. The north of the lot contains two large grain bins, and the northeast of the lot contains three smaller aboveground storage tanks (“ASTs”). The eastern part of the lot contains a diesel fuel pumping area. An Unnamed Creek (“Unnamed Creek”) runs through the eastern fielded part of the Site. The

western part of the lot contains three small ponds, and the north and west of the lot is bordered by a wooded area. The east and south of the lot are bordered by fields.

8. On January 24, 2022, Illinois EPA conducted an inspection of the Site (the “January 24, 2022 inspection”) after receiving a complaint that thick black smoke was emanating from the Site.

9. At the time of the January 24, 2022 inspection, Mr. Peter stated that he was burning brush along the Unnamed Creek that runs through the eastern fielded part of the Site.

10. During the January 24, 2022 inspection, the Illinois EPA inspector observed a red dye in that Unnamed Creek and a strong diesel odor.

11. The Illinois EPA inspector also observed burned trees and logs in the water along both sides of the Unnamed Creek. The property directly to the west of the Site also showed burning along the side of the creek.

12. On January 26, 2022, the Illinois EPA returned to the Site for a follow-up inspection (the “January 26, 2022 inspection”).

13. During the January 26, 2022, inspection, the Illinois EPA observed and documented evidence of open dumping at the Site, including an estimated 200 cubic yards of open dumped and partially burned solid waste, as well as over 50 used/waste tires.

14. During the January 26, 2022 inspection, the Illinois EPA observed and documented four larger separate concentrated piles of waste at the Site. The first pile (“Pile #1”) was located west of the grain bins and measured approximately 100 feet long by 30 feet wide and 10 feet high. Pile #1 appeared to have been burned several times and included large quantities of burned and unburned miscellaneous household waste; boxes; burned and unburned metal, plastic, and glass; burned and unburned white goods; a burned propane tank; discarded 5-gallon buckets of an

unknown flammable material; burned mattresses; burned furniture; a toilet; a small tricycle; landscape waste; pallets; a washing machine; a refrigerator; a large hose; a compressed air tank; used/waste tires; bricks; wood; gutters; corrugated sheet metal; broken concrete; and other assorted burned and unburned wastes.

15. During the January 26, 2022 inspection, Illinois EPA observed another pile (“Pile #2”) located immediately northwest of Pile #1. Pile #2 was smaller than Pile #1 and contained a garden hose, large pieces of metal, fencing material, and other miscellaneous waste.

16. During the January 26, 2022 inspection, Illinois EPA observed another pile (“Pile #3”) located immediately north of Pile #1. Pile #3 was smaller than Pile #1 and contained corrugated sheet metal, shingles, and other miscellaneous waste.

17. During the January 26, 2022 inspection, Illinois EPA observed another pile (“Pile #4”) located directly north of Pile #1. Pile #4 appeared to have been the longest of the piles. Pile #4 contained miscellaneous waste, metal, and a partially burned television/covered electronic device.

18. Immediately north of Piles 1-4 is a slope that leads to an unnamed creek on the northern portion of the Precision Pumping Site. Various wastes, including metals and a refrigerator, were scattered on the slope leading down to the unnamed creek on the northern portion of the Precision Pumping Site.

19. West of the grain bins, a fifth pile, consisting of used tractor and automobile tires and several large hoses, measured approximately 35 feet long by 30 feet wide and 6 feet high. Some of these tires held water and ice.

20. To the north of this fifth pile, the IEPA inspector documented a sixth area with concentrated piles of wires from burned tires, miscellaneous open dumped and open burned wastes, and a partially burned tire.

21. Several smaller piles of open dumped/open burned waste of the same types were scattered around this large burn area northwest of the grain bins, including in the wooded area on the north of the Site.

22. Illinois EPA inspectors walked approximately .25 miles west along the Unnamed Creek and observed burned trees and vegetation, red dye, and a strong diesel odor during the entirety of the walk.

23. On January 27, 2022, the Illinois EPA returned for a follow-up inspection including Office of Emergency Response personnel to determine if a suspected diesel fuel release had occurred.

24. During this inspection, Illinois EPA inspectors observed three large containers with an unknown liquid, appearing to be unused oil, at the far east end of the Unnamed Creek. There were no "Used Oil" labels on these containers.

25. Mr. Peter arrived on-site during this inspection and stated to Illinois EPA personnel that a pump had been left to run overnight to transfer diesel fuel from one on-site above ground storage tank ("AST") to another on-site AST, both located in the northwest corner of the Precision Pumping Site ("AST Area"). During that process, the hose had become disconnected from the pump, resulting in a diesel release on the ground surrounding the AST Area. Mr. Peter then used a hose connected to a pump located at the pond immediately northwest of the Precision Pumping office to push the diesel from the AST area, into the field and ditch directly east, and then into the orange standpipe directly northeast of the AST area, thereby resulting in a diesel fuel release into

the Unnamed Creek bordering the Site. This hose ran from the pond northwest underneath 1363rd Lane and across the farm field to where the AST area was located. Mr. Peter indicated to Illinois EPA personnel that he had “panicked” and lit the diesel fuel on fire. This led to the entire creek being set afire from the Site to .25 miles west downstream. This fire allegedly occurred on January 19 and 20, 2022.

26. On June 28, 2022, a Violation Notice was sent to the Respondents.

27. On August 16, 2022, the Illinois EPA received a response to the Violation Notice stating that waste removal had been conducted to remedy the existing violations. Photographs were provided by Respondents along with receipts and soil sample analysis from EnviroServe.

28. On September 6, 2022, the Site was re-inspected by the Illinois EPA (“September 2022 inspection”). During the inspection, Mr. Peter admitted that the diesel fuel release had occurred, which ultimately entered the Unnamed Creek located north of the AST area.

29. Mr. Peter estimated that the release was between 200-400 gallons of diesel fuel. The creek was frozen at the time of the release, and subsequently the diesel fuel was set on fire by Mr. Peter.

30. Also during the September 2022 inspection, continuing tire violations were found to persist.

31. On September 14, 2022, Mr. Peter provided the Illinois EPA with a tire removal tracking receipt.

32. Upon completion of the September 2022 inspection, and subsequent submittal of documentation regarding tire removal, all previous continuing violations were resolved.

33. Section 21(a) of the Act, 415 ILCS 5/21(a) (2024), provides as follows:

No person shall:

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

34. Section 3.315 of the Act, 415 ILCS 5/3.315 (2024), 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.

35. Respondents, Randy Peter and Debra Peter, are “person[s]” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2024).

36. Section 3.535 of the Act, 415 ILCS 5/3.535 (2024), provides, in pertinent part, as follows:

“Waste” means any garbage . . . other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. . . .

37. Section 3.385 of the Act, 415 ILCS 5/3.385 (2024), provides as follows:

“Refuse” means waste.

38. The 50 used and waste automobile and tractor tires; several large hoses; large quantities of burned and unburned general construction debris; miscellaneous household waste; boxes; burned and unburned metal; plastic; glass; burned and unburned white goods; burned propane tank; discarded 5-gallon buckets of an unknown flammable material; burned mattresses; burned furniture; toilet; small tricycle; landscape waste; various burned and unburned materials; landscape waste; compressed air tank; pallets; open burned washing machine; open burned mattress springs; open burned refrigerator; fencing; shingles; partially burned television/covered electronic device; concrete with protruding rebar; and other miscellaneous waste items grouped in piles throughout the Site are “discarded materials,” and therefore “waste” as that term is defined

in Section 3.535 of the Act, 415 ILCS 5/3.535 (2024), and are therefore also “refuse” as that term is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2024).

39. Section 3.305 of the Act, 415 ILCS 5/3.305 (2024), 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.

40. Section 3.460 of the Act, 415 ILCS 5/3.460 (2024), 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.

41. The Site is a “site” as that term is defined in Section 3.460 of the Act, 415 ILCS 5/3.460 (2024).

42. Section 3.185 of the Act, 415 ILCS 5/3.185 (2024), 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.

43. 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, may enter the environment, be emitted into the air, or be discharged into waters or groundwater. Therefore, “disposal” occurred on the Site, as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2024).

44. 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 (2024), making the Site a “disposal site” as that term is used in Section 3.305 of the Act, 415 ILCS 5/3.305 (2024).

45. Section 3.445 of the Act, 415 ILCS 5/3.445 (2024), provides, in pertinent part, as follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580[, 42 U.S.C.A. § 6901 et seq.,] and regulations thereunder, and 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.

46. Section 3.105 of the Act, 415 ILCS 5/3.105 (2024), provides as follows:

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

47. Respondents have never applied for or been granted a permit from Illinois EPA for the storage or disposal of waste on the Site.

48. At all times relevant to this Complaint, the Site was not permitted by Illinois EPA for the disposal of waste and therefore was not a “sanitary landfill” as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2024).

49. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents consolidated 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.

50. By causing or allowing the open dumping of waste at the Site, Respondents violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count I:

- A. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
- B. Finding that Respondents have violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2024);
- C. Ordering Respondents to cease and desist from any further violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2024);
- D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2024), and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);
- E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and
- F. Granting such other and further relief as the Board deems appropriate.

COUNT II
OPEN DUMPING RESULTING IN LITTER

1-48. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 48 of Count I as paragraphs 1 through 48 of this Count II.

49. Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2024), 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;

50. Section 3(a) of the Litter Control Act, 415 ILCS 105/3(a) (2024), provides, in pertinent part, as follows:

“Litter” means any discarded, used or unconsumed substance or waste.

51. The accumulated refuse at the Site constitutes litter.

52. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents 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) (2024), in a manner that resulted in litter, and thereby violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count II:

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

B. Finding that Respondents have violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2024);

C. Ordering Respondents to cease and desist from any further violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2024);

D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2024), and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

COUNT III
OPEN DUMPING OF GENERAL CONSTRUCTION
OR DEMOLITION DEBRIS

1-48. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 48 of Count I as paragraphs 1 through 48 of this Count III.

49. Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2024), provides, in pertinent part, 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:

* * *

(7) deposition of:

(i) general construction or demolition debris as defined in Section 3.160(a) of this Act;

50. Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2024), provides, in pertinent part, as follows:

(a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles

and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

51. The bricks, wood, gutters, corrugated metal, and broken concrete located in Pile #1 at the Site constitute “general construction or demolition debris” as that term is defined in Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2024).

52. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents caused or allowed the open dumping of waste at the Site in a manner that resulted in the deposition of general construction or demolition debris, and thereby violated Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count III:

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

B. Finding that Respondents have violated Section 21(p)(7)(i) of the Act, 415 ILCS 21(p)(7)(i) (2024);

C. Ordering Respondents to cease and desist from any further violation of Section 21(p)(7)(i) of the Act, 415 ILCS 21(p)(7)(i) (2024);

D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2024), and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues,

pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

COUNT IV
WASTE DISPOSAL AT AN IMPROPER SITE

1-48. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 48 of Count I as paragraphs 1 through 48 of this Count IV.

49. Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), provides as follows:

No person shall:

* * *

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

50. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents disposed of, stored, and/or abandoned wastes at the Site.

51. The Site is not a waste disposal site or facility that meets the requirements of the Act and of the regulations and standards promulgated thereunder.

52. By disposing, storing, and/or abandoning wastes at the Site, Respondents violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count IV:

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

B. Finding that Respondents violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2024);

C. Ordering Respondents to cease and desist from further violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2024);

D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

COUNT V
OPEN DUMPING OF USED OR WASTE TIRES

1-48. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 48 of Count I as paragraphs 1 through 48 of this Count V.

49. Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2024), provides as follows:

(a) No person shall:

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

50. Sections 54.02, 54.04, 54.06a, 54.08, 54.09, 54.13 and 54.16 of the Act, 415 ILCS 5/54.02, 54.04, 54.06a, 54.08, 54.09, 54.13, and 54.16 (2024), respectively, provide, in relevant part, the following definitions:

“Converted tire” means a used tire which has been manufactured into a usable commodity other than a tire. “Conversion” or “converting” means action which produces a converted tire. Usable products manufactured from tires, which products are themselves capable of holding accumulations of water, shall be deemed to be “converted” if they are stacked, packaged, boxed, containerized or enclosed in such a manner as to preclude exposure to precipitation prior to sale or conveyance.

“Disposal” means the placement of used tires into or on any land or water except as an integral part of systemic reuse or conversion in the regular course of business.

“Recyclable tire” means a used tire which is free of permanent physical damage and maintains sufficient tread depth to allow its use through resale or repairing.

“Reused tire” means a used tire that is used again, in part or as a whole, by being employed in a particular function or application as an effective substitute for a commercial product or fuel without having been converted.

“Storage” means any accumulation of used tires that does not constitute disposal. At a minimum, such an accumulation must be an integral part of the systematic alteration, reuse, reprocessing or conversion of the tires in the regular course of business.

“Used tire” means a worn, damaged, or defective tire that is not mounted on a vehicle.

“Waste tire” means a used tire that has been disposed of.

51. The unmounted and worn tires in the open dump/open burn area north of the grain bins at the Site constitute “used tires” as that term is defined in Section 54.13 of the Act, 415 ILCS 5/54.13 (2024).

52. Respondents have neither “converted” nor “reused” the used tires observed at the Site as these terms are defined in Sections 54.02 and 54.08 of the Act, 415 ILCS 5/54.02 and 5/54.08 (2024).

53. Respondents have failed to conduct systemic reuse or conversion of the used tires placed on the land at the Site, constituting “disposal” of the tires as that term is defined in Section 54.04 of the Act, 415 ILCS 5/54.04 (2024).

54. Upon their disposal, the used tires at the Site constituted “waste tires” and “refuse” as these terms are defined in Sections 54.16 and 3.385 of the Act, 415 ILCS 5/54.16 and 5/3.385 (2024), respectively.

55. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents caused or allowed used and/or waste tires to be deposited and to accumulate at the Site, and thereby caused the open dumping of used and/or waste tires at the Site.

56. By causing and allowing the open dumping of used and/or waste tires at the Site, Respondents violated Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count V:

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

B. Finding that Respondents have violated Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2024);

C. Ordering Respondents to cease and desist from any further violations of Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2024);

D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2024), and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

COUNT VI
OPEN BURNING OF USED OR WASTE TIRES

1-54. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 48 of Count I and paragraphs 50 through 55 of Count V as paragraphs 1 through 54 of this Count VI.

55. Section 55(a)(2) of the Act, 415 ILCS 5/55(a)(2) (2024), provides as follows:

(a) No person shall:

(2) Cause or allow the open burning of any used or waste tire.

56. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents caused or allowed the open burning of used or waste tires at the Site.

57. By causing and allowing the open burning of used and/or waste tires at the Site, Respondents violated Section 55(a)(2) of the Act, 415 ILCS 5/55(a)(2) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count VI:

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

B. Finding that Respondents have violated Section 55(a)(2) of the Act, 415 ILCS 5/55(a)(1) (2024);

C. Ordering Respondents to cease and desist from any further violations of Section 55(a)(2) of the Act, 415 ILCS 5/55(a)(2) (2024);

D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 55(a)(2) of the Act, 415 ILCS 5/55(a)(2) (2024), and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

COUNT VII
ACCUMULATION OF WATER IN USED OR WASTE TIRES

1-54. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 48 of Count I, and paragraphs 49 through 54 of Count V, as paragraphs 1 through 54 of this Count VII.

55. At the time of the January 24, 2022 Inspection, water and ice had accumulated in used and/or waste tires at the Site.

56. Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2024), provides as follows:

(k) No person shall:

(1) Cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 4 used or waste tires at the site are covered and kept dry.

57. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents caused or allowed water to accumulate in used and/or waste tires present at the Site.

58. By causing or allowing water to accumulate in used and/or waste tires at the Site, Respondents violated Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count VII:

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

B. Finding that Respondents violated Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2024);

C. Ordering Respondents to cease and desist from any further violations of Section 55(k)(1) of the Act, 415 ILCS 5/55 (k)(1) (2024);

D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2024), and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

COUNT VIII
WASTE DETERMINATION VIOLATIONS

1-49. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 48 of Count I and paragraph 49 of Count IV as paragraphs 1 through 49 of this Count VIII.

50. Section 722.111 of the Board's regulations, 35 Ill. Adm. Code 722.111, provides as follows:

A person that generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, 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. A hazardous waste determination is made using the following steps:

- a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may

change the properties of the waste such that the RCRA classification of the waste may change.

- b) The person must determine whether the solid waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- c) If the waste is not excluded under 35 Ill. Adm. Code 721.104, the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under Subpart D of 35 Ill. Adm. Code 721. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If a waste is listed, the person may file a delisting petition under 35 Ill. Adm. Code 720.120 and 720.122 to demonstrate to the Administrator that the waste from this particular site or operation is not a hazardous waste.
- d) The person then must also determine whether the waste exhibits one or more hazardous characteristics, as identified in Subpart C of 35 Ill. Adm. Code 721, by following the procedures in subsection (d)(1) or (d)(2), or a combination of both.
 - 1) The person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in Subpart C of 35 Ill. Adm. Code 721, or an equivalent test method approved by the Agency or the Board under 35 Ill. Adm. Code 720.121, may be used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.

- 2) When available knowledge is inadequate to make an accurate determination, the person must test the waste according to the applicable methods set forth in Subpart C of 35 Ill. Adm. Code 721 or according to an equivalent method approved by the Administrator under 35 Ill. Adm. Code 720.121 and in accordance with the following:
 - (A) A persons testing its waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.
 - (B) Where a test method is specified in Subpart C of 35 Ill. Adm. Code 721, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.
- e) If the generator determines that the waste is hazardous, the generator must refer to 35 Ill. Adm. Code 721, 724 through 728, and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.
- f) Recordkeeping for SQGs and LQGs. A SQG or LQG must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 35 Ill. Adm. Code 721.103. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described at subsections (c) and (d). The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this Section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at subsection (d)(1). The periods of record retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (f) is subject to Board review pursuant to Section 40 of the Act.

- g) Identifying USEPA Hazardous Waste Numbers for SQGs and LQGs. If the waste is determined to be hazardous, SQGs and LQGs must identify all applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721. Prior to shipping the waste off site, the generator also must mark its containers with all applicable USEPA hazardous waste numbers (USEPA hazardous waste numbers) according to 35 Ill. Adm. Code 722.132.

51. Section 721.102 of the Board's regulations, 35 Ill. Adm. Code 721.102, provides, in pertinent part, as follows:

- a) Solid Waste
 - 1) A solid waste is any discarded material that is not excluded pursuant to Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131 or 35 Ill. Adm. Code 720.130 and 720.134.
 - 2) Discarded Material
 - A) A discarded material is any material that is described as follows:
 - i) It is abandoned, as described in subsection (b);
 - ii) It is recycled, as described in subsection (c);
 - iii) It is considered inherently waste-like, as described in subsection (d); or
 - iv) It is a military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.
 - B) This subsection (a)(2)(B) corresponds with 40 CFR 261.2(a)(2)(ii), which USEPA has removed and marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.
- 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 burned or incinerated;
 - 3) It is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated;
 - or
 - 4) Sham recycled, as explained in subsection (g).

52. Section 808.121(a) of the Board's 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.

53. Section 739.122(c) of the Board's regulations, 35 Ill. Adm. Code 739.122(c), provides as follows:

(c) Labels

(1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil".

(2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil".

54. The unlabeled 5-gallon containers of used oil were abandoned by being disposed of, making them "solid waste" as that term is defined by Section 721.102 of the Board's regulations, 35 Ill. Adm. Code 721.102.

55. Respondents failed to make a waste determination for the contents of the 5-gallon containers located at the Site.

56. Respondents failed to appropriately label all containers of used oil retained at the Site with the words "Used Oil".

57. Respondents are person[s] that generates solid waste, as that term is defined in Section 721.102 of the Board's regulations, 35 Ill. Adm. Code 721.102.

58. By failing to determine if the contents of the 5-gallon containers were hazardous waste, Respondents violated Section 722.111 of the Board's regulations, 35 Ill. Adm. Code 722.111, and thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2024).

59. By failing to determine whether the waste it generated was a special waste, Respondents violated Section 808.121(a) of the Board's regulations, 35 Ill. Adm. Code 808.121(a), and thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2024).

60. By failing to appropriately label all containers of used oil retained at the Site with the words “Used Oil”, Respondents violated Section 739.122(c) of the Board’s regulations, 35 Ill. Adm. Code 739.122(c).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count VIII:

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

B. Finding that Respondents violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), and Sections 722.111, 739.122(c) and 808.121(a) of the Board’s regulations, 35 Ill. Adm. Code 722.111, 739.122(c) and 808.121(a);

C. Ordering Respondents to cease and desist from any further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), and Sections 722.111, 739.122(c) and 808.121(a) of the Board’s regulations, 35 Ill. Adm. Code 722.111, 739.122(c) and 808.121(a);

D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), and Sections 722.111, 739.122(c), and 808.121(a) of the Board’s regulations, 35 Ill. Adm. Code 722.111, 739.122(c), and 808.121(a), and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

- F. Granting such other and further relief as the Board deems appropriate.

COUNT IX
AIR POLLUTION – OPEN BURNING

1-48. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 48 of Count I as paragraphs 1 through 48 of this Count IX.

49. Section 9 of the Act, 415 ILCS 5/9 (2024), provides, in pertinent part, as follows:

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

* * *

- (c) Cause or allow the open burning of refuse except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

50. Section 3.165 of the Act, 415 ILCS 5/3.165 (2024), provides as follows:

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

51. Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), provides as follows:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

52. Section 3.300 of the Act, 415 ILCS 5/3.300 (2024), provides as follows:

“Open burning” is the combustion of any matter in the open or in an open dump.

53. In addition to the piles of open dumped waste scattered throughout the property, the open dumped diesel fuel is a discarded material, and therefore “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2024), and is therefore also “refuse” as that term is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2024)

54. Diesel fuel is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

55. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents caused or allowed the open burning of refuse at the Site, and thereby caused, threatened, or allowed the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois.

56. By causing or allowing the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois, Respondents violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

57. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents caused or allowed the open burning of refuse in such a manner that was not approved by Illinois EPA or the Board.

58. By causing or allowing the open burning of refuse in a manner that was not approved by the Agency or the Board, Respondents violated Section 9(c) of the Act, 415 ILCS 5/9(c) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count IX:

- A. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
- B. Finding that Respondents violated Sections 9(a) and (c) of the Act, 415 ILCS 5/9(a) and (c) (2024);
- C. Ordering Respondents to cease and desist from further violation of Sections 9(a) and (c) of the Act, 415 ILCS 5/9(a) and (c) (2024);
- D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day each violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);
- E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and
- F. Granting such other and further relief as the Board deems appropriate.

COUNT X
OPEN DUMPING RESULTING IN OPEN BURNING

1-51. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 48 of Count I and paragraphs 54 through 56 of Count IX as paragraphs 1 through 51 of this Count X.

52. Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2024), 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:

* * *

(3) open burning;

53. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents 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), in a manner that resulted in open burning.

54. By causing or allowing open dumping at the Site that resulted in open burning, Respondents violated Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2024).

PRAAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count X:

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

B. Finding that Respondents violated Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2024);

C. Ordering Respondents to cease and desist from further violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2024);

D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day such violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

COUNT XI
MIXING OF A COVERED ELECTRONIC DEVICE WITH WASTE INTENDED
FOR DISPOSAL BY BURNING

1. This Complaint is brought 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 the terms and provisions of Section 1-50(b) and (c) of the Consumer Electronics Recycling Act (“CERA”), 415 ILCS 151/1-50(b) and (c) (2017).

2-48. Complainant re-alleges and incorporates by reference herein paragraphs 2 through 48 of Count 1 as paragraphs 2 through 48 of this Count XI.

49. Section 1-83(c) of the CERA, 415 ILCS 151/1-83(d) (2017), provides, in pertinent part, as follows:

- (c) Beginning January 1, 2019, no person may knowingly cause or allow the mixing of a CED, or any other computer, computer monitor, printer, television, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server with waste that is intended for disposal by burning or incineration.

50. Section 1-5 of the CERA, 415 ILCS 151/1-5 (2017), provides the following definition:

“Covered electronic device” or “CED” means any computer, computer monitor, television, printer, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player that has memory capability and is battery powered, digital video disc

player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server sold at retail.

* * *

“Person” means an 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 a legal representative, agent, or assign of that entity. “Person” includes a unit of local government.

* * *

“Television” means an electronic device that contains a cathode-ray tube or flat panel screen the size of which is greater than 4 inches when measured diagonally and is intended to receive video programming via broadcast, cable, satellite, Internet, or other mode of video transmission or to receive video from surveillance or other similar cameras.

* * *

51. Respondents, Randy Peter and Debra Peter, individuals, are “person[s]” as that term is defined in Section 1-5 of the CERA, 415 ILCS 151/1-5 (2017).

52. The partially burned television observed at the Site, located in an open burn area directly north of the large open burn area north of the grain bins, is a “television” and “CED” as those terms are defined in Section 1-5 of the CERA, 415 ILCS 151/1-5 (2017).

53. General construction and demolition debris and pieces of metal were observed in the same open burn area as the partially burned television.

54. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents caused or allowed the mixing of CEDs with other waste intended for disposal by burning at the Site.

55. By causing or allowing the mixing of CEDs with other waste intended for disposal by burning at the Site, Respondents violated Section 1-83(c) of the CERA, 415 ILCS 151/1-83(c) (2017).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count XI:

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

B. Finding that Respondents violated Section 1-83(c) of the CERA, 415 ILCS 151/1-83(c) (2017);

B. Ordering Respondents to cease and desist from further violation of Section 1-83(c) of the CERA, 415 ILCS 151/1-83(c) (2017);

D. Assessing against Respondents a civil penalty of \$7,000.00 for each violation of the CERA, pursuant to Section 1-50(a) of the CERA, 415 ILCS 151/1-50(a) (2017); and

E. Granting such other and further relief as the Board deems appropriate.

COUNT XII
CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR
OTHER LISTED DEVICE

1. This Complaint is brought 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 the terms and provisions of Section 1-50(b) and (c) of the Consumer Electronics Recycling Act (“CERA”), 415 ILCS 151/1-50(b) and (c) (2017).

2-52. Complainant re-alleges and incorporates by reference herein paragraphs 2 through 48 of Count 1 as paragraphs 2 through 48 and paragraphs 50 through 53 of Count XI as paragraphs 2-52 of this Count XII.

53. Section 1-83(d) of the CERA, 415 ILCS 151/1-83(d) (2017), provides, in pertinent part, as follows:

- (d) Beginning January 1, 2019, no person may knowingly cause or allow the burning or incineration of a CED, or any other computer, computer monitor, printer, television, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player, digital video disc player, video game console, electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, or small-scale server.

54. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents caused or allowed the burning or incineration of CEDs at the Site.

55. By causing or allowing the burning or incineration of CEDs at the Site, Respondents violated Section 1-83(d) of the CERA, 415 ILCS 151/1-83(d) (2017).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count XII:

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

B. Finding that Respondents violated Section 1-83(d) of the CERA, 415 ILCS 151/1-83(d) (2017);

C. Ordering Respondents to cease and desist from further violation of Section 1-83(d) of the CERA, 415 ILCS 151/1-83(d) (2017);

D. Assessing against Respondents a civil penalty of \$7,000.00 for each violation of the CERA, pursuant to Section 1-50(a) of the CERA, 415 ILCS 151/1-50(a) (2017); and

E. Granting such other and further relief as the Board deems appropriate.

COUNT XIII
OPEN DUMPING RESULTING IN STANDING OR FLOWING LIQUID
DISCHARGE FROM THE DUMP SITE

1-48. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 48 of Count I as paragraphs 1 through 48 of this Count XIII.

49. Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2024), 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:

* * *

(6) standing or flowing liquid discharge from the dump site.

50. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents caused or allowed the open dumping of waste, in violation of Section 21(a) of the Act, 415 ILCS 5/21(a), in a manner that resulted in standing or flowing liquid discharge, in the form of diesel fuel, from the dump site.

51. By causing or allowing the open dumping of waste which caused standing or flowing liquid discharge from the Site, Respondents violated Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count XIII:

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

B. Finding that Respondents violated Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2024);

C. Ordering Respondents to cease and desist from any further violations of Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2024);

D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 21(p)(6) of the Act, 415 ILCS 5/21(p)(6) (2024), and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

COUNT XIV
OPEN DUMPING OF WASTE IN STANDING WATERS

1-48. Complainant re-alleges and reincorporates by reference herein paragraphs 1 through 48 of Count I as paragraphs 1 through 48 of this Count XIV.

49. Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2024), 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:

* * *

(4) deposition of waste in standing or flowing waters[.]

50. The presence of diesel fuel in the Unnamed Creek constitutes the deposition of waste in standing or flowing waters in violation of Section 21(a) of the Act, 415 ILCS 5/21(a).

51. On or before January 24, 2022, and on dates better known to Respondents, Respondents caused or allowed the open dumping of waste, in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2024), in a manner that resulted in the deposition of waste in standing or flowing waters.

52. By causing or allowing the open dumping of waste at the Site in a manner that resulted in the deposition of waste in standing or flowing waters, Respondents violated Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER AND DEBRA PETER, on Count XIV:

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

B. Finding that Respondents violated Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2024);

C. Ordering Respondents to cease and desist from further violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2024);

D. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2024), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day each violation continued;

E. Awarding to Complainant its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

COUNT XV
WATER POLLUTION

1-49. Complainant re-alleges and reincorporates by reference herein paragraphs 1 through 48 of Count I and paragraph 50 of Count IX as paragraphs 1 through 49 of this Count XV.

50. Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), provides:

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.

51. Section 3.545 of the Act, 415 ILCS 5/3.545 (2024), 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 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.

52. Section 3.550 of the Act, 415 ILCS 5/3.550 (2024), provides the following definition:

“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.

53. The Unnamed Creek is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2024).

54. Diesel fuel is a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

55. The discharge of the diesel fuel from the hose connecting the pump to the AST and into the Unnamed Creek was created a nuisance or rendered 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 and was therefore “water pollution” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2024).

56. Beginning prior to January 24, 2022, and on dates better known to the Respondents, Respondents caused or allowed the discharge of diesel fuel into the Unnamed Creek so as to cause or tend to cause water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against the Respondents, RANDY PETER AND DEBRA PETER, on Count XV:

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

B. Finding that the Respondents violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2024);

C. Ordering the Respondents to cease and desist from further violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024);

D. Assessing against the Respondents a civil penalty of \$50,000.00 for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), and an additional civil penalty of \$10,000.00 for each day each violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding the Complainant its costs in this matter, including expert witness, consultant and attorney fees, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

COUNT XVI
WATER POLLUTION HAZARD

1-50. Complainant re-alleges and reincorporates by reference herein paragraphs 1 through 48 of Count I, paragraph 50 of Count IX, and paragraph 54 of Count XV as paragraphs 1 through 50 of this Count XVI.

51. Section 12(d) of the Act, 415 ILCS 5/12(d) (2024), 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.

52. Beginning prior to January 24, 2022, and on dates better known to Respondents, Respondents deposited contaminants in the form of diesel fuel upon the land of the Site so as to create a water pollution hazard.

53. By depositing contaminants upon land in such place and manner so as to create a water pollution hazard, Respondents violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2024).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, prays that this Board enter an order in favor of Complainant and against Respondents, RANDY PETER and DEBRA PETER, on Count XVI:

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

B. Finding that the Respondents have violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2024);

C. Ordering the Respondents to cease and desist from further violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2024);

D. Assessing against the Respondents a civil penalty of \$50,000.00 for each violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2024), and an additional civil penalty of \$10,000.00 for each day each violation continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024);

E. Awarding the Complainant its costs in this matter, including expert witness, consultant and attorney fees, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and

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

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 No. 6297171

DATED: April 14, 2026

Mallory Meade, # 6345981
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
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Springfield, Illinois 62706
Phone: (217) 299-8343
Mallory.Meade@ilag.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 14, 2026, before 5:00 PM, she caused to be served by certified mail, a true and correct copy of the following instruments entitled Notice of Filing and Complaint to:

Randy Peter
1333 E. 1500th Street
Quincy, IL 62305

Debra Peter
1333 E. 1500th Street
Quincy, IL 62305

This email transmission contains 45 pages.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

/s/ Mallory Meade
Assistant Attorney General
Environmental Bureau