

IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT  
 LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex rel.* ERIC F. RINEHART, State's )  
 Attorney of Lake County, Illinois, and *ex rel.* )  
 KWAME RAOUL, Attorney General of the )  
 State of Illinois, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CHDS, LLC, an Illinois limited liability )  
 company, )  
 )  
 Defendant. )

22CH00000171

No.

**COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES**

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS *ex rel.* ERIC F. RINEHART, State's Attorney of Lake County, on his own motion and at the request of Lake County, Illinois, through the Lake County Health Department, pursuant to a delegation agreement with the Illinois Environmental Protection Agency, and *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, complains of Defendant CHDS, LLC (referred to as "Defendant"), as follows:

**COUNT I  
 CONDUCTING A WASTE DISPOSAL OPERATION  
IN VIOLATION OF A PERMIT**

1. This Complaint is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS by ERIC F. RINEHART, State's Attorney of Lake County, on his own motion and at the request of Lake County, through the Lake County Health Department, pursuant to a delegation agreement with the Illinois Environmental Protection Agency, and *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, pursuant to Sections 42(d) and (e) of the

Illinois Environmental Protection Act, 415 ILCS 5/42(d) and (e) (2020) (hereinafter the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.* (2020), will be referred to as the “Act”).

2. At all times relevant to this Complaint, Defendant was and is an Illinois limited liability company in good standing with the State of Illinois.

3. At all times relevant to this Complaint, Defendant has operated and operates a landscape waste compost facility located at 25199 West IL Route 120, Round Lake, Lake County, Illinois (the “Site”).

4. At all times relevant to this Complaint, the Village of Round Lake, an Illinois municipal corporation, owned the Site.

5. The Illinois Environmental Protection Agency (“Illinois EPA”) is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act.

6. Pursuant to Section 4(r) of the Act, 415 ILCS 5/4(r) (2020), the Illinois EPA may enter into written delegation agreements with any unit of local government under which it may delegate all or portions of its inspecting, investigating and enforcement functions. The Illinois EPA has delegated to Lake County, implemented through the Lake County Health Department, the authority to inspect, investigate and pursue enforcement of facilities, like Defendant’s Site, to ensure compliance with the Act and Illinois Pollution Control Board (“Board”) Regulations.

7. On November 30, 2018, the Illinois EPA, Bureau of Land, received an Application for Permit Relating to a Composting Facility for Landscape Waste (the “Permit Application”), prepared for and signed by Defendant, and designated by the Illinois EPA with Permit Log No. 2018-507.

8. On June 6, 2019, the Illinois EPA, Bureau of Land, issued Permit No. 2018-507-DE/OP (the "Permit") to Defendant as operator, and the Village of Round Lake as owner, for a 30-acre landscape waste compost facility located at the Site.

9. The Permit provides, in pertinent part:

Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified in the records of the Illinois Environmental Protection Agency ("Illinois EPA"), Bureau of Land, Division of Land Pollution Control by the permit number and log number designated in the heading above. Permit, page 1, ¶1.

10. Defendant, in its Permit Application, stated with regard to on-Site storage areas:

In general, temporary "raw waste" stockpiles and finished product stockpiles will be located within the eastern portion of the facility on or near the 600-ft x 300-ft gravel pad to be built off of the main entrance drive off of Wilson Road. Permit Application, Attachment 5, Section 8O Storage Area.

11. The Permit also contains conditions for the operation of the Site. Special Condition No. I.2 of the Permit provides:

Upon completion of development, the operator shall provide written notification of the completion of the development to the Lake County Health Department and the Illinois EPA's Des Plaines Office. Upon receipt of notification, the Lake County Health Department and the Illinois EPA's Des Plaines Office shall be allowed twenty (20) working days to examine construction and confirm completion of the development in accordance with the development plans included in the Agency's files as Log No. 2018-507. The operator may commence operation of the landscape waste composting after the twenty (20) day period, if, having complied with the terms and conditions of this permit, the operator is not notified of a problem by the Lake County Health Department or the Illinois EPA's Des Plaines Office. Permit, page 2, Special Condition No. 2.

12. Upon information and belief, since June 6, 2019, or on an earlier date better known to Defendant, Defendant has accepted landscape material at the Site.

13. On July 26, 2019, Lake County Health Department ("LCHD") inspectors conducted an inspection of the Site.

14. At the time of the July 26, 2019 inspection, Defendant had not provided written notice to the LCHD of the completion of Site development, as required by Permit Special Condition No. I.2.

15. At the time of the July 26, 2019 inspection, Site conditions were as follows:

- a. Mixed unprocessed landscape material was present on the Site;
- b. There was a strong odor of decomposing landscape materials off-Site and on-Site; and
- c. Stockpiles of mixed unprocessed landscape material were located on areas of the Site that did not have clay fill in place.

16. On September 10, 2019, the Illinois EPA, Bureau of Land, received an Application for Permit Relating to a Composting Facility for Landscape Waste (the "Modification Application"), prepared for and signed by Defendant, and designated by the Illinois EPA with Permit Log No. 2019-359.

17. The Modification Application provides in part that:

Currently, 10-acres of the facility have been developed and are suitable for operations. This supplemental submission is provided to clarify that operations are only to be performed on the eastern 10-acres at this time. Future development and subsequent operations on the remaining 20-acres to the west are subject to business expansion and operational demand. CHDS, LLC also recycles stone and pulverizes topsoil at the facility, all carried out on the crushed gravel/asphalt pad portion of the facility. Modification Application, page 1, section 3.

18. The Modification Application includes a map depicting the eastern 10-acre area of the Site on which composting operations are performed. Modification Application, Figure 3, Site Plan with Property and Facility Boundaries. A true and correct copy of the Site Plan with Property and Facility Boundaries included in the Modification Application is attached hereto as Exhibit 1 (the "Modified Permitted Facility").

19. On March 19, 2020, the Illinois EPA, Bureau of Land, granted Permit Modification No. 1 (the “Modified Permit”) to Defendant as operator, and Village of Round Lake as owner, to reduce the permitted area of the landscape compost facility at the Site from 30 acres to 10 acres. Modified Permit, page 2, ¶1.

20. The Modified Permit provides, in pertinent part:

Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified on the records of the Illinois Environmental Protection Agency (“Illinois EPA”), Bureau of Land, Division of Land Pollution Control by the permit number and log number designated in the heading above.

Permit Modification No. 1 is hereby granted to Village of Round Lake as owner and CHDS, LLC to reduce the permitted area of the landscape waste compost facility from 30 acres to 10 acres, pursuant to 35 Illinois Administrative Code (hereinafter IAC) Subtitle G, part 832, all in accordance with the application and plans signed, sealed and prepared by Mr. Christopher N. Cailles, P.E., of DAI Environmental, Inc., signature dated [September] 4, 2019. Modified Permit, page 1, ¶¶1-2.

21. Figure 3 of the Modification Application, depicting the Modified Permitted Facility, is incorporated into the Modified Permit pursuant to the Modified Permit, page 1, ¶¶1-2.

22. Standard Condition No. 3 of the Modified Permit provides:

There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and as a supplemental written permit issued. Modified Permit page 13, Standard Condition No. 3.

23. Special Condition No. III.2 of the Modified Permit provides:

The operator shall process landscape material received at the facility by the end of the day received into windrows providing proper conditions for composting.

24. Special Condition No. III.3 of the Modified Permit provides:

The maximum windrows dimensions shall not exceed 5 feet in height and 10 feet in width. The permittee shall maintain a minimum aisle spacing of 10 feet between windrows.

25. Special Condition No. IV.1 of the Modified Permit provides:

The permittee shall maintain the composting surface to allow diversion of run-on waters away from the composting area.
26. Special Condition No. IV.3 of the Modified Permit provides:

The permittee shall maintain the facility to prevent ponding of landscape waste leachate within the composting area or staging area. The facility shall be graded and maintained to promote and control runoff in accordance with the stormwater control plan contained in the Application Log No. 2018-507.
27. On August 3, 2020, LCHD inspectors conducted an inspection of the Site.
28. At the time of the August 3, 2020 inspection, Site conditions were as follows:
  - a. There was a stockpile of landscape material located on the north/northwest portion of the Site, approximately 120 feet long and 60 feet wide with height varying from 6-15 feet, and consisting of grass, brush, tree trimmings, leaves and wood debris;
  - b. The foregoing landscape material was located outside of the Modified Permitted Facility; and
  - c. There were two temperature readings taken on the stockpile of landscape material present on the Site. The east side of the landscape material stockpile had an internal temperature reading of 104 degrees Fahrenheit. The south side of the landscape material stockpile had an internal temperature reading of 154 degrees Fahrenheit. The landscape material stockpile also had a composting odor.
29. On July 6, 2021, LCHD inspectors conducted an inspection of the Site.
30. At the time of the July 6, 2021 inspection, Site conditions were as follows:

- a. There was a stockpile of landscape material located southwest of the gate house on the northern portion of the Site, approximately 40 feet long by 60 feet wide and greater than 10 feet in height, and consisting of grass, brush and tree trimmings;
- b. The foregoing landscape material was located inside of the Modified Permitted Facility;
- c. There were two temperature readings taken on the foregoing stockpile of landscape material. The stockpile of landscape material had an internal temperature reading of 110 degrees and 128 degrees Fahrenheit, and had a composting odor;
- d. There were also three windrows of landscape material located east of the foregoing landscape material pile. Each of the three windrows measured 200 feet long by 11 feet wide and 3 to 4 feet in height. There was an additional partial windrow located northeast of the foregoing landscape material pile, measuring 38 feet long by 11 feet wide and 3 to 4 feet in height. The windrows were in the process of decomposition. Temperature readings were taken on two of the three full-length windrows present on the Site; no readings were taken of the partial windrow. The first windrow had an internal temperature reading of 118 degrees Fahrenheit. The third windrow had an internal temperature reading of 140 degrees Fahrenheit; and

- e. A LCHD inspector informed an employee of Defendant that all incoming landscape material must be placed in a windrow by the end of the day, as required by Special Condition No. III.2 of the Modified Permit.
31. On July 7, 2021, LCHD inspectors conducted an inspection of the Site.
32. At the time of the July 7, 2021 inspection, Site conditions were as follows:
- a. There was a stockpile of landscape material located southwest of the gate house on the northern portion of the Site, measuring 30 feet long by 25 feet wide and greater than 8 to 10 feet in height, and consisting of grass, brush and tree trimmings. A LCHD inspector placed separate pieces of dated and signed paper into two different locations within this stockpile of landscape material;
  - b. The foregoing landscape material was located inside of the Modified Permitted Facility;
  - c. There were also five windrows of landscape material located east of the foregoing landscape material pile. The three full length windrows present on the Site at the time of the July 6, 2021 inspection that each measured 200 feet long by 11 feet wide and 3 to 4 feet in height remained on the Site and had the same measurements as at the time of the July 6, 2021 inspection;
  - d. The partial windrow identified in the July 6, 2021 inspection now measured 166 feet long by 13 feet wide and 4 to 6 feet in height. A fifth windrow, not present at the time of the July 6, 2021 inspection, was located north of the partial windrow. The fifth windrow measured 94 feet



- long and 18 feet wide and from 5 to 6 feet in height. The width of the fourth and fifth windrows each exceeded 10 feet. The aisle spacing between the fourth and fifth windrows was from 3 to 5 feet.
- e. Temperature readings were taken on the windrows present on the Site. The windrows each had internal temperature readings between 120 degrees and 140 degrees Fahrenheit.
33. On July 8, 2021, LCHD inspectors conducted an inspection of the Site.
34. At the time of the July 8, 2021 inspection, Site conditions were as follows:
- a. There was a stockpile of landscape material on the same location as the stockpile of landscape material present at the time of the July 7, 2021 inspection, measuring 30 feet by 25 feet and greater than 8 to 10 feet in height, and consisting of grass, clippings, brush and tree trimmings;
  - b. The foregoing landscape material was located inside of the Modified Permitted Facility;
  - c. The same windrows present at the time of the July 7, 2021 inspection remained present on the same locations at the Site. The dimensions of the windrows remained unchanged. The aisle spacing between the fourth and fifth windrows remained unchanged at 3 to 5 feet apart;
  - d. The two pieces of signed and dated paper placed into the stockpile of landscape material during the July 7, 2021 inspection were retrieved from the locations that they had been placed; and

- e. Two temperature readings were taken on the foregoing stockpile of landscape material. The stockpile of landscape material had internal temperature readings of 130 degrees and 152 degrees Fahrenheit.
35. On August 9, 2021, LCHD inspectors conducted an inspection of the Site.
36. At the time of the August 9, 2021 inspection, Site conditions were as follows:
- a. There were nine windrows of landscape material located on the east portion of the Site;
  - b. The four southernmost windrows on the Site were present at the time of LCHD's previous July 6, 2021 inspection. These four windrows varied in height from 4 to 5 feet, in length from 252 to 288 feet, and in width from 12 to 16 feet. The four windrows were each spaced from 5 to 7 feet apart;
  - c. The five northernmost windrows on the Site were not present at the time of LCHD's previous July 6, 2021 inspection. These five windrows varied in length from 45 to 224 feet, in width from 15 to 20 feet, and were greater than 6 feet in height. The five new windrows were each spaced less than 10 feet apart from one another; and
  - d. There was a strong odor of decomposing landscape materials on-Site.
37. On October 13, 2021, an LCHD inspector conducted an inspection of the Site.
38. At the time of the October 13, 2021 inspection, Site conditions were as follows:
- a. There were eleven windrows of landscape material on the east portion of the Site. The eleven windrows varied from 90 to 348 feet in length, from 12 to 16 feet in width and from 4 to 5 feet in height;

- b. The eleven windrows were each spaced less than 10 feet apart from one another;
- c. There was standing water on the composting surface and between each of the 11 windrows; and
- d. There were three additional windrows of landscape material on the west portion of the Site. There was standing water between each of these three windrows.

39. Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2020), provides, in pertinent part, as follows:

No person shall:

- (d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:
  - (1) without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; . . . [.]

40. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides the following definition:

“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.

41. Defendant, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

42. Section 3.270 of the Act, 415 ILCS 5/3.270 (2020), provides the following definition:

“Landscape waste” means all accumulations of grass or shrubbery cuttings, leaves, tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

43. Section 3.385 of the Act, 415 ILCS 5/3.385 (2020), provides the following definition:

“Refuse” means waste.

44. Section 3.535 of the Act, 415 ILCS 5/3.535 (2020), provides the following definition:

“Waste” means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities

\* \* \*

45. Section 3.470 of the Act, 415 ILCS 5/3.470 (2020), provides the following definition:

“Solid waste” means waste.

46. Section 3.540 of the Act, 415 ILCS 5/3.540 (2020), provides the following definition:

“Waste disposal site” is a site on which solid waste is disposed.

47. Section 3.185 of the Act, 415 ILCS 5/3.185 (2020), provides the following definition:

“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.

48. The landscape material, including grass, brush, tree trimmings, leaves and wood debris, emitting a composting odor present at the Site during the July 26, 2019, August 3, 2020,

July 6, 2021, July 7, 2021, July 8, 2021, August 9, 2021, and October 13, 2021 inspections is “landscape waste” as that term is defined by Section 3.270 of the Act, 415 ILCS 5/3.270 (2020), “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2020), “refuse” as that term is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2020), and is also “solid waste” as that term is defined in Section 3.470 of the Act, 415 ILCS 5/3.470 (2020).

49. The landscape waste present at the Site during the July 26, 2019, August 3, 2020, July 6, 2021, July 7, 2021, July 8, 2021, August 9, 2021, and October 13, 2021 inspections has been deposited on the land in such a manner so that it or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

50. The depositing of the landscape waste present at the Site during the July 26, 2019, August 3, 2020, July 6, 2021, July 7, 2021, July 8, 2021, August 9, 2021, and October 13, 2021 inspections, in such a manner that it or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters, constitutes “disposal” as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2020).

51. The Site where Defendant caused or allowed the disposal of the landscape waste constitutes a “waste disposal site” as that term is defined in Section 3.540 of the Act, 415 ILCS 5/3.540 (2020).

52. By conducting a waste-disposal operation at the Site on July 26, 2019, prior to completion of site development and prior to approval by the LCHD or the Illinois EPA, Defendant violated Special Condition No. I.2 of the Permit.

53. The landscape waste present at the Site during the August 3, 2020 inspection was outside of the Modified Permitted Facility depicted in Figure 3 of the Modification Application.

54. At the time of the August 3, 2020 inspection, Defendant had not submitted a written request for modification of the Modified Permitted Facility depicted in Figure 3 of the Modification Application.

55. By conducting a waste-disposal operation at the Site outside of the Modified Permitted Facility depicted in Figure 3 of the Modification Application, Defendant violated Special Condition No. I.2 of the Permit and Standard Condition No. 3 of the Modified Permit.

56. On or before July 7, 2021, on dates better known to Defendant, Defendant failed to process all incoming landscape material by the end of the day it was received. Defendant therefore violated Special Condition No. III.2 of the Modified Permit.

57. By conducting a waste-disposal operation in violation of the Permit and Modified Permit, Defendant violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2020).

58. From at least July 6, 2021, or dates better known to Defendant, Defendant accepted landscape material and operated a compost facility in the Modified Permitted Facility at the Site.

59. On at least July 6, 2021, July 7, 2021, July 8, 2021, August 9, 2021 and October 13, 2021, or dates better known to Defendant, Defendant allowed windrows consisting of landscape material that exceeded 5 feet in height, exceeded 10 feet in width and did not provide 10 foot aisle spacing between windrows.

60. By allowing windrows consisting of landscape material that exceeded 5 feet in height, exceeded 10 feet in width and did not provide 10 foot aisle spacing between windrows, Defendant violated Special Condition No. III.3 of the Modified Permit.

61. On at least October 13, 2021, or dates better known to Defendant, standing water was present on the composting surface and between the windrows at the Site.

62. By allowing standing water on the composting surface and between the windrows at the Site, Defendant violated Special Condition Nos. IV.1 and IV.3 of the Modified Permit.

63. By conducting a compost facility operation in violation of Special Condition Nos. III.3, IV.1 and IV.3 of the Modified Permit, Defendant violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2020).

64. Violations of pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, permanent injunction and an Order in favor of Plaintiff and against Defendant CHDS, LLC on this Count I:

1. Finding that Defendant has violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2020), Special Condition No. I.2 of the Permit, and Special Condition Nos. III.2, III.3, IV.1 and IV.3, and Standard Condition No. 3 of the Modified Permit;
2. Enjoining Defendant from any further violations of violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2020), Special Condition No. I.2 of the Permit, and Special Condition Nos. III.2, III.3, IV.1 and IV.3, and Standard Condition No. 3 of the Modified Permit;
3. Ordering Defendant to take the appropriate corrective actions that will result in the abatement of the violations alleged herein;
4. Assessing a civil penalty of \$50,000.00 against Defendant for each and every violation of the Act, the Permit and the Modified Permit, and an additional \$10,000.00 for each day during which the violations continue;

5. Ordering that all costs of this action, including expert witness, consultant and attorney fees, be taxed against Defendant; and

6. Granting such other and further relief as this Court deems appropriate and just.

**COUNT II**  
**VIOLATION OF COMPLIANCE COMMITMENT AGREEMENT**

1-54. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 22, 27 through 55, and 57 of Count I as paragraphs 1 through 54 of this Count II.

55. Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2020), provides, in pertinent part, as follows:

\* \* \*

No person shall violate the terms and conditions of a Compliance Commitment Agreement entered into under subdivision (a)(7.5) of this Section.

56. On September 20, 2019, the LCHD issued Violation Notice (“VN”) No. L2019 - LK393 to Defendant pursuant to Section 31(a)(1) of the Act, 415 ILCS 5/31(a)(1) (2020), for violations observed during the July 26, 2019 inspection.

57. On October 4, 2019, the LCHD received from Defendant terms for a proposed Compliance Commitment Agreement (“CCA”) pursuant to Section 31(a)(2)(B) of the Act, 415 ILCS 5/31(a)(2)(B) (2020).

58. On October 21, 2019, Defendant and the LCHD entered into a CCA pursuant to Section 31(a)(7.5) of the Act, 415 ILCS 5/31(a)(7.5) (2020). A true and correct copy of the CCA is attached hereto as Exhibit 2.

59. Section III.5 of the CCA provides as follows:

Respondent agrees to undertake, complete and continue to maintain the following actions which the LCHD has determined are necessary to attain compliance with the allegations contained in VN L2019 LK393:



- a. Do not take any additional landscape wastes until the site has been developed in accordance with the Permit Application Log No. L2018-507 and Permit No. L2018-507-DE/OP or in accordance with any subsequent modification to them approved by the Illinois EPA.
- b. At least 20 working days before accepting any additional landscape wastes, provide written notification by certified mail to the Lake County Health Department and the Illinois EPA Des Plaines office that the facility has been developed and include with that notification documentation that the Round Lake Village Engineer inspected the property and determined the fill/grading has been completed according to the approved plans as stated in Section 1.3 and Section 4 in the Agreement between CHDS, LLC (Developer) and the Village of Round Lake in Permit Application Log No. L2018-507.
- c. On a section of the facility that the LCHD has approved as being developed, compost the landscape wastes that exists on-site in accordance with Permit No. L2018-507-DE/OP and the applicable regulations in 35 IAC Subtitle G Part 830.

60. At the time of the August 3, 2020 Inspection, Defendant had not yet provided LCHD written notification that the Site had been developed in accordance with the Permit, nor had Defendant included documentation that the Round Lake Village Engineer determined the fill/grading had been completed according to approved plans as stated in the Permit Application.

61. Prior to August 3, 2020, on dates better known to Defendant, Defendant took in landscape waste at the Site.

62. Defendant, by not developing the site in accordance with the Permit, by not providing written notice to the LCHD that the Site had been developed in accordance with the Permit including documentation that the Round Lake Village Engineer determined the fill/grading had been completed according to approved plans as stated in the Permit Application, and by accepting and continuing to accept landscape waste, violated and continues to violate Section III.5 of the CCA.

63. By violating Section III.5 of the CCA, Defendant violated and continues to violate Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2020).

64. Violations of pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this court enter a preliminary and, after trial, permanent injunction and an Order in favor of Plaintiff and against Defendant, CHDS, LLC, on this Count II:

1. Finding that Defendant has violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2020);
2. Enjoining Defendant from any further violations of Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2020);
3. Ordering Defendant to cease accepting landscape waste until the site is fully developed in compliance with the Permit and Modified Permit and Defendant has provided the Lake County Health Department documentation from the Village Engineer of Round Lake the property had been developed in accordance with Section III.5 of the Compliance Commitment Agreement;
4. Assessing a civil penalty against Defendant of Two Thousand Dollars (\$2,000.00) pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k) (2020);
5. Ordering that all costs of this action, including expert witness, consultant and attorney fees, be taxed against Defendant; and

6. Granting such other and further relief as this Court deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

*ex rel.* ERIC F. RINEHART  
State's Attorney of Lake County

By: /s/ Lisle A. Stalter  
LISLE A. STALTER  
Assistant State's Attorney

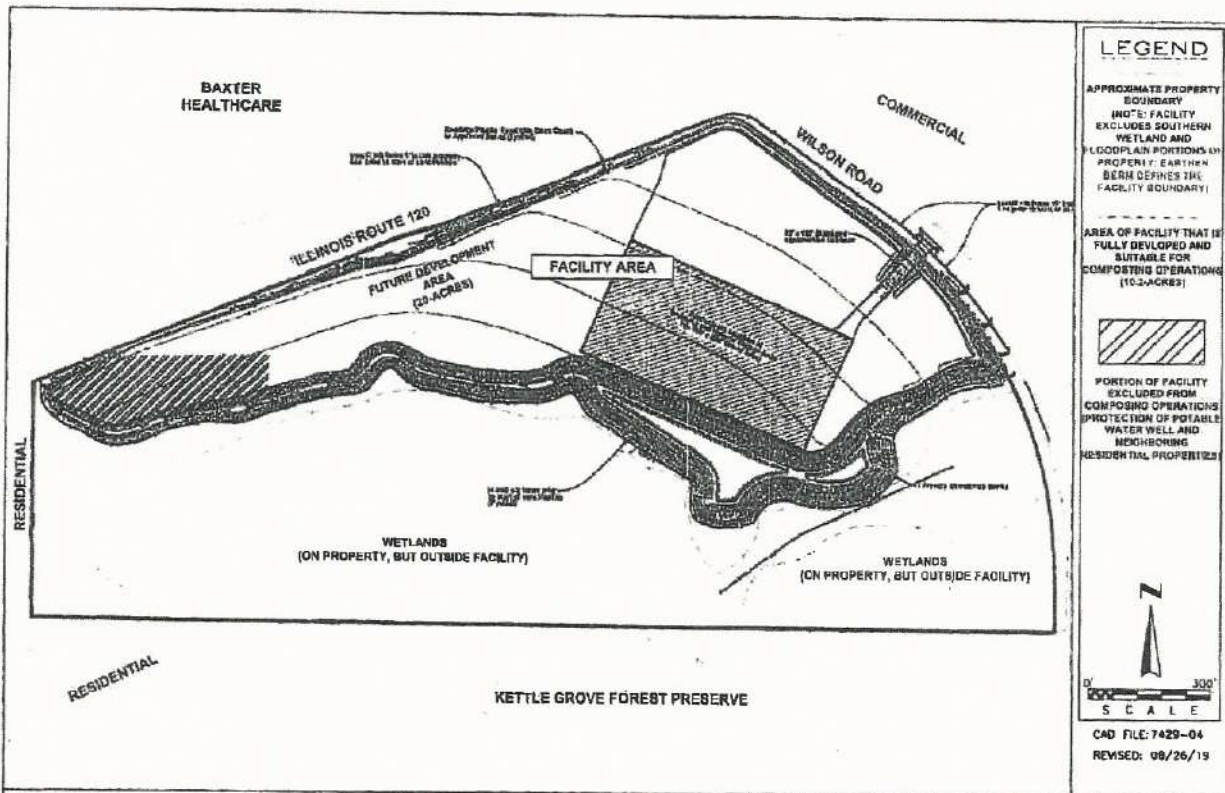
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and *ex rel.* KWAME RAOUL  
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief  
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By: /s/ Stephen J. Sylvester  
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**EN DAI AL**

CHDS, LLC  
 25199 WEST ILLINOIS ROUTE 120  
 ROUND LAKE, ILLINOIS

**FIGURE 3**  
 SITE PLAN WITH  
 PROPERTY AND FACILITY BOUNDARIES  
 (IMAGE BY PEARSON, BROWN & ASSOCIATES, INC.)



Mark A. Pfister, MSES, LEHP  
Executive Director

500 W. Winchester Road  
Libertyville, Illinois 60048  
Phone 847 377 8020

October 21, 2019

Dan Powell  
CHDS LLC  
1098 S. Milwaukee Ave., Suite 303  
Wheeling, IL 60090

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7013 2250 0000 9863 9908

Re: Compliance Commitment Acceptance  
Violation Notice L2019 LK393  
Site # 0971505067-Lake County  
Compliance File

Dear Mr. Powell:

Attached to this letter is a signed and fully executed copy of the Compliance Commitment Agreement ("CCA") between the CHDS LLC and the Lake County Health Department ("LCHD") for Violation Notice L2019 LK393, dated September 20, 2019.

Failure to fully comply with each of the commitments and the schedules for achieving each commitment as contained in the CCA may, at the discretion of the LCHD and the Illinois EPA, result in referral of this matter to the Office of the Attorney General, the State's Attorney of Lake County, or the United States Environmental Protection Agency.

The CCA does not constitute a waiver or modification of the terms and conditions of any license or permit issued by the Illinois EPA or any other unit or department of local, state or federal government or of any local, state, or federal statute or regulatory requirement. All required permits or licenses necessary to accomplish the commitments stated above and comply with all local, state or federal laws, regulations, licenses or permits must be acquired in a timely manner. The need for acquisition of any licenses or permits does not waive any of the times for achieving each commitment as contained in the CCA.

Any written communications regarding this matter should be sent to my attention at the Lake County Health Department, 500 W. Winchester Rd., Suite 102, Libertyville, IL 60048. All communications shall include reference to your violation notice number L2019 LK393. If you have questions, please contact me at phone #847-377-8016.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael F. Kuhn", is written over the typed name.

Michael F. Kuhn

Solid Waste Unit Coordinator

cc: IEPA/DLPC Des Plaines /Springfield  
Lake County State's Attorney's Office

LAKE COUNTY HEALTH DEPARTMENT &  
COMMUNITY HEALTH CENTER

IN THE MATTER OF	)	Lake County Health Department
CHDS LLC	)	Solid Waste Unit
1098 South Milwaukee Ave.	)	
Wheeling, IL 60090	)	
SITE #0971505067	)	Violation Notice: L2019 LK393

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**COMPLIANCE COMMITMENT AGREEMENT**

**I. Jurisdiction**

1. This Compliance Commitment Agreement (“CCA”) is entered into voluntarily by the Lake County Health Department and Community Health Center (“LCHD”) and the CHDS LLC (the “Respondent”). The Respondent and the LCHD are collectively the “Parties” under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(a)(7)(i), and delegated to Lake County pursuant to 415 ILCS 5/4(r) of the Act.

**II. Allegation of Violation**

2. The CHDS LLC is the operator of the CHDS, LLC compost facility located at 25199 W. Il Route 120 in Round Lake, Illinois 60073.
3. Pursuant to Violation Notice (“VN”) L2019 LK393, issued to the CHDS LLC on September 20, 2019, the LCHD contends that Respondent has violated the following provisions of the Act and the Illinois Pollution Control Board (“Board”) Regulations.
  - a. Pursuant to Section 21(d)(1) of the Environmental Protection Act 415 ILCS 5/21 (d)(1) No person shall conduct any waste-storage, waste-treatment, or waste-disposal operation: 1. Without a permit or in violation of any condition of a permit.
  - b. Pursuant to Permit No. 2018-507-DE/OP I. 2. upon completion of development, the operator shall provide written notification of the completion of development to the Lake County Health Department and the Illinois EPA's Des Plaines Office. Upon receipt of notification, the Lake County Health Department and the Illinois EPA's Des Plaines Office shall be allowed twenty (20) working days to examine construction and confirm completion of the development in accordance with the development plans included in the Agency's files as Log No. 2018-507. The operator may commence operation of the landscape waste composting after the twenty (20) day period, if, having complied with the terms and conditions of this permit, the operator is not notified of a problem by to the Lake County Health

Department or the Illinois EPA's Des Plaines Office. Landscape waste operations commenced prior to completion of site development and prior to approval by the Lake County Health Department or the Illinois EPA's Des Plaines Office.

### **III. Compliance Activities**

4. On October 4, 2019, the LCHD received a proposed Compliance Commitment Agreement (CCA), dated October 2, 2019 in response to VN L2019 LK393. The LCHD has reviewed the proposed CCA terms, as well as considered whether any additional terms and conditions are necessary to attain compliance with the alleged violations cited in the VN L2019 LK393.
5. Respondent agrees to undertake, complete and continue to maintain the following actions which the LCHD has determined are necessary to attain compliance with the allegations contained in VN L2019 LK393.
  - a. Do not take any additional landscape wastes until the site has been developed in accordance with the Permit Application Log No. L2018-507 and Permit No. L2018-507-DE/OP or in accordance with any subsequent modification to them approved by the Illinois EPA.
  - b. At least 20 working days before accepting any additional landscape wastes, provide written notification by certified mail to the Lake County Health Department and the Illinois EPA Des Plaines office that the facility has been developed and include with that notification documentation that the Round Lake Village Engineer inspected the property and determined the fill/grading has been completed according to the approved plans as stated in Section 1.3 and Section 4 in the Agreement between CHDS, LLC (Developer) and the Village of Round Lake in the Permit Application Log No. L2018-507.
  - c. On a section of the facility that the LCHD has approved as being developed, compost the landscape wastes that exists on-site in accordance with Permit No. L2018-507-DE/OP and the applicable regulations in 35 IAC Subtitle G Part 830.

### **IV. Terms and Conditions**

6. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, 415 ILCS 5/31(a)(10), if Respondent complies with the terms of this CCA, the LCHD shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or to the Lake County State's Attorney's Office. Successful completion of this CCA or an amended CCA shall be a factor to be weighed, in favor of the Respondent, by the Office of the Illinois Attorney General or by the State's

Attorney's Office, in determining whether to file a complaint on its own motion for the violations cited in VN L2019 LK393.

7. This CCA is solely intended to address the violations alleged in LCHD VN L2019 LK393. The LCHD reserves, and this CCA is without prejudice to, all rights of the LCHD against Respondent with respect to non-compliance with any term of this CCA, as well as to all other matters. Nothing in this CCA 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 LCHD may have against the Respondent, or any other person as defined by Section 3.315 of the Act, 415 ILCS 5/3.315. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations.
8. Pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k), in addition to any other remedy or penalty that may apply, whether civil or criminal, the Respondent shall be, jointly and severally, liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA.
9. This CCA shall apply to and be binding upon the LCHD and on the Respondent and the Respondent's agents, successors and assigns, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of the facility.
10. In any action by the LCHD to enforce the terms of this CCA, the Respondent consents to and agrees not to contest the authority or jurisdiction of the LCHD to enter into or enforce this CCA and agrees not to contest the validity of this CCA or its terms and conditions.
11. This CCA shall only become effective:
  - a) If, within 30 days of receipt, the Respondent executes this CCA and it is submitted, via certified mail, to Lake County Health Department, Attn: Michael F. Kuhn, 500 W. Winchester Rd., Suite 102, Libertyville, IL 60048. If this CCA is not submitted within 30 days of receipt, via certified mail, this CCA shall be deemed rejected by operation of law; and
  - b) Upon execution by all Parties. If the Respondent fails to execute this CCA it shall be deemed rejected.
12. Pursuant to Section 31(a)(7.5) of the Act, 415 ILCS 5/31(a)(7.5), this CCA shall not be amended or modified prior to execution by all of the Parties. Any amendment or modification to this CCA by the Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the LCHD and Respondent's signatory, legal representative or agent.



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

**AGREED TO FOR THE RESPONDENT:**

BY: Daniel Powell C. Hobell  
Signature  
Daniel e. Powell President  
Printed name/title

DATE: 10-15-19

**AGREED TO FOR THE LAKE COUNTY HEALTH DEPARTMENT:**

BY: Michael F. Kuhn  
Signature  
MICHAEL F. KUHN SWU Coordinator  
Printed name/title

DATE: 10-21-19

cc: IEPA/DLPC Des Plaines/Springfield Office  
Lake County State's Attorney's Office

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, et al. ERIC P. RINEHART, State Attorney of Lake County, Illinois, and ex rel KWAME RADULU, et al.

Plaintiff/Petitioner

vs.

CHDS, LLC, an Illinois limited liability company,

Defendant/Respondent

22CH00000171

Gen No. \_\_\_\_\_

**AFFIDAVIT AS TO MILITARY SERVICE**

Lisle A. Stalter on oath states:

- The defendant is in the military service of the United States.
- The defendant is not in the military service of the United States.
- I am unable to determine whether the defendant is in the military service of the United States.

This affidavit is based on these facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 the undersigned certifies that the statements set forth herein are true and correct.

s/ Lisle A. Stalter

\_\_\_\_\_  
Signature

Prepared by:

Name: Lisle A. Stalter

Attorney's Name: \_\_\_\_\_

Address: 18 N. County St.

City: Waukegan State: IL

Phone: 847-377-3050 Zip Code: 60085

ARDC #: 6242950



**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS, ex rel. Eric F. Rinehart, State's  
Attorney of Lake County, Illinois, and  
ex rel. Kwame Raoul, Attorney General of the State of Illinois

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ )

Plaintiff(s)

vs.

CHDS, LLC, an Illinois limited liability company  
\_\_\_\_\_  
\_\_\_\_\_ )

Defendant(s)

22CH00000171

Case No: \_\_\_\_\_

**SUMMONS**

**To:** CHDS, LLC  
Dan Powell  
1098 S. Milwaukee Ave., Suite 303  
Wheeling, IL 60090

You are summoned and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, in the office of the Clerk of this Court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <https://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp> or talk with the Lake County Circuit Clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask the circuit clerk for more information or visit [www.illinoislegalaid.org](http://www.illinoislegalaid.org).

If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to [www.illinoislegalaid.org](http://www.illinoislegalaid.org). You can also ask the circuit clerk's office for a fee waiver application.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indicated.

This summons may not be served later than 30 days after its date.

8/15/2022

WITNESS \_\_\_\_\_



*Erin Cartwright Weinstein*

ERIN CARTWRIGHT WEINSTEIN, KS  
Clerk of Court

Prepared by:

Name: LISLE A. STALTER Pro Se

Address: 18 North County Street

City: Waukegan State: IL

Phone: 847-377-3050 Zip Code: 60085

ARDC #: 6242950

Fax: \_\_\_\_\_

E-mail address: lstalter@lakecountyil.gov

(If service by facsimile transmission will be accepted, the telephone number of the plaintiff or plaintiff's attorney's facsimile machine is additionally required.)

Date of Service \_\_\_\_\_, 20\_\_\_\_ (to be inserted by officer on copy left with defendant or other person).

SHERIFF'S FEES

( Service and return ..... \$ \_\_\_\_\_  
 ( Miles \_\_\_\_\_ ..... \$ \_\_\_\_\_  
 ( Total..... \$ \_\_\_\_\_

\_\_\_\_\_  
 Sheriff of \_\_\_\_\_ County

I certify that I served this summons on defendants as follows:  
 (a)-(Individual defendants – personal):  
 (The officer or other person making service, shall (a) identify as to sex, race and approximate age of the defendant with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of the day when the summons was left with the defendant).

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(b)-(Individual defendants – abode):  
 By leaving a copy of the complaint at the usual place of each individual defendant with a person of his family, of the age of 13 years or upwards, informing that person of the contents of the summons. (The officer or other person making service, shall (a) identify as to sex, race and approximate age of the person, other than the defendant, with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of day when the summons was left with such person).

\_\_\_\_\_  
 \_\_\_\_\_

and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his usual place of abode, as follows:

Name of defendant	Mailing Address	Date of mailing
_____	_____	_____
_____	_____	_____
_____	_____	_____

(c)-(Corporate defendants):  
 By leaving a copy and a copy of the complaint with the registered agent, officer or agent of each defendant corporation, as follows:

Defendant corporation Service	Registered agent, officer or agent	Date of
_____	_____	_____
_____	_____	_____
_____	_____	_____

(d)-(Other service):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Sheriff of \_\_\_\_\_ County  
 By: \_\_\_\_\_  
 (Deputy)

IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex. rel.* ERIC F. REINHART, State's )  
Attorney of Lake County, Illinois, and )  
*ex. rel.* KWAME RAOUL, Attorney General )  
of the State of Illinois, )  
 )  
Plaintiff, )  
 )  
 )  
vs. )  
 )  
CHDS, LLC, an Illinois limited liability )  
company, )  
 )  
Defendant. )

Case No. 22CH00000171

APPEARANCE

I, Daniel Robertson, hereby enter my appearance as counsel for PEOPLE OF THE STATE OF ILLINOIS, *ex. rel.* KWAME RAOUL, Attorney General of the State of Illinois, in the above referenced case.

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

By: /s/ Daniel Robertson  
Daniel Robertson (ARDC No. 6296438)  
Assistant Attorney General  
Environmental Bureau  
Office of the Illinois Attorney General  
69 W. Washington St., 18<sup>th</sup> Floor  
Chicago, IL 60602  
312-814-3532  
Daniel.Robertson@ilag.gov

IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex. rel.* ERIC F. REINHART, State's )  
Attorney of Lake County, Illinois, and )  
*ex. rel.* KWAME RAOUL, Attorney General )  
of the State of Illinois, )  
Plaintiff, )  
vs. )  
CHDS, LLC, an Illinois limited liability )  
company, )  
Defendant. )

Case No. 22CH00000171

**NOTICE OF FILING**

TO: Persons on Attached Service List

PLEASE TAKE NOTICE that on August 18, 2022, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex. rel.* KWAME RAOUL, Attorney General of the State of Illinois, filed with the Lake County Circuit Court Clerk its Appearance, a true and correct copy of which is attached hereto and hereby served upon you.

Respectfully submitted,

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

BY: /s/ Daniel Robertson

Daniel Robertson (ARDC No. 6296438)  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-3532  
Primary e-mail: Daniel.Robertson@ilag.gov



SERVICE LIST

Lake County State's Attorney

Leslie A. Stalter  
Jamie Helton  
Assistant State's Attorneys  
18 N. County Street  
Waukegan, IL 60085  
[lstalter@lakecountyil.gov](mailto:lstalter@lakecountyil.gov)  
[jhelton@lakecountyil.gov](mailto:jhelton@lakecountyil.gov)

CHDS LLC

Daniel Powell  
President and Registered Agent  
CHDS LLC  
1098 N. Milwaukee Avenue  
Wheeling, IL 60090  
[danchds@gmail.com](mailto:danchds@gmail.com)

**CERTIFICATE OF SERVICE**

I, Daniel Robertson, an Assistant Attorney General, do certify that on this 18th day of August, 2022, I caused to be served a copy of the foregoing Notice of Filing and Appearance of Daniel Robertson, upon the persons listed on the attached Service List via electronic mail.

BY: /s/ Daniel Robertson

Daniel Robertson (ARDC No. 6296438)  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-3532  
Primary e-mail: Daniel.Robertson@ilag.gov