



**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,  
  
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        | ) |                               |
|                           | ) | Violation Notice: L2019 LK393 |
| SITE #0971505067          | ) |                               |
|                           | ) |                               |

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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:

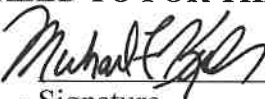
  
Signature  
Daniel R. Powell President  
Printed name/title

DATE:

10-15-19

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

BY:

  
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