

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
STEPHENSON COUNTY, ILLINOIS  
CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS, )		
<i>ex rel.</i> KWAME RAOUL, )		
Attorney General of the State Illinois, )		
)		
)	No. 2023CH8	
Plaintiff, )		
)		
v. )		
)	FILED	
OUTLAW TBO LLC, a limited liability )	STEPHENSON COUNTY, IL	
company, and CROSSROADS METALS )	4/20/2023 9:16 AM	
INC., d/b/a MOWERY AUTO PARTS, )	Shanelle Bardell	
an Illinois corporation, )	CLERK OF THE CIRCUIT COURT	
)		
Defendants. )		

**VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES**

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* 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”), complains of Defendants, OUTLAW TBO LLC, a limited liability company, and CROSSROADS METALS INC., d/b/a MOWERY AUTO PARTS, an Illinois corporation, (collectively referred to as “Defendants”) as follows:

**COUNT I  
SUBSTANTIAL DANGER TO THE  
ENVIRONMENT, PUBLIC HEALTH AND WELFARE**

1. This count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois EPA, against Defendants, Outlaw TBO LLC, a limited liability company, and Crossroads Metals Inc., d/b/a Mowery Auto Parts, an Illinois corporation, pursuant to the terms

and provisions of Section 43(a) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/43(a) (2020), and is an action to restrain a substantial danger to public health and welfare and to the environment.

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

3. The Illinois Emergency Management Agency (“IEMA”) is an administrative agency of the State of Illinois created pursuant to the Illinois Emergency Management Agency Act, 20 ILCS 3305/, and charged with the duty of coordinating the overall emergency management program of the State and with private organizations, political subdivisions, and the federal government. IEMA also is responsible for implementation of Title III of the Superfund Amendments and Reauthorization Act of 1986.

4. At all times relevant to this Verified Complaint, Defendant Outlaw TBO LLC (“Defendant Outlaw”) has been and is an Illinois limited liability company registered and in good standing with the Illinois Secretary of State’s Office.

5. At all times relevant to this Verified Complaint, Defendant Crossroads Metals Inc. has been and is an Illinois corporation doing business as Mowery Auto Parts (“Defendant Mowery”). Defendant Mowery is registered and in good standing with the Illinois Secretary of State’s Office.

6. Defendant Outlaw is the owner of the real property where Defendant Mowery operates Mowery Auto Parts, an auto parts salvage yard, located at 686 North Van Buren Avenue, Freeport, Stephenson County, Illinois 61032 (“Facility”).

7. As of the date of filing of this Verified Complaint, the Facility is located in an area of Environmental Justice (“EJ”) concern as identified using Illinois EPA EJ Start.

8. The Facility encompasses approximately five acres, and the western side of the Facility is located approximately fifteen (15) feet from the Pecatonica River. Commercial businesses and industrial facilities are also located near the Facility.

9. The Facility’s operations include storing used and waste tires, selling used car parts, as well as scrap metal recovery.

10. At all times relevant to this Verified Complaint, the Facility contained and continues to contain products used for, among other operations, vehicle dismantling, used parts storage, and outdoor vehicle and equipment storage. The products include, but are not limited to, motor oil, anti-freeze, gasoline, diesel fuel, hydraulic fluids, transmission fluids and various greases (collectively “Automotive Fluids”).

11. On January 11, 2023, at approximately 4:30 p.m., a fire occurred at the Facility (“Fire”). The Fire burned bailers, tire machines, a metal shear, about 300 used and/or waste tires, three salvage vehicles, and a building.

12. According to the United States Environmental Protection Agency (“USEPA”), tire fire emissions include pollutants such as particulates, carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>), oxides of nitrogen (NO<sub>x</sub>), volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), dioxins, furans, hydrogen chloride, benzene, polychlorinated biphenyls (PCBs), and metals such as arsenic, cadmium, nickel, zinc, mercury, chromium and vanadium (collectively “Tire Fire Emissions”). Exposure to Tire Fire Emissions can result in adverse health

impacts, including respiratory issues, central nervous system depression, cancer, and irritation of the skin, eyes, and mucous membranes.<sup>1</sup>

13. On January 11, 2023, at approximately 5 p.m., eight (8) fire departments in Illinois from Stephenson and Ogle County responded to the Fire at the Facility. By the time the Fire Departments arrived, one of the buildings at the Facility was engulfed with heavy smoke that showed from a distance and flames were showing from all sides. It took approximately four and a half hours and 300,000 gallons of water to extinguish the Fire.

14. On January 12, 2023, Illinois EPA inspected the Facility in the aftermath of the Fire. There were several hotspots where flames had reignited, including a burning pile of tires and a burning vehicle. Also, there was firefighting runoff along the southwest corner of the property, as well as in an unnamed stream flowing into the Pecatonica River, leaving a visible sheen. There was also a dark, oily substance along the Pecatonica River bank, which upon information and belief, was the result of the Fire.

15. On January 12, 2023, there was a dark, oily substance in a ditch between Van Buren Avenue (“the Ditch”), which is located East of the Facility, and the Facility. Upon information and belief, the dark, oily substance was the result of the Fire.

16. On January 12, 2023, the Illinois EPA also collected samples from the Pecatonica River.

17. On January 12, 2023, a contractor arrived at the Facility to discuss the installation of a concrete retaining wall (“Retaining Wall”) to prevent further runoff from entering the river.

18. On January 12, 2023, the Office of the State Fire Marshall, Division of Arson Investigation, performed an investigation and determined that human error caused the Fire.

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<sup>1</sup> USEPA Report, Prepared by Joel I. Reisman, *Air Emissions from Scrap Tire Combustion*, (Oct. 1997), at viii, [https://www3.epa.gov/ttnecat1/dir1/tire\\_eng.pdf](https://www3.epa.gov/ttnecat1/dir1/tire_eng.pdf).

19. On January 12, 2023, Defendant Mowery reported a release to IEMA and IEMA assigned the release Incident Number H-2023-0031.

20. On January 13, 2023, the Illinois EPA contacted Defendant Mowery to assess the progress made at remediating the conditions at the Facility. While the Retaining Wall had not yet been built, Defendant Mowery informed Illinois EPA that BK Concrete Company had been hired to construct the Retaining Wall.

21. On or about January 17, 2023, BK Concrete Company constructed the Retaining Wall.

22. On January 17th and January 19th, 2023, Illinois EPA again inspected the Facility.

23. The Fire resulted in the release of fire suppression water, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire, which discharged from the Facility into the Pecatonica River (“the Release”). IEMA estimated the extent of the Release to be five (5) acres.

24. The Fire resulted in the emission of smoke, particulate matter, Tire Fire Emissions, and potentially other unknown contaminants into the atmosphere.

25. As of the date of the filing of this Verified Complaint, the land at the Facility and the water in the Pecatonica River are contaminated with runoff from fire suppression water, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire.

26. Section 43(a) of the Act, 415 ILCS 5/43(a) (2020), provides as follows:

In circumstances of substantial danger to the environment or to the public health of persons or to the welfare of persons where such danger is to the livelihood of such persons, the State’s Attorney or Attorney General, upon request of the Agency or on his own motion, may institute a civil action for an immediate injunction to halt any discharge or other activity causing or contributing to the danger or to require such other action as may be necessary. The court may issue an ex parte order and

shall schedule a hearing on the matter not later than 3 working days from the date of injunction.

27. While the Fire burned, smoke, particulate matter, Tire Fire Emissions, and potentially other unknown contaminants were released into the air, and the fire suppression water, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire continue to pose a public health hazard and threaten to impact the Pecatonica River and groundwater.

28. The land at the Facility being contaminated with firefighting runoff, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire pose a substantial threat of discharge of contaminants to the Pecatonica River and pose a public health hazard and threatens to impact the Pecatonica River and area groundwater.

29. By releasing smoke, particulate matter, Tire Fire Emissions, and potentially other unknown contaminants into the environment, by causing fire suppression water, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire to be discharged into the Pecatonica River, and by depositing fire suppression water, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire onto the ground, Defendants created and are continuing to allow circumstances of substantial danger to the environment and to public health and welfare.

30. The substantial danger alleged herein will continue or reoccur unless and until this Court grants equitable relief in the form of immediate, preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court grant an immediate and preliminary injunction in favor of Plaintiff, and against Defendants, OUTLAW TBO LLC, a limited liability company, and CROSSROADS METALS INC., d/b/a MOWERY AUTO PARTS, an Illinois corporation, on Count I:

1. Finding that Defendants created and are maintaining a substantial danger to the environment and public health and welfare;

2. Enjoining Defendants from creating any further substantial endangerment pursuant to Section 43(a) of the Act, 415 ILCS 5/43(a) (2020);

3. Ordering Defendants to immediately take all necessary actions to contain and prevent the discharge or release of fire suppression water, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment and the remains of a building consumed by the Fire, and any other contaminants as a result of the Fire and to undertake all necessary corrective action that will result in a final and permanent abatement;

4. Ordering Defendants, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

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

**COUNT II**  
**AIR POLLUTION**

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, *ex. rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois EPA, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42 (d) and (e) (2020).

2-18. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 14, 18 through 19, 22, and 24 of Count I as paragraphs 2 through 18 of this Count II.

19. Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), provides 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.

20. Section 201.141 of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides as follows:

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

21. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides the following definition:

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

22. The smoke, particulate matter, Tire Fire Emissions and potentially other unknown materials discharged and emitted into the air from the Facility as a result of the Fire are each a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

23. 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.



24. Defendant Outlaw, a limited liability company, and Defendant Mowery, an Illinois corporation, are each a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

25. Section 3.115 of the Act, 415 ILCS 5/3.115 (2020), provides the following definition:

“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.

26. The release of smoke, particulate matter, Tire Fire Emissions, and the potential release of other unknown contaminants into the air at the Facility on January 11, 2023, created a risk of injury to human, plant, and/or animal life, to health and property, and threatened to unreasonably interfere with the enjoyment of life or property, constitutes “air pollution” as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2020).

27. By causing or threatening the release of airborne contaminants in the form of smoke, particulate matter, Tire Fire Emissions, and potentially other unknown contaminants from the Facility on January 11, 2023, Defendant Outlaw, as the owner of the Facility, and Defendant Mowery, as the operator of the Facility caused, threatened, or allowed air pollution in Illinois, and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

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

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court grant an immediate and preliminary injunction in favor of Plaintiff, and against

Defendants, OUTLAW TBO LLC, a limited liability company, and CROSSROADS METALS INC., d/b/a MOWERY AUTO PARTS, an Illinois corporation, on Count II:

1. Finding that Defendants have violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

2. Enjoining Defendants from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

3. Ordering Defendants to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

4. Assessing against Defendants, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Defendants, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

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

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

1-26. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 11, 13 through 23, and 25 of Count I, and paragraphs 1, 21, and 23 through 24 of Count II, as paragraphs 1 through 26 of this Count III.

27. Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), provides as follows:

No person shall:

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

28. The fire suppression water, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire are each a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

29. Section 3.550 of the Act, 415 ILCS 5/3.555 (2020), 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 the State.

30. The Pecatonica River, the Ditch, and groundwater are “waters” of the State of Illinois as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.555 (2020).

31. Section 3.545 of the Act, 415 ILCS 5/3.545 (2020), 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 domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

32. The release of fire suppression water, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire from the Facility altered the physical and chemical properties of the Pecatonica River and the Ditch, and likely rendered such waters harmful or detrimental or injurious to (a) public health, safety or welfare; (b) domestic, commercial, industrial, agricultural, recreational, or other

legitimate uses; or (c) wild animals, birds, fish, or other aquatic life, and therefore constitutes “water pollution” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

33. By causing or allowing the discharge of fire suppression water, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire into waters of the State of Illinois, Defendant Outlaw, as the owner of the Facility, and Defendant Mowery, as the operator of the Facility caused, threatened, and allowed the discharge of contaminants into the environment so as to cause or tend to cause water pollution in Illinois, and thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

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

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter a preliminary and, after a trial, permanent injunction and an order in favor of Plaintiff and against Defendants, OUTLAW TBO LLC, a limited liability company, and CROSSROADS METALS INC., d/b/a MOWERY AUTO PARTS, an Illinois corporation, on Count III:

1. Finding that Defendants have violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
2. Enjoining Defendants from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
3. Ordering Defendants to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);

4. Assessing against Defendants, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Defendants, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

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

**COUNT IV**  
**CREATING A WATER POLLUTION HAZARD**

1-31. Plaintiff realleges and incorporates by reference herein paragraphs 2 through 11, 13 through 23, and 25 of Count I, paragraphs 1, 21, and 23 through 24 of Count II, and paragraphs 28 through 32 of Count III as paragraphs 1 through 31 of this Count IV.

32. Section 12(d) of the Act, 415 ILCS 5/12(d) (2020), provides in pertinent part, 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.

\* \* \*

33. By depositing Automotive Fluids, residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire, each a “contaminant” defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), onto the land in a place and manner that the contaminants could be carried by storm water or fire suppressant water into the Pecatonica

River and the Ditch, Defendant Outlaw, as the owner of the Facility, and Defendant Mowery, as the operator of the Facility, created a water pollution hazard and thereby violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

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

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter a preliminary and, after a trial, permanent injunction and an order in favor of Plaintiff and against Defendants, OUTLAW TBO LLC, a limited liability company, and CROSSROADS METALS INC., d/b/a MOWERY AUTO PARTS, an Illinois corporation, on Count IV:

1. Finding that Defendants have violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);
2. Enjoining Defendants from any further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);
3. Ordering Defendants to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);
4. Assessing against Defendants, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Defendants, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

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

**COUNT V**  
**CAUSING OFFENSIVE CONDITIONS**

1. This count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, against Defendants, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42 (d) and (e) (2020).

2-25. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 11, 13 through 23, and 25 of Count I, and paragraphs 29 through 30 of Count III, as paragraphs 2 through 25 of this Count V.

26. Section 302.203 of the Illinois Pollution Control Board (“Board”) Water Pollution Regulations, 35 Ill. Adm. Code 302.203, provides as follows:

Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin. The allowed mixing provisions of Section 302.102 shall not be used to comply with the provisions of this Section.

27. By releasing fire suppression water, Automotive Fluids, and residue from the combustion of tires, junk vehicles, equipment, and the remains of a building consumed by the Fire such that it entered the Pecatonica River, as well as the Ditch, Defendant Outlaw, as owner of the Facility, and Defendant Mowery, as operator of the Facility, introduced floating debris, visible oil, odor, and liquid with a color and turbidity of other than natural origin into the Pecatonica River and the Ditch in violation of Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203.

28. By violating Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203, Defendants thereby also violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

29. Violations of the pertinent environmental statutes and regulations 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 an Order granting a preliminary injunction and, after trial, a permanent injunction in favor of Plaintiff, and against Defendants, OUTLAW TBO LLC, a limited liability company, and CROSSROADS METALS INC., d/b/a MOWERY AUTO PARTS, an Illinois corporation, on Count V, as follows:

1. Finding that Defendants violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203;

2. Enjoining Defendants from any further violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203;

3. Ordering Defendants to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), and Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203;

4. Assessing against Defendants, pursuant to Section 42(a) of the Act, 415 ILCS 5/12(a) (2020), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), with an additional penalty of Ten Thousand Dollars (\$10,000.00) per day of violation;



5. Ordering Defendants, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by Plaintiff in its pursuit of this action; and,

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

**COUNT VI**  
**UNPERMITTED OPEN DUMPING OF WASTE AND WASTE DISPOSAL**

1-19. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 11, 13 through 14, 18 through 19, 23, and 25 of Count I, and paragraphs 1 and 23 through 24 of Count II, as paragraphs 1 through 19 of this Count VI.

20. The Facility has never been permitted by Illinois EPA for the disposal of waste.

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

No person shall:

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

\* \* \*

(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.

22. Section 3.305 of the Act, 415 ILCS 5/3.305 (2020), provides the following

definition:

“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.

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

definition:

“Refuse” means waste.

24. 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...

25. 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.

26. 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.

27. Section 3.445 of the Act, 415 ILCS 5/3.445 (2020), provides, pertinent part, as

follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste. . .

28. The ash and residue from burning of the Automotive Fluids, bailers, tire machines, a metal shear, approximately 300 waste and/or used tires, three salvaged vehicles, and the remains of a building consumed by the Fire which Defendants discharged, deposited, dumped, spilled, leaked, and/or placed onto soils at the Facility and surrounding areas, were discarded by Defendants, and therefore constitutes “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2020), and “refuse” as that term is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2020).

29. Defendants' discharging, depositing, dumping, spilling, leaking, and/or placing of the ash and residue from burning of the Automotive Fluids, bailers, tire machines, a metal shear, approximately 300 waste and/or used tires, three salvaged vehicles, and the remains of a building consumed by the Fire onto the ground at the Facility, such that it migrated or threatened to migrate into the subsurface soils, surface water, and groundwater, and such that smoke, particulate matter, Tire Fire Emissions, and potentially other unknown contaminants were emitted into the air, constitutes "disposal" as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2020).

30. The areas of the Facility where Defendants caused or allowed the disposal of ash and residue from burning of the Automotive Fluids, bailers, tire machines, a metal shear, approximately 300 waste and/or used tires, three salvaged vehicles, and the remains of a building consumed by the Fire constitute a "waste disposal site" as that term is defined in Section 3.540 of the Act, 415 ILCS 5/3.540 (2020).

31. Because the Facility has never been permitted by Illinois EPA for the disposal of waste, it does not meet the requirements of a "sanitary landfill," as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2020).

32. Defendants' discharging, depositing, dumping, spilling, leaking, and/or placing of waste on the ground at the Facility constitutes "open dumping," as that term is defined in Section 3.305 of the Act, 415 ILCS 5/3.305 (2020).

33. By disposing the ash and residue from burning of the Automotive Fluids, bailers, tire machines, a metal shear, approximately 300 waste and/or used tires, three salvaged vehicles, and the remains of a building consumed by the Fire on the ground at the Facility, Defendant Outlaw, as the owner of the Facility, and Defendant Mowery, as the operator of the Facility, caused or allowed the open dumping of waste, and thereby violated Section 21(a) of the Act, 415 ILCS

5/21(a) (2020).

34. Because Defendant Outlaw, as the owner of the Facility, and Defendant Mowery, as the operator of the Facility, disposed of or abandoned the ash and residue from burning of the Automotive Fluids, bailers, tire machines, a metal shear, approximately 300 waste and/or used tires, three salvaged vehicles, and the remains of a building consumed by the Fire at the Facility, which is not permitted for waste disposal by the Illinois EPA, and therefore did not meet the requirements of the Act. Defendants thereby also violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2020).

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

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court grant a preliminary injunction and, after trial, a permanent injunction in favor of the Plaintiff and against Defendants, OUTLAW TBO LLC, a limited liability company, and CROSSROADS METALS INC., d/b/a MOWERY AUTO PARTS, an Illinois corporation, on Count VI, as follows:

1. Finding that Defendants violated Section 21(a) and (e) of the Act, 415 ILCS 5/21(a) and (e) (2020);
2. Enjoining Defendants from further violations of Section 21(a) and (e) of the Act, 415 ILCS 5/21(a) and (e) (2020);
3. Ordering Defendants to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 21(a) and (e) of the Act, 415 ILCS 5/21(a) and (e) (2020);

4. Assessing against Defendants, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Defendants, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

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

**COUNT VII**  
**OPEN BURNING OF USED OR WASTE TIRES**

1-20. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 14, 18 through 19, 22, and 24 of Count I, and paragraphs 1 and 23 through 24 of Count II, as paragraphs 1 through 20 of this Count VII.

21. Section 55(a)(2) of the Act, 415 ILCS 5/55(a)(2) (2020), provides the following:

(a) No person shall:

\* \* \*

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

22. Section 3.300 of the Act, 415 ILCS 5/3.300 (2020), provides the follows:

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

23. On January 11, 2023, approximately 300 tires were combusted in the Fire, and is therefore “open burning” as that term is defined in Section 3.300 of the Act, 415 ILCS 5/3.300 (2020).

24. Section 54.13 of the Act, 415 ILCS 5/54.13 (2020), provides the following definition:

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

25. Section 54.16 of the Act, 415 ILCS 5/54.16 (2020), provides as follows:

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

26. A portion of the approximately 300 tires at the Facility, of a number better known to Defendants, were worn, damaged, or defective, and were not mounted on a vehicle, and thereby constitute “used tire[s]” as defined by Section 54.13 of the Act, 415 ILCS 5/54.13 (2020).

27. A portion of the approximately 300 tires at the Facility, of a number better known to Defendants, have been disposed of and are therefore “waste tire[s]” as defined by Section 54.16 of the Act, 415 ILCS 5/54.16 (2020).

28. On January 11, 2023, approximately 300 used and/or waste tires burned in the Fire at the Facility.

29. On January 11, 2023, Defendant Outlaw, as owner of the Facility, and Defendant Mowery, as operator of the Facility, caused or allowed the open burning of used and/or waste tires, thereby violating Section 55(a)(2) of the Act, 415 ILCS 5/55(a)(2) (2020).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court grant a preliminary injunction and, after trial, a permanent injunction in favor of the Plaintiff and against Defendants, OUTLAW TBO LLC, a limited liability company, and CROSSROADS METALS INC., d/b/a MOWERY AUTO PARTS, an Illinois corporation, on Count VII, as follows:

1. Finding that Defendants violated Section 55(a)(2) of the Act, 415 ILCS 5/55(a)(2) (2020);

2. Enjoining Defendants from further violations of Section 55(a)(2) of the Act, 415 ILCS 5/55(a)(2) (2020);

3. Ordering Defendants to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 55(a)(2) of the Act, 415 ILCS 5/55(a)(2) (2020);

4. Assessing against Defendants, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Defendants, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

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

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* KWAME RAOUL, Attorney  
General of the State of Illinois  
MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

By: /s/ Stephen J. Sylvester  
STEPHEN J. SYLVESTER, Chief  
Environmental Bureau  
Assistant Attorney General

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direct and personal knowledge as to the conditions arising from the fire that began on January 11, 2023 at Mowery Auto Parts located at 686 North Van Buren Avenue, Freeport, Stephenson County, Illinois.

5. I have read the foregoing Verified Complaint for Injunctive Relief and Civil Penalties (the "Complaint"), and I am aware of the contents thereof.

6. The factual matters set forth in Paragraphs 7 through 25 of Count I and Paragraph 20 of Count VI of the Complaint are true in substance and in fact, to the best of my knowledge, information and belief.

7. 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 instrument 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 he verily believes the same to be true.



Shaun Newell  
Illinois Environmental Protection Agency

Dated: 4-10-23