

**IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS
CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS, *ex rel.*)
 LISA MADIGAN, Attorney General of the State of)
 Illinois, and *ex rel.* ROBERT B. BERLIN, State’s)
 Attorney for DuPage County, Illinois,)
)
 Plaintiff,)
)
 v.)
)
 SPEEDWAY, LLC, a Delaware limited liability)
 company,)
)
 Defendants.)

2017CH001505

No. 17-CH-_____



VERIFIED COMPLAINT FOR INJUNCTION AND OTHER RELIEF

Plaintiff, People of the State of Illinois, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, and *ex rel.* ROBERT B. BERLIN, State’s Attorney for DuPage County, Illinois, on their own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), complain of Defendant SPEEDWAY, LLC, as follows:

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

1. Count I is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois EPA, and *ex rel.* ROBERT B. BERLIN, State’s Attorney for DuPage County, Illinois, pursuant to the terms and provisions of Section 43(a) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/43(a) (2016), and is an action to restrain a substantial danger to public health, safety and welfare and to the environment.

2. The Illinois EPA is an administrative agency established in the executive branch of State government by Section 4 of the Act, 415 ILCS 5/4 (2016), and is charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Defendant, SPEEDWAY, LLC (“Speedway”), was and is a Delaware limited liability company registered with the Illinois Secretary of State as a foreign limited liability company with active status in Illinois.

4. Speedway is the operator of Speedway Gas Station No. 7445 located at 6241 South Cass Ave., Westmont, DuPage County, Illinois (“Site”).

5. Located at the Site for purposes of storing and dispensing gasoline, kerosene and diesel are six single-walled fiberglass underground storage tanks (“USTs”) and associated ancillary equipment (“UST System”). The UST System includes four 10,000-gallon USTs for gasoline storage and dispensing, one 4,000-gallon UST for diesel storage and dispensing, and one 4,000-gallon UST for kerosene storage and dispensing.

6. Speedway is the owner of the Site, the USTs and the UST System.

7. The Site lies approximately 1.4 miles west of a two-story apartment/condominium building located at 6167 Knoll Wood Road, Willowbrook, DuPage County, Illinois (“Knoll Wood Road Apartment Building”).

8. The Site is connected to a common sanitary sewer system (“Sanitary Sewer System”) via a sanitary sewer line that comes out of the north end of the Site. From there, the sanitary sewer line travels underground and turns right and continues east past a retention pond on the Site, at which point it turns right again and heads south past Beninford Lane to East 63rd Street, from where it turns east and continues in the direction of the Knoll Wood Road Apartment Building

and the Flagg Creek Wastewater Treatment Plant. A storm sewer system managed by DuPage County (“Storm Sewer System”) lies underneath the western portion of the Site and underneath and along Cass Avenue.

9. Gasoline is a blend of straight chain and aromatic hydrocarbons. Gasoline may contain benzene, a known human carcinogen. Gasoline is harmful to humans if ingested or absorbed through the skin. Inhalation of gasoline vapors may cause damage to lungs. Gasoline is toxic to aquatic organisms if dumped or spilled into waters, and may cause long-term adverse effects to aquatic environments. Gasoline is highly flammable in liquid form, and gasoline vapors can ignite and cause flash fires or explosions.

10. Gasoline and gasoline vapors from spills can migrate through soil and sewer systems into basements or crawl space cracks, utility and pipe entrance points, and other subsurface openings in residences and businesses. Once inside buildings, gasoline vapors can create inhalation and explosion hazards.

11. Beginning on a date best known to Speedway, and continuing to at least October 20, 2017, gasoline leaked out of the northernmost of the Site’s four 10,000-gallon USTs (“Affected UST”) and migrated through soil towards a portion of the Sanitary Sewer System lying underneath the Site, at which point the gasoline entered the Sanitary Sewer System through one or more of four entry points underneath the Site where the sanitary sewer line had been cracked and/or compromised. One of the aforementioned entry points lies underneath the northern portion of the Site, and the other three lie along the eastern boundary of the Site. Upon entering the Sanitary Sewer System, the gasoline and associated vapors were transported in the direction of the Knoll Wood Road Apartment Building through the sewer line. Subsequently, on October 20, 2017 or

such other dates best known to Speedway, gasoline from the Affected UST also migrated through soil into the Storm Sewer System.

12. On information and belief, Speedway became aware—at some point between October 5, 2017 and October 15, 2017—that the Affected UST was itself compromised and was being infiltrated by water that was displacing stored gasoline, potentially causing it to be released from the tank.

13. At approximately 5:00 p.m. on October 19, 2017, Richard Littig, the Battalion Chief of the Tri-State Fire Department, contacted the Illinois Emergency Management Agency (“IEMA”) to report an odor resembling that of nail polish remover in addition to a high Lower Explosive Limit (“LEL”) of unknown origin in basement-level apartment units located at 6106 Knoll Valley Drive, Willowbrook, DuPage County, Illinois (“Knoll Valley Drive Apartment Building”), approximately 1.5 miles east of the Site.

14. In the early morning hours of October 20, 2017, Chief Littig contacted the Illinois EPA and reported that the odor in the Sanitary Sewer System extended more than half a mile from the Knoll Valley Drive Apartment Building.

15. Also on the morning of October 20, 2017, at approximately 9:30 a.m., an explosion occurred at the Knoll Wood Road Apartment Building. By that time, the Village of Willowbrook’s Public Works Division had traced the source of the odors to a gasoline release from the Site, and the local sanitary district had alerted the Tri-State Fire Department to the presence of vapors in the Sanitary Sewer System.

16. The explosion at the Knoll Wood Road Apartment Building on October 20, 2017 was caused by the migration of gasoline vapors associated with the release from the Site through

the Sanitary Sewer System to the Knoll Wood Road Apartment Building, where they were ignited, on information and belief, by a laundry dryer. The resulting explosion injured a resident of the Knoll Wood Road Apartment Building, who was forced to seek emergency medical treatment, and caused structural damage to the building basement. Due to the structural damage, and as a precautionary measure, all 150 units within the Knoll Wood Road Apartment Building were evacuated in the aftermath of the explosion. Among those 150 evacuated units, 32 units remained evacuated for almost a week, and 12 units continue to remain evacuated as of the filing date of this Complaint and could continue to remain evacuated for approximately three additional months.

17. In total, the gasoline release resulted in at least ten explosions in the vicinity of the Site and Sanitary Sewer System (at least three of which occurred in residential buildings) and at least three human injuries. At least 12 households were evacuated on a long-term basis as a result of permanent damage to their homes.

18. The gasoline release also caused LEL levels in the Sanitary Sewer System to reach 100% and increased pressure in the Sanitary Sewer System to such a degree that fourteen manhole covers were blown off. Emulsifier was consequently deployed in the Sanitary Sewer System in order to reduce vapors, and sanitary sewer caps were replaced with grates to eliminate vapor buildup.

19. On or about 4 p.m. on October 20, 2017, a representative from the Office of the State Fire Marshal (“OSFM”) was at the Site in response to the gasoline release and ordered Speedway to remove any remaining gasoline from the Affected UST. The OSFM representative also recommended that any remaining gasoline be removed from the other USTs in the UST System.

20. In response to OSFM's directive to remove gasoline from the Affected UST, Speedway immediately began pumping down and emptying the Affected UST. Later that same evening, Speedway began pumping out the other USTs. When a ten-foot-deep observation well at the Site—which is designed to allow Site operators to determine if there has been a gasoline release—was pumped dry, gasoline was observed flowing into the well, indicating the continued presence of leaked gasoline underneath the Site.

21. On October 24, 2017, all USTs at the Site were formally placed out of service.

22. On October 25, 2017, OSFM issued a permit authorizing the removal of the UST System.

23. As of the filing date of this Complaint, threats remain of (1) continued migration of gasoline through soil and into groundwater at and adjacent to the Site; and (2) continued migration of gasoline vapors through the soil at and adjacent to the Site.

24. Section 43(a) of the Act, 415 ILCS 5/43(a) (2016), provides, as follows:

- (a) 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.

25. From at least October 19, 2017, and continuing up through the date of the filing of this Complaint, the uncontrolled release of gasoline from the UST System owned and operated by Speedway contaminated soil, has contaminated the groundwater at and adjacent to the Site, and has entered into the Sanitary Sewer System and the Storm Sewer System. The release has also

emitted vapors that directly harmed the health and well-being of the residents of the Knoll Wood Road Apartment Building and has posed, and continues to pose, a potential inhalation hazard to all persons in the vicinity of the Site, including (but not limited to) in and around the Knoll Wood Road Apartment Building and along the Sanitary Sewer System line, as well as the continuing risk of potential explosion or fire.

26. Speedway, by causing and allowing liquid gasoline to leak from the UST System at the Site and to migrate offsite and into residential buildings, has created circumstances of substantial danger to the environment, and to the public health and welfare, in direct contravention of the requirements of the Act.

27. The substantial danger alleged herein shall continue until such time that Speedway secures the Site to prevent unauthorized entry, controls any gasoline or petroleum products that leaked from the Site, ceases distribution of petroleum products until it can demonstrate to Illinois EPA that its UST System can be operated without a threat of the release of gasoline to the environment, remove any gasoline from soils and groundwater at the Site, and investigate and remediate any contamination of soil, groundwater, the Sanitary Sewer System, the Storm Sewer System, the Knoll Wood Road Apartment Building and any other impacted area.

28. Section 42(a) of the Act, 415 ILCS 5/42(a) (2016), provides as follows:

- (a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in

accordance with the provisions of the Environmental Protection Trust Fund Act.

29. Section 3.315 of the Act, 415 ILCS 5/3.315 (2016), 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.

30. Speedway is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2016).

31. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016), civil penalties can be assessed for violations of any provision of the Act.

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

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an immediate and, after trial, permanent injunction and an order in favor of Plaintiff and against the Defendant, SPEEDWAY, LLC, on Count I:

1. Finding that Speedway has caused and allowed a substantial danger to the environment and public health and welfare;

2. Ordering Speedway to cease operation of the UST System at the Site until continued operation is authorized, in writing, by the Office of the Illinois State Fire Marshal;

3. Ordering Speedway to control any leaked gasoline product at the Site; to monitor vapor levels, fumes and LEL levels at the Site, in the Sanitary Sewer System and Storm Sewer

System; to assess and determine the extent of soil, groundwater and vapor contamination on and off of the Site; to submit to Plaintiff a plan for remediating soil, groundwater and vapor contamination both on and off the Site; and after acceptance by the Illinois EPA, to implement the plan in accordance with the requirements of the Court's Order, the Act, and pertinent regulations;

4. Ordering Speedway to assess and determine the extent of contamination of the Sanitary Sewer System and Storm Sewer System, the Flagg Creek Wastewater Treatment Plant, and the receiving waters from the Flagg Creek Wastewater Treatment Plant and Storm Sewer System, and to submit to the Plaintiff a plan for remediating any contamination of the Sanitary Sewer System and Storm Sewer System, the Flagg Creek Wastewater Treatment Plant, and the receiving waters from the Flagg Creek Wastewater Treatment Plant and Storm Sewer System, and after acceptance by the Illinois EPA, to implement the plan in accordance with the requirements of the Court's Order, the Act and pertinent regulations;

5. Enjoining Speedway from creating any further substantial endangerment under Section 43(a) of the Act, 415 ILCS 5/43(a) (2016);

6. Assessing against Speedway, pursuant to 415 ILCS 5/42(a) (2016), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

7. Ordering Speedway to pay all costs, including Illinois EPA and DuPage County response and oversight costs, attorney, expert witness and consultant fees, expended by Plaintiff in this action; and

8. Granting such other relief as this court deems appropriate and just.

COUNT II
AIR POLLUTION

1-25. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 23 and 29 through 30 of Count I as paragraphs 1 through 25 of this Count II.

26. Section 9(a) of the Act, 415 ILCS 5/9(a) (2016), 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.

27. Section 201.141 of the Illinois Pollution Control Board's ("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.

28. Section 3.115 of the Act, 415 ILCS 5/3.115 (2016), provides as follows:

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

29. Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), provides, as follows:

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

30. The gasoline vapors accompanying the gasoline that leaked or spilled from the UST System at the Site are a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2016).

31. From at least October 19, 2017, and continuing up through the date of the filing of this Complaint, the uncontrolled release of gasoline from the UST System owned and operated by Speedway caused the release of gasoline vapors that migrated through soil and the Sanitary Sewer System into various subsurface openings in residences and businesses in the vicinity of the Site—where they created numerous inhalation and explosion hazards and caused at least ten explosions and multiple related human injuries and property damage—and into the air and environment.

32. The discharge or emission of gasoline vapors from the Site—which created multiple inhalation and explosion hazards and caused several human injuries and property damage—constitutes “air pollution,” as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2016).

33. By causing, threatening or allowing the discharge or emission of gasoline vapors into the environment so as to cause or tend to cause air pollution, Speedway violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2016), and Section 201.141 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

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

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an immediate and, after trial, permanent injunction and an order in favor of Plaintiff and

against the Defendant SPEEDWAY, LLC, on this Count II:

1. Finding that Speedway has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2016);
2. Enjoining Speedway from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2016);
3. Ordering Speedway to assess and determine the extent of air contamination on and off of the Site, to submit to Plaintiff a plan for remediating contamination, including addressing any threats of explosions, and after acceptance by the Illinois EPA, to implement the plan in accordance with the requirements of the Court's Order, the Act and pertinent regulations;
4. Assessing against Speedway, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016), 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 Speedway to pay all costs, including Illinois EPA and DuPage County response and oversight costs, attorney, expert witness and consultant fees expended by Plaintiff in its pursuit of the action; and
6. Granting such other relief as this court deems appropriate and just.

COUNT III
WATER POLLUTION

1-26. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 23 and 29 through 30 of Count I and paragraph 29 of Count II as paragraphs 1 through 26 of this Count III.

27. Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), provides, in pertinent part, 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. Section 3.550 of the Act, 415 ILCS 5/3.550 (2016), 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.

29. The groundwater, the Sanitary Sewer System and Storm Sewer System constitute “waters” of the State of Illinois as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2016).

30. The gasoline that leaked or spilled from the UST System at the Site is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2016).

31. Section 3.545 of the Act, 415 ILCS 5/3.545 (2016), 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 discharge of gasoline, a contaminant, such that it entered or threatened to enter groundwater at the Site, entered or threatened to enter the Sanitary Sewer System and Storm Sewer System at and around the Site, created or is likely to create a nuisance or is likely to render these waters harmful or detrimental or injurious to public health and safety, thereby constituted “water pollution” as defined by Section 3.545 of the Act, 415 ILCS 5/3.545 (2016).

33. By causing, threatening or allowing the discharge of gasoline, a contaminant likely to be harmful and injurious to public health and safety into groundwater at the Site, Speedway thereby caused, threatened or allowed water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2016).

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

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an immediate and, after trial, permanent injunction and an order in favor of Plaintiff and against the Defendants, SPEEDWAY, LLC, on Count II:

1. Finding that Speedway has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016);
2. Enjoining Speedway from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2016);
3. Ordering Speedway to cease operation of the UST System at the Site until continued operation is authorized in writing by the Office of the Illinois State Fire Marshal;
4. Ordering Speedway to assess and determine the extent of soil, groundwater, and

water contamination on and off of the Site, to submit to Plaintiff a plan for remediating contamination, and after acceptance by the Illinois EPA, to implement the plan in accordance with the requirements of the Court's Order, the Act, and pertinent regulations;

5. Assessing against Speedway, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016), 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;

6. Ordering Speedway to pay all costs, including Illinois EPA and DuPage County response and oversight costs, attorney, expert witness and consultant fees, expended by Plaintiff in this action; and

7. 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 1 through 23 and 29 through 30 of Count I, paragraph 29 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) (2016), provides as follows:

No person shall:

* * *

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

* * *

33. Speedway, by discharging gasoline, a contaminant that is likely to be harmful and

injurious to public health and safety, onto soil at the Site, deposited a contaminant upon the land in such a place and manner as to create a water pollution hazard.

34. By depositing gasoline onto soil at the Site as alleged herein, Speedway thereby violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2016).

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

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an immediate and, after trial, permanent injunction and an order in favor of Plaintiff and against the Defendant SPEEDWAY, LLC, on this Count III:

1. Finding that Speedway has violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2016);

2. Enjoining Speedway from any further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2016);


3. Ordering Speedway to assess and determine the extent of soil, groundwater and water contamination on and off of the Site, to submit to Plaintiff a plan for remediating contamination, and after acceptance by the Illinois EPA, to implement the plan in accordance with the requirements of the Court's Order, the Act and pertinent regulations;

4. Assessing against Speedway, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016), 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;

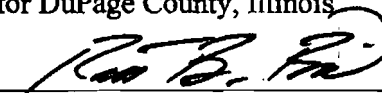
6. Granting such other relief as this court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois

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

BY: 
ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

PEOPLE OF THE STATE OF ILLINOIS
ex rel. ROBERT B. BERLIN, State's Attorney
for DuPage County, Illinois

BY: 
ROBERT B. BERLIN
State's Attorney

Of Counsel
ELLEN O'LAUGHLIN
ANGAD S. NAGRA
Assistant Attorneys General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-3094
(312) 814-5361
EOLaughlin@atg.state.il.us
ANagra@atg.state.il.us

VERIFICATION

I, Mark Retzlaff, being duly sworn, on oath state as follows:

1. I am currently employed by the Illinois Environmental Protection Agency ("IEPA") in Des Plaines, Illinois as an Environmental Protection Specialist III.

2. I have been employed by IEPA for the past 28 years. I have been assigned to IEPA's Emergency Response Unit for the past 4 years.


3. The duties and responsibilities of my current position include responding to environmental emergencies on behalf of IEPA. As part of my response, I investigate and inspect facilities and consult with emergency response personnel and my supervisors at IEPA.

4. I have read the foregoing Verified Complaint for Injunction and Other Relief (the "Complaint"), captioned "*People of the State of Illinois v. Speedway, LLC*," and am aware of the contents thereof.

5. The factual matters set forth in Paragraphs 13, 14 and 23 of Count I of the Complaint—to the extent that they concern the Sanitary Sewer System, as that term is defined in the Complaint—are true in substance and in fact, to the best of my knowledge, information and belief.


MARK RETZLAFF

SUBSCRIBED and SWORN to before me
this 3RD day of November, 2017


Notary Public



VERIFICATION

I, Scott Johnson, being duly sworn, on oath state as follows:

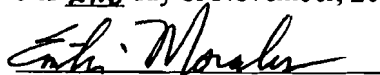
1. I am currently employed by the Office of the State Fire Marshall's ("OSFM") Petroleum & Chemical Safety Division as the Statewide Administrator.
2. I have been employed by the OSFM for the past 18 years and 11 months. I have been assigned to the Petroleum & Chemical Safety Division for the past 18 years and 11 months, and have held the position of Statewide Administrator since September 1, 2007.
3. The duties and responsibilities of my current position include, but are not limited to, implementation and evaluation of program policies and procedures of the Division of Petroleum & Chemical Safety, which administers the underground storage tank program ("UST") in Illinois. I also coordinate the inspections and emergency incident responses involving USTs; serve as the technical advisor on field operations topics; and develop, present and maintain a field staff training program. I also serve as the full line supervisor for field staff and as the Division vehicle coordinator. In this role, I am familiar with the recordkeeping, field inspections, and enforcement practices and procedures of the OSFM related to USTs in Illinois, including the enforcement of the Illinois Gasoline Storage Act ("Act"), 430 ILCS 15/1 *et seq.* (2016), as it pertains to UST systems. It is also my responsibility to be familiar with the provisions of the Act, 430 ILCS 15/1 *et seq.* (2016).
4. I have read the foregoing Verified Complaint for Injunction and Other Relief (the "Complaint"), captioned "*People of the State of Illinois v. Speedway, LLC*," and am aware of the contents thereof.

5. The factual matters set forth in Paragraphs 4 through 11, 15 and 17 through 22 of Count I of the Complaint—to the extent that they concern the Sanitary Sewer System, as that term is defined in the Complaint—are true in substance and in fact, to the best of my knowledge, information and belief.




SCOTT JOHNSON

SUBSCRIBED and SWORN to before me
this 2ND day of November, 2017


Notary Public

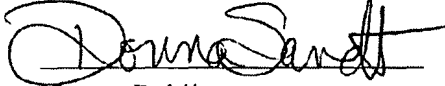
VERIFICATION

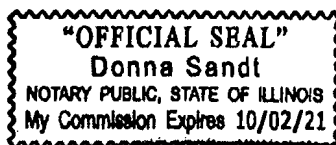
I, Dwane Kozak, being duly sworn, on oath state as follows:

1. I am currently employed by the DuPage County Department of Public Works' Underground Maintenance section as a Manager.
2. I have been employed by the DuPage County Department of Public Works' Underground Maintenance section for the past 14 years.
3. The duties and responsibilities of my current position include overseeing the day to day operations, of the Underground Maintenance section, including water and sewer system maintenance.
4. I have read the foregoing Verified Complaint for Injunction and Other Relief (the "Complaint"), captioned "*People of the State of Illinois v. Speedway, LLC,*" and am aware of the contents thereof.
5. The factual matters set forth in Paragraphs 8 and 11 of Count I of the Complaint, to the extent that they concern the DuPage County Storm Sewer System, are true in substance and in fact, to the best of my knowledge, information and belief.


DWANE KOZAK

SUBSCRIBED and SWORN to before me
this 1st day of November, 2017


Notary Public



VERIFICATION

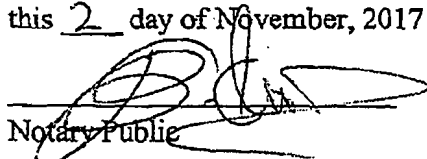
I, Mitchell Kushner, being duly sworn, on oath state as follows:

1. I am currently employed by the Office of the State Fire Marshall's ("OSFM") Arson Division as an Arson Investigator II/Canine Handler.
2. I have been employed by the OSFM for the past 30 years. I have been assigned to the Arson Division for the past 30 years.
3. The duties and responsibilities of my current position include investigating fires and explosions throughout the state, responding to assist fire departments, communities, state and federal agencies 24 hours a day, 7 days a week. As a certified arson investigator, to act as a sworn peace officer, authorized to interview witnesses, collect evidence, make arrests and appear in court. Also to train, supervise and utilize an accelerant detecting K-9 dog that can detect minute traces of accelerants often used in fires, which can lead investigators to a specific location where physical samples can be taken, analyzed and confirmed by special laboratories. When warranted, take samples and secure the chain of custody of such samples.
4. I have read the foregoing Verified Complaint for Injunction and Other Relief (the "Complaint"), captioned "*People of the State of Illinois v. Speedway, LLC*," and am aware of the contents thereof.

5. The factual matters set forth in Paragraphs 15 through 16 of Count I of the Complaint are true in substance and in fact, to the best of my knowledge, information and belief.


MITCHELL KUSHNER

SUBSCRIBED and SWORN to before me
this 2 day of November, 2017


Notary Public

