

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO.
)	(Enforcement – Water - Land)
CORES FOR YOU, INC.,)	
an Illinois corporation, and)	
PRECISION FOUNDRY TOOLING, LTD.,)	
an Iowa corporation,)	
)	
Respondents.)	

NOTICE OF FILING

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following **Complaint and Notice of Filing**, a copy of which is attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
KWAME RAOUL, Attorney General of the
State of Illinois

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

BY: s/Raymond J. Callery
RAYMOND J. CALLERY, ARDC # 6193579
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Springfield, Illinois 62706
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April 22, 2022

Service List

For the Respondents:

Precision Foundry Tooling, Ltd.
An Iowa Corporation
Robert G. Harmon, R.A.
160 Industrial Park
Hamilton IL 62341
(by certified mail)

Cores For You, Inc.,
An Illinois Corporation
Robert G. Harmon, R.A.
140 Industrial Park
Hamilton, IL 62341
(by certified mail)

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PEOPLE OF THE STATE OF ILLINOIS,)	
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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of the Respondents, CORES FOR YOU, INC., an Illinois corporation, and PRECISION FOUNDRY TOOLING, LTD., an Iowa corporation, as follows:

COUNT I
WATER POLLUTION

1. This Count is brought by the Attorney General on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020), against Respondents, CORES FOR YOU, INC. (“Cores for You”), an Illinois corporation, and PRECISION FOUNDRY TOOLING, LTD. (“Precision Foundry”), an Iowa corporation.

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly under Section 4 of the Act, 415 ILCS 5/4 (2020), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by

the General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2020), and charged, *inter alia*, with the duty of determining standards and adopting regulations.

4. This Count is brought after providing Respondents with notice and the opportunity for a meeting with the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020).

5. Respondent Cores For You is an Illinois corporation in good standing which produces sand cores for use in the metal casting industry and is located at 160 Industrial Park, Hamilton, Hancock County, Illinois (the "Hamilton Site"). Respondents Cores for You and Precision Foundry both own parcels of property that comprise the Hamilton Site.

6. A core is a device used in casting and molding processes to produce internal cavities and reentrant angles (an interior angle that is greater than 180°). The core is normally a disposable item that is destroyed to get it out of the piece. They are most commonly used in sand casting, but are also used in die casting and injection molding. These sand cores may contain ammonia.

7. Respondent Precision Foundry is an Iowa corporation authorized to do business in Illinois which produces engineered tooling products for the metal casting industry and is also located at the Hamilton Site.

8. Respondent Precision Foundry has been in operation since 1977 and performs the following types of tooling at its facility: steel, iron, aluminum and brass. Computer Numerical Control ("CNC") machines perform the tooling. Respondent Precision Foundry has a small foundry onsite where it constructs its own aluminum and brass molds.

9. Robert Harmon is the company president for both Respondents.

10. On February 26, 2019, Illinois EPA inspected property located at 355 North County Road 480, Warsaw, Hamilton County, Illinois (the "Warsaw Site").

11. The Warsaw Site is owned by Robert Harmon and Donna Harmon.

12. During the February 26, 2019 inspection of the Warsaw Site, Illinois EPA observed a pond located on the property which contained spent foundry core knockouts, plastic sheeting, paper, blue blanket material, metal debris, fiber blanket material, electrical wire, plastic waste, and processed wood.

13. On February 26, 2019, Illinois EPA further inspected the Hamilton Site. Prior to commencing the inspection, Illinois EPA met with Robert Harmon in his office. Mr. Harmon admitted to dumping sand castings at the Warsaw Site, stating they were unsuitable for use in the molten core pouring processes at a foundry. In the southwest area of the Hamilton Site, sand cores and spent foundry sand core knockouts had been used as fill material in the parking lot. Also present at the Hamilton Site was a bad sand-casting accumulation area, a dumpster-like container full of metal shavings generated from dies used in the core making process, and an area of open dumped waste which included wood pallets, plastic sheeting, used tires, metal debris, and cardboard.

14. Continuing its inspection of the Hamilton Site on February 13, 2019, Illinois EPA observed a ditch containing frozen water alongside the dumpster-like container. Wood pallets and sand cores had been dumped in and along the water ditch. The ditch contained a mixture of water and spent coolant from the CNC machines used to make dies for the sand core molds. A trench had been dug to let the liquid mixture flow onto the adjoining property.

15. On February 26, 2019, Mr. Harmon also stated to Illinois EPA that Respondent Cores For You had generated the bad sand castings which were dumped at the Warsaw Site, and that Respondent Precision Foundry had hauled the bad sand castings to the Warsaw Site.

16. On February 26, 2019, Mr. Harmon stated to the Illinois EPA that Respondents did not generate any hazardous waste. Respondent Precision Foundry does generate a spent

coolant/water mixture from the CNC machines. The coolant/water mixture consists of approximately 90% water and 10% coolant. The CNC machines are cleaned once a year because fine metal particles (sludge) build up at the bottom of the machine. During the removal of the fine metal particles, the spent coolant/water mixture is removed from the CNC machines.

17. Mr. Harmon was unable to provide any waste manifests, analytical sample results, waste determinations, or any other documentation regarding the waste generated by Respondents.

18. Subsequent to the inspection, in accordance with Section 722.111 of the Board regulations, 35 Ill. Adm. Code 722.111, Respondents made hazardous waste determinations concerning the thermal casts, catalyzing casts, sand casts and spent coolant generated by Respondents. All were determined to be non-hazardous wastes. Respondents submitted laboratory analytical data in support of the waste determinations to Illinois EPA on May 31, 2019.

19. As the wastes produced by Respondents are industrial process wastes, they may be considered “special wastes.” Using the process outlined in Part 808 of the Board regulations, 35 Ill. Adm. Code Part 808, Respondents determined the thermal casts, catalyzing casts and sand casts to be non-special wastes, and submitted laboratory analytical data and Non-Special Waste Certification Forms to Illinois EPA on May 31, 2019. The spent coolant is considered to be a special waste because it is a liquid industrial process waste. Respondent Precision Foundry is now utilizing Safety-Kleen Systems, Inc. for pick-up, transportation, and disposal of the spent coolant.

20. On May 31, 2019, Respondents submitted to Illinois EPA documentation of the clean-up of the Hamilton and Warsaw Sites.

21. Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), 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.

22. 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.

23. Sand cores, spent foundry core knockouts, plastic sheeting, paper, blue blanket material, metal debris, fiber blanket material, electrical wire, plastic waste, processed wood, wood pallets, cardboard, spent coolant/water mixture, and used tires are all “contaminants” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

24. 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 to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

25. Section 3.550 of the Act, 415 ILCS 5/3.550 (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 this State. “Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

26. The pond at the Warsaw Site, the ditch at the Hamilton Site and the groundwater at both the Warsaw and Hamilton Sites, are all “waters” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

27. Respondents caused, threatened or allowed the discharge of contaminants, including sand cores, spent foundry core knockouts, plastic sheeting, paper, blue blanket material, metal debris, fiber blanket material, electrical wire, plastic waste, processed wood, wood pallets, cardboard, spent coolant/water mixture, and used tires, into the environment, including into the pond at the Warsaw Site, the ditch at the Hamilton Site and groundwater at both sites.

28. By causing, threatening, or allowing the discharge of contaminants into the environment, including the pond at the Warsaw Site, the ditch at the Hamilton Site and groundwater at both sites, so as to cause or tend to cause water pollution, Respondents violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, CORES FOR YOU, INC. and PRECISION FOUNDRY TOOLING, LTD., for the following relief:

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

B. Finding that the Respondents have violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);

C. Ordering the Respondents to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against each Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

COUNT II
WATER POLLUTION HAZARD

1-27. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 27 of Count I as and for paragraphs 1 through 27 of Count II.

28. 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.

29. By depositing contaminants upon the land at the Warsaw Site and the Hamilton Site in such a manner that they could mix with water runoff and discharge upon the ground, accumulate in pools and ditches, flow off-site, and impact groundwater, Respondents created a water pollution hazard.

30. By depositing contaminants at the Warsaw Site and Hamilton Site so as to create a water pollution hazard, Respondents violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents,

CORES FOR YOU, INC. and PRECISION FOUNDRY TOOLING, LTD., for the following relief:

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

B. Finding that the Respondents have violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);

C. Ordering the Respondents to cease and desist from any further violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against each Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

COUNT III
OPEN DUMPING OF WASTE

1-20. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 20 of Count I as and for paragraphs 1 through 20 of Count III.

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

No person shall:

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

22. Sections 3.160(a), 3.185, 3.205, 3.305, 3.385, 3.445, and 3.535 of the Act, 415 ILCS 5/3.160(a), 3.185, 3.205, 3.305, 3.385, 3.445, and 3.535 (2020), respectively, provide the following definitions:

“General construction or demolition debris” means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

“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.

“Generator” means any person whose act or process produces waste.

“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.

“Refuse” means waste.

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

“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

23. Neither the Warsaw Site nor the Hamilton Site is permitted by Illinois EPA for the disposal of waste on land, and therefore neither is a “sanitary landfill,” as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2020).

24. The sand cores, spent foundry core knockouts, plastic sheeting, paper, blue blanket material, metal debris, fiber blanket material, electrical wire, plastic waste, processed wood, wood pallets, cardboard, spent coolant, and used tires present at the Warsaw Site and the Hamilton Site beginning on or before February 26, 2019, and on dates best known to Respondents, are “waste” and “refuse” as those terms are defined in Sections 3.385 and 3.535 of the Act, 415 ILCS 5/3.385 and 3.535 (2020).

25. Waste was deposited on the land, in the ditch and in the pond at the Warsaw Site and the Hamilton Site in a manner so that the waste or constituents thereof could enter the environment or be emitted into the air or discharged into water, including ground waters, such that the waste was disposed of as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2020).

26. By consolidating sand cores, spent foundry core knockouts, plastic sheeting, paper, blue blanket material, metal debris, fiber blanket material, electrical wire, plastic waste, processed wood, wood pallets, cardboard, spent coolant, and used tires on the ground at the Warsaw Site and the Hamilton Site, Respondents caused or allowed the open dumping of waste.

27. By causing or allowing the open dumping of waste at the Warsaw Site and the Hamilton Site, Respondents violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, CORES FOR YOU, INC. and PRECISION FOUNDRY TOOLING, LTD., for the following relief:

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

B. Finding that the Respondents have violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2020);

C. Ordering the Respondents to cease and desist from any further violations of Section 21(a) of the Act, 415 ILCS 5/21(a) (2020);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against each Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

COUNT IV
UNPERMITTED WASTE DISPOSAL

1-24. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 20 of Count I, and paragraphs 22 through 25 of Count III, as and for paragraphs 1 through 24 of Count IV.

25. 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

26. By conducting a waste-disposal operation at the Warsaw Site and the Hamilton Site without a permit issued by the Illinois EPA, Respondents violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, CORES FOR YOU, INC. and PRECISION FOUNDRY TOOLING, LTD., for the following relief:

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

B. Finding that the Respondents have violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2020);

C. Ordering the Respondents to cease and desist from any further violations of Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2020);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against each Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

COUNT V
CONDUCTING A WASTE DISPOSAL OPERATION
IN VIOLATION OF BOARD REGULATIONS

1-24. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 20 of Count I, and paragraphs 22 through 25 of Count III, as and for paragraphs 1 through 24 of Count IV.

25. Section 21(d)(2) 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:

* * *

(2) in violation of any regulations or standards adopted by the Board under this Act

26. Section 812.101(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a), provides, in pertinent part, as follows:

a) All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(d)) shall submit to the Agency an application for a permit to develop and operate a landfill. The application must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

27. Section 810.103 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 810.103, provides, in pertinent part, as follows:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water or into any well such that solid waste or any constituent of the solid waste may enter the environment by being emitted into the air or discharged into any waters, including groundwater. [415 ILCS 5/3.185] If the solid waste is accumulated and not confined or contained to prevent its entry into the environment, or there is no certain plan for its disposal elsewhere, such accumulation will constitute disposal.

* * *

“Facility” means a site and all equipment and fixtures on a site used to treat, store or dispose of solid or special wastes. A facility consists of an entire solid or special waste treatment, storage, or disposal operation. . . .

* * *

“Landfill” means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, and which is not a land application unit, a surface impoundment or an underground injection well. For the purposes of this Part and 35 Ill. Adm. Code 811 through 815, landfills include waste piles, as defined in this Section.

* * *

“Solid waste” means a waste that is defined in this Section as an inert waste, as a putrescible waste, as a chemical waste or as a special waste, and which is not also defined as a hazardous waste pursuant to 35 Ill. Adm. Code 721.

28. Discarded materials, including sand cores, spent foundry core knockouts, plastic sheeting, paper, blue blanket material, metal debris, fiber blanket material, electrical wire, plastic waste, processed wood, wood pallets, cardboard, spent coolant, and used tires, present at the Warsaw Site and the Hamilton Site beginning on or before February 26, 2019, and on dates best known to Respondents, constitute “solid waste,” as that term is defined in Section 810.103 of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 810.103.

29. The accumulation of solid waste at the Warsaw Site and the Hamilton Site without certain plans for disposal elsewhere and without measures to confine or contain the solid waste’s entry into the environment constituted “disposal,” as that term is defined in Section 810.103 of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 810.103.

30. Solid waste was located on and disposed of on the Warsaw Site and the Hamilton Site, and the Sites were therefore “facilities” within the meaning of Section 810.103 of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 810.103.

31. Solid waste was placed and accumulated over time for disposal on parts of the Warsaw Site and the Hamilton Site. Such parts of the Sites constituted “landfills,” as that term is defined in Section 810.103 of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 810.103.

32. Respondents have never applied for a permit from Illinois EPA to develop and operate a landfill at the Warsaw Site or the Hamilton Site.

33. Beginning prior to February 26, 2019, and on dates better known to Respondents, Respondents developed and operated the Warsaw Site and the Hamilton Site and/or portions thereof as landfills without applying for a permit from Illinois EPA to develop or operate a landfill.

34. By developing and operating landfills at the Warsaw Site and the Hamilton Site without applying for a permit from Illinois EPA, Respondent violated Section 812.101(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a).

35. Section 815.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 815.201, provides as follows:

All landfills regulated under this Part shall file an initial facility report with the Agency as specified in this Subpart to provide information concerning location and disposal practices of the facility.

36. By failing to submit an initial facility report for the Warsaw Site and the Hamilton Site, Respondents violated Section 815.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 815.201.

37. By violating Sections 812.101(a) and 815.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a) and 815.201, Respondents further violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, CORES FOR YOU, INC. and PRECISION FOUNDRY TOOLING, LTD., for the following relief:

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

B. Finding that the Respondents have violated Sections 812.101(a) and 815.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a) and 815.201, and Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2020);

C. Ordering the Respondents to cease and desist from any further violations of Sections 812.101(a) and 815.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a) and 815.201, and Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2020);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against each Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

COUNT VI
CONDUCTING A WASTE DISPOSAL OPERATION
AT A SITE NOT MEETING THE REQUIREMENTS OF THE ACT
AND BOARD REGULATIONS

1-37. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 20 of Count I, paragraphs 21 through 24 of Count III, paragraph 25 of Count IV, and paragraphs 25 through 36 of Count V as and for paragraphs 1 through 37 of Count VI.

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

No person shall:

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

39. By disposing of waste at the Warsaw Site and the Hamilton Site, which do not meet the requirements of the Act and Board Regulations for the disposal of waste, Respondents violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, CORES FOR YOU, INC. and PRECISION FOUNDRY TOOLING, LTD., for the following relief:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that the Respondents have violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2020);
- C. Ordering the Respondents to cease and desist from any further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2020);
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against each Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day each violation continued;
- E. Ordering the Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and
- F. Ordering such other and further relief as the Board deems appropriate and just.

COUNT VII
OPEN DUMPING RESULTING IN THE DEPOSITION
OF WASTE IN STANDING OR FLOWING WATERS

1-24. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 20 of Count I and paragraphs 21 through 24 of Count III as and for paragraphs 1 through 24 of Count VII.

25. Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2020), provides as follows:

No person shall:

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

* * *

(4) deposition of waste in standing or flowing waters;

* * *

26. By causing or allowing the open dumping of waste at the Warsaw Site and the Hamilton Site in a manner which resulted in the deposition of waste in standing or following waters, Respondents violated Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, CORES FOR YOU, INC. and PRECISION FOUNDRY TOOLING, LTD., for the following relief:

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

B. Finding that the Respondents have violated Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2020);

C. Ordering the Respondents to cease and desist from any further violations of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2020);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against each Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

COUNT VIII
OPEN DUMPING RESULTING IN THE DEPOSITION
OF GENERAL CONSTRUCTION OR DEMOLITION DEBRIS

1-24. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 20 of Count I and paragraphs 21 through 24 of Count III as and for paragraphs 1 through 24 of Count VIII.

25. Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2020), provides, in pertinent part, as follows:

No person shall:

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

* * *

(7) deposition of:

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

* * *

26. The plastic sheeting, paper, blue blanket material, metal debris, fiber blanket material, electrical wire, plastic waste, processed wood, wood pallets, and cardboard present at the Warsaw Site and the Hamilton Site are all “general construction or demolition debris” as that term is defined in Section 3.160(a) of the Act, 415 ILCS 5/3.160(a) (2020).

27. By causing or allowing the open dumping of waste in a manner which resulted in the deposition of general construction and demolition debris at the Warsaw Site and the Hamilton Site, Respondents violated Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, CORES FOR YOU, INC. and PRECISION FOUNDRY TOOLING, LTD., for the following relief:

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

B. Finding that the Respondents have violated Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2020);

C. Ordering the Respondents to cease and desist from any further violations of Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (2020);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against each Respondent a civil penalty of \$50,000.00 for each violation of the Act, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

COUNT IX
FAILURE TO CONDUCT HAZARDOUS WASTE
AND SPECIAL WASTE DETERMINATIONS

1-25. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 20 of Count I, paragraphs 21 through 24 of Count III, and paragraph 38 of Count VI as and for paragraphs 1 through 25 of Count IX.

26. Section 808.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 808.121(a), provides, in pertinent part, as follows:

Generator Obligations

- (a) Each person who generates waste shall determine whether the waste is a special waste.

BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.

27. Section 808.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 808.110, provides the following definitions:

* * *

“Hazardous waste” or “RCRA hazardous waste” is as defined in 35 Ill. Adm. Code 721.

* * *

“Special waste” means any hazardous waste, and any industrial process waste or pollution control waste which has not been declassified pursuant to Section 808.245. (Section 3.45 of the Act.)

BOARD NOTE: The definition of “hazardous waste” at Section 3.15 of the Act differs from the definition of the same term as used in this Part. The Board intends that the Section 3.15 definition apply to this Part only for the purposes of this

definition of special waste. The Board intends that the definition given in this Section apply to all other appearances for the term “hazardous waste” throughout this Part.

* * *

28. Section 722.111 of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 722.111, provides, in pertinent part, as follows:

A person that generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure that the waste is properly managed according to applicable RCRA regulations . . .

29. Section 721.102 of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 721.102, provides, in pertinent part, as follows:

A solid waste is any discarded material that is not excluded pursuant to Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131 or 35 Ill. Adm. Code 720.130 and 720.134.

30. The sand cores, spent foundry core knockouts, and spent coolant/water mixture generated by Respondents at the Hamilton Site, and disposed of at the Hamilton Site and Warsaw Site, are “waste” and “solid waste” as those terms are used in Sections 722.111 and 808.121(a) of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 722.111 and 808.121(a).

31. By failing to make a determination whether the sand cores, spent foundry core knockouts, and spent coolant/water mixture they generated were special waste or hazardous waste, Respondents violated Sections 722.111 and 808.121(a) of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 722.111 and 808.121(a).

30. By violating Sections 722.111 and 808.121(a) of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 722.111 and 808.121(a), Respondents further violated Section 21(e) of the Act, 415 ILCS 21(e) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, CORES FOR YOU, INC. and PRECISION FOUNDRY TOOLING, LTD., for the following relief:

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

B. Finding that the Respondents have violated Sections 722.111 and 808.121(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.111 and 808.121(a), and Section 21(e) of the Act, 415 ILCS 5/21(e) (2020);

C. Ordering the Respondents to cease and desist from any further violations of Sections 722.111 and 808.121(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.111 and 808.121(a), and Section 21(e) of the Act, 415 ILCS 5/21(e) (2020);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against each Respondent a civil penalty of \$50,000.00 for each violation of the Act and the Board's regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;

E. Ordering the Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

COUNT X
TRANSPORTING SPECIAL WASTE WITHOUT A PERMIT

1-25. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 20 of Count I, paragraphs 21 through 24 of Count III, and paragraph 27 of Count IX as and for paragraphs 1 through 25 of Count X.

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

No person shall:

- (j) Conduct any special waste transportation operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act . . .

27. Section 3.475 of the Act, 415 ILCS 5/3.475 (2020), provides, in pertinent part, the following definition:

“Special waste” means any of the following:

* * *

- (c) industrial process waste

* * *

28. Section 3.235 of the Act, 415 ILCS 5/3.235 (2020), provides the following definition:

“Industrial process waste” means any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. “Industrial Process Waste” includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes (including but not limited to ash resulting from the incineration of potentially infectious medical waste), core sands, metallic dust sweepings, asbestos dust, and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.

29. Without waste determinations having been made, the sand cores and spent foundry core knockouts transported to the Warsaw Site for disposal by Respondents constituted “industrial

process waste,” as that term is defined in Section 3.235 of the Act, 415 ILCS 5/3.235 (2020), and “special waste,” as that term is defined in Section 3.475 of the Act, 415 ILCS 5/3.475 (2020).

30. By transporting sand cores and spent foundry cores knockouts to the Warsaw Site for disposal, Respondents were conducting a special waste transportation operation.

31. Section 809.201 of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 809.201, provides as follows:

No person may haul or otherwise transport any special waste generated within Illinois or any special waste to be disposed of, stored or treated within Illinois without a current, valid special waste hauling permit issued by the Agency in accordance with the requirements of this Subpart unless the transporter is exempt from the special waste hauling permit requirements under this Subpart. These regulations do not apply to on-site transportation of special waste by generators or by owners or operators of permitted special waste management facilities.

32. At all times relevant to this Complaint, Respondents did not have a current, valid special waste hauling permit issued by Illinois EPA.

33. By transporting sand cores and spent foundry core knockouts to the Warsaw Site without a special waste hauling permit, Respondents violated Section 809.201 of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 809.201.

34. By violating Section 809.201 of the Board’s Waste Disposal Regulations, 35 Ill. Adm. Code 809.201, Respondents further violated Section 21(j) of the Act, 415 ILCS 5/21(j) (2020).

PRAYER FOR RELIEF

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of the Complainant and against the Respondents, CORES FOR YOU, INC. and PRECISION FOUNDRY TOOLING, LTD., for the following relief:

- A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;
- B. Finding that the Respondents have violated Section 809.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 809.201, and Section 21(j) of the Act, 415 ILCS 5/21(j) (2020);
- C. Ordering the Respondents to cease and desist from any further violations of Section 809.201 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 809.201, and Section 21(j) of the Act, 415 ILCS 5/21(j) (2020);
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), assessing against each Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board regulations, and an additional civil penalty of \$10,000.00 for each day each violation continued;
- E. Ordering the Respondents to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and
- F. Ordering such other and further relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

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

BY: /s/ Andrew Armstrong
ANDREW ARMSTRONG, Chief
Environmental Bureau
ARDC# 6282447
Assistant Attorney General

Of Counsel

Raymond J. Callery

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Assistant Attorney General

500 South Second Street

Springfield, Illinois 62706

217/782-9031

raymond.callery@ilag.gov

Dated: 04/22/22

CERTIFICATE OF SERVICE

I, Raymond J. Callery, an Assistant Attorney General, certify that on the 22nd day of April, 2022, I caused to be served the foregoing **Complaint and Notice of Filing**, thereof on the parties named on the attached Service List, by certified mail, as indicated on the attached Service List.

By: s/ Raymond J. Callery
RAYMOND J. CALLERY
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217-782-9031
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