

ILLINOIS POLLUTION CONTROL BOARD  
October 19, 2023

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 24-15
	)	(Enforcement - Air)
CORES FOR YOU, INC., an Illinois	)	
corporation,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by M.D. Mankowski):

On August 23, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Cores For You, Inc. (Cores). The complaint concerns Cores' core-making facility located at 16 Industrial Park in Hamilton, Hancock, County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the parties' stipulation and proposed settlement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Cores violated the Act and Board regulations as follows:

Count I: Section 9(a) of the Act (415 ILCS 5/9(a) (2022)) and Sections 201.302(a) and 254.132(a) of the Board's air rules (35 Ill. Adm. Code 201.302(a), 254.132(a)) by failing to timely submit complete and accurate annual emission reports.

Count II: Sections 9(b) and 9.12 of the Act (415 ILCS 5/9(b), 9.12 (2022)) and Section 201.142 of the Board's air rules (35 Ill. Adm. Code 201.142) by failing to obtain construction permits from the Illinois Environmental Protection Agency (IEPA) before constructing emission units at the facility and failing to timely pay the appropriate construction permit fees for the construction of emission units at the facility.

Count III: Section 9(b) of the Act (415 ILCS 5/9(b) (2022)) and Section 201.143 of the Board's air rules (35 Ill. Adm. Code 201.143) by failing to obtain the required operating permits from IEPA before operating emission units at the facility.

Count IV: Section 9.14 of the Act (415 ILCS 5/9.14 (2022)) and Section 201.175(d)(1)(C) of the Board's air rules (35 Ill. Adm. Code 201.175(d)(1)(C)) by

constructing and operating emission units at the facility without registering for the Registration of Smaller Sources program with IEPA.

On August 23, 2023, the People and Cores filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Hancock County Journal Pilot* on September 20, 2023. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Cores' operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2022)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Cores does not affirmatively admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2022)), which may mitigate or aggravate the civil penalty amount. Under the proposed settlement, Cores agrees to pay a civil penalty of \$20,000 within 30 days after the date of this order. The People and Cores have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Cores must pay a civil penalty of \$20,000 no later than Monday, November 20, 2023, which is the first business day following the 30th day after the date of this order. Cores must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.

Cores must also pay \$2,060 to IEPA to satisfy past due permit and registration fees no later than November 20, 2023. Cores must pay the late permit and registration fees by certified check or money order payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Permit and Inspection Fund.

- 3. Cores must submit all payments required by the stipulation and proposed settlement to:

Illinois Environmental Protection Agency  
 Fiscal Services Division  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276

Cores must send a copy of each certified check or money order and any transmittal letter to:

Raymond J. Callery, Assistant Attorney General  
 Illinois Attorney General's Office  
 Environmental Bureau  
 500 South Second Street  
 Springfield, Illinois 62706  
 Raymond.Callery@ilag.gov

- 4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2022)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2022)).
- 5. Cores must cease and desist from future violations of the Environmental Protection Act and Board regulations that were the subject of the complaint.

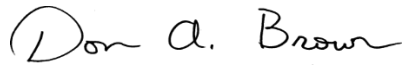
IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2022); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board’s procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	

Parties	Board
Illinois Attorney General's Office Attn.: Raymond Callery, Asst. Atty. General Environmental Bureau 500 South Second Street Springfield, Illinois 62706 Raymond.Callery@ilag.gov	Illinois Pollution Control Board Attn.: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Cores for You, Inc. Attn.: Robert G. Harmon, Registered Agent 140 Industrial Park Hamilton, Illinois 62341  Nick Tzenevrakis, Plant Manager Cores for You, Inc. 160 Industrial Park Hamilton, Illinois 62341	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 19, 2023, by a vote of 4-0.



Don A. Brown, Clerk  
 Illinois Pollution Control Board