

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 25-
)	(Enforcement - _____)
A.S.C. RECYCLING, INC. d/b/a AUTO)	
SALVAGE CO., an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Persons on 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 Complaint, a true and correct copy of which is attached hereto 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.

Respectfully submitted,

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

By: /s/ Jason Clark
Jason Clark
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(773) 590-6964
Jason.Clark@ilag.gov

Date: June 9, 2025

Service List

A.S.C Recycling, Inc.
d/b/a Auto Salvage Co.
Attn: Dan Croissant
21 U.S. Highway 6
Peru, IL 61354

CERTIFICATE OF SERVICE

I, Jason Clark, an Assistant Attorney General, certify that on the 9th day of June, 2025, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by certified mail with return receipt by placing envelope with pre-paid postage office located at 115 S. LaSalle, Chicago, IL 60606.

/s/ Jason Clark

Jason Clark

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

69 W. Washington Street, Suite 1800

Chicago, Illinois 60602

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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of the Respondent, A.S.C. RECYCLING, INC. d/b/a AUTO SALVAGE CO., as follows:

COUNT I

FAILURE TO OBTAIN A GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR INDUSTRIAL ACTIVITIES

1. This Complaint is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by 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”), against A.S.C. RECYCLING, INC. d/b/a AUTO SALVAGE CO. (“A.S.C.”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/3 (2022).

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 (2022), and is charged with, *inter alia*, the duty of enforcing the Act.

3. At all times relevant to this Complaint, A.S.C. has been and is an Illinois corporation.

4. At all times relevant to this Complaint, A.S.C. owned and operated, and continues to own and operate an automobile salvage facility located at 21 W. U.S. Hwy 6, Peru Township, Peru, Illinois (“Facility”).

5. At all times relevant to this Complaint, the Facility has had the potential to discharge fuel, motor oil, lubricants, and antifreeze (“Automotive Fluids”).

6. On November 2, 2022, the Illinois EPA conducted an inspection of A.S.C. At that time, A.S.C. did not have coverage under the General National Pollutant Discharge Elimination System (“NPDES”) Stormwater Permit for Industrial Activities (“NPDES Industrial General Permit”).

7. The Facility is an auto salvage yard classified as Standard Industrial Classification Code (“SIC”) 5093 – Scrap and Waste Materials.

8. To receive authorization to discharge under an issued NPDES Industrial General Permit, a facility operator is required to submit to the Illinois EPA a Notice of Intent (“NOI”) to obtain coverage and a Stormwater Pollution Prevention Plan (“SWPPP”).

9. On January 30, 2023, A.S.C. submitted to Illinois EPA a Notice of Intent (“NOI”) and a Stormwater Pollution Prevention Plan (“SWPPP”) to obtain coverage under the NPDES Industrial General Permit.

10. On November 20, 2023, ASC submitted corrections to its SWPPP.

11. As of February 28, 2024, A.S.C. has obtained coverage for the Facility under the NPDES Industrial General Permit.

12. Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), provides as follows:

No person shall:

* * *

- (f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

13. Industrial sites are subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board (“Board”). The Board’s regulations for water pollution are found in Title 35, Subtitle C, Chapter I of the Illinois Administrative Code (“Board Water Pollution Regulations”).

14. Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

- (a) Except as in compliance with the provisions of the Act, Board Regulations, and the CWA, and the provisions and the conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into waters of the State from a point source or into a well shall be unlawful.

15. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), 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.

16. A.S.C., a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

17. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides the following definition:

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

18. The Automotive Fluids at the Facility, constitutes a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

19. Section 3.550 of the Act, 415 ILCS 5/3.550 (2022), 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.

20. Stormwater from the Facility flows to Spring Creek which discharges into the Illinois River.

21. The Illinois River and Spring Creek are “waters” of the State of Illinois as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2022).

22. Section 502(14) of the Federal Clean Water Act (“CWA”), 33 U.S.C.S. § 1362(14), provides the following definition:

(14) The term “point source” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

23. The Facility is a “point source”, as that term is defined in Section 502(14) of the CWA, 33 U.S.C.S. § 1362(14).

24. The CWA regulates the discharge of pollutants from a point source into navigable waters and prohibits such point source discharges without an NPDES permit. The United States

Environmental Protection Agency (“USEPA”) administers the NPDES program in each State unless the USEPA has delegated authority to do so to that State.

25. The USEPA has authorized the State of Illinois to issue NPDES permits through the Illinois EPA in compliance with NPDES federal regulations, including stormwater discharges regulated by 40 CFR § 122.26, which requires a person to, among other things, obtain an NPDES permit and prepare and implement a SWPPP.

26. 40 CFR § 122.26(a)(1)(ii) provides as follows:

(a) Permit Requirement.

(1) Prior to October 1, 1994, discharges composed entirely of storm water shall not be required to obtain a NPDES permit except:

* * *

(ii) A discharge associated with industrial activity;

27. 40 CFR § 122.26(b)(14)(vi) provides as follows:

(b) Definitions.

* * *

(14) Storm water discharge associated with industrial activity means the discharge of storm water from any conveyance that is used for collecting and conveying storm water . . . The following categories of facilities are considered to be engaging in “industrial activity” for purposes of paragraph (b)(14):

* * *

(vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

28. A.S.C.’s automobile salvage facility is an operation within SIC 5093 – Scrap and Waste Materials.

29. A.S.C. operates an automobile salvage operation at the Facility classified as SIC 5093 as defined in 40 CFR § 122.26(b)(14)(vi), and stormwater discharges from the Facility are therefore discharges associated with industrial activity requiring coverage under the NPDES General Stormwater Permit for Industrial Activities.

30. By engaging in industrial activities from at least November 2, 2022, on a date better known to A.S.C., to February 28, 2024, without first obtaining coverage under a NPDES General Stormwater Permit for Industrial Activities, A.S.C. violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, A.S.C. RECYCLING, INC. d/b/a AUTO SALVAGE CO., with respect to Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein.

2. Finding that the Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

3. Ordering the Respondent to cease and desist from any future violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2022), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

4. Assessing against Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and
6. Granting other such relief as the Board deems appropriate and just.

COUNT II

WATER POLLUTION

1-27. The Complainant re-alleges and incorporates by reference herein paragraphs 1 through 11 and paragraphs 15 through 30 of Count I as paragraphs 1 through 27 of this Count II.

28. Section 12(a) of the Act, 415 ILCS 5/12(a) (2022), 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

29. Section 3.545 of the Act, 415 ILCS 5/3.545 (2022), 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.

30. A.S.C.’s failure to maintain coverage under the NPDES Industrial General Permit, including its failure to submit, revise, and implement a SWPPP, from November 2, 2022 to February 28, 2024, threatened the discharge of Automotive Fluids from the Facility into Spring Creek which discharges into the Illinois River, and rendered or was likely to render 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) livestock, wild animals, birds, fish, or other aquatic life, which therefore constitutes “water pollution,” as that term is defined in 415 ILCS 5/3.545 (2022).

31. By threatening to discharge contaminants into the environment so as to cause or tend to cause water pollution, A.S.C. violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, A.S.C. RECYCLING, INC. d/b/a AUTO SALVAGE CO., with respect to Count II:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein.

2. Finding that the Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);

3. Ordering the Respondent to cease and desist from any future violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2022);

4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, and an additional civil penalty of Five Thousand Dollars (\$5,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

6. Granting other such relief as the Board 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

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