

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 26-
	)	(Enforcement - Land)
M&A PRECISION TRUCK AND AUTO	)	
REPAIR, INC., 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: October 10, 2025

Service List

M&A PRECISION TRUCK AND
AUTO REPAIR, INC.
Peter Alan Wasem, Registered Agent
330 E. Main Street, 3rd Floor
Barrington, IL 60010

CERTIFICATE OF SERVICE

I, Jason Clark, an Assistant Attorney General, certify that on the 10th day of October, 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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 25 -
	)	
M & A PRECISION TRUCK	)	
AND AUTO REPAIR, INC., an Illinois	)	
corporation,	)	
	)	
Respondent.	)	

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 Respondent, M & A PRECISION TRUCK AND AUTO REPAIR, INC. (“M & A”), an Illinois corporation, as follows:

COUNT I
WATER POLLUTION

1. This Count 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”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2024).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2024), and charged, *inter alia*, with the duty of enforcing the Act.

3. The Illinois Pollution Control Board (“Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2024), and charged, *inter alia*, with the duty of promulgating standards and regulations under the Act.

4. At all times relevant to this Complaint, M & A was and is an Illinois corporation in good standing.

5. At all times relevant to this Complaint, M & A operated and continues to operate a diesel truck maintenance and repair facility (“Facility”) located at 1480 Imhoff Drive, Lake in the Hills, McHenry County, Illinois (“Site”).

6. At all times relevant to this Complaint, on dates better known to M & A, M & A operated a Class V motor vehicle disposal dry well (“Dry Well”) located on the southwest side of the building on the Site.

7. During vehicle repair and maintenance activities at the Site, fluids from vehicle repair and maintenance activities and floor washing liquids (collectively “Fluids”) would drip, spill, or otherwise enter floor drains from each service bay within the Facility, leading to a catch basin at the Site. The Fluids would flow from the catch basin through underground piping and into the Dry Well at the Site.

8. On July 5, 2019, a complaint submitted to the Illinois EPA alleged that oil was being collected in the catch basin at the Site and releasing into the Dry Well.

9. On August 12, 2019, a complaint submitted to the Illinois EPA alleged M & A was dumping oil, coolant, and fuel on the ground surrounding the Facility at the Site.

10. On August 26, 2019, the Illinois EPA inspected the Site and Facility. At that time, there was staining on the ground near the Facility.

11. Also, on August 26, 2019, the soil north and west of the Facility was stained. The soil was stained with Fluids from activities and operations taking place at the Site and Facility.

12. At all times relevant to this Complaint, M & A did not collect soil or gravel samples from below and around the Dry Well to verify that soil, impacted by the Fluids contained in the Dry Well, did not contaminate subsoil or groundwater at the Site.

13. On September 5, 2019, or dates better known to M & A, oily water from the former Dry Well was hauled off-Site for disposal at Heritage Crystal Clean North Branch in Elgin, Illinois.

14. On September 9, 2019, the Illinois EPA conducted a follow-up inspection of the Site and Facility.

15. On September 9, 2019, stained soil that existed at the Site at the time of the August 26, 2019 inspection had been dug up from the ground and relocated and placed in an uncovered pile at the Site, north of the Facility (“Stained Soil Pile”).

16. Between November 20 and 30, 2019, on dates better known to M & A, soil, gravel, and sludge, that were impacted by Fluids from operations and activities at the Facility, were collected from in and around the former Dry Well (“Dry Well Materials”) and the Stained Soil Pile were hauled off-Site by Flood Bros Disposal Co. (“Flood Bros”) for disposal by Midwest Materials Management LLC (“Midwest Materials”) which upon information and belief, is located at 1100 Brandt Dr-c, Elgin, Kane County, Illinois (“Midwest Facility”).

17. The Midwest Facility is a facility accepting exclusively general construction or demolition debris for transfer, storage and treatment pursuant to Section 22.38 of the Act, 415 ILCS 5/22.38 (2024), and is not permitted to accept material that has been stained or impacted from Fluids, due to the operation and activity at the Site and Facility.

18. On January 10, 2020, the Illinois EPA conducted a follow-up inspection of the Site and Facility.

19. During the January 10, 2020 inspection, an M & A worker said that the Dry Well was removed and the floor drains leading to the former Dry Well were plugged between September 9, 2019, and January 10, 2020, on dates best known to M & A.

20. On January 10, 2020, M & A completed a Class V Injection Well Inventory Form (“Inventory Form”). M & A had not completed a Class V Injection Well Inventory Form prior to this date.

21. Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), 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.

* * *

22. Section 3.315 of the Act, 415 ILCS 5/3.315 (2024), provides as follows:

“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.

23. M & A, a corporation, is a “person” as that term is defined in Section 3.315 the Act, 415 ILCS 5/3.315 (2024).

24. Section 3.165 of the Act, 415 ILCS 5/3.165 (2024), provides as follows:

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

25. The Dry Well Materials, Stained Soil Pile, Fluids, and the oily water from the former Dry Well are each a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

26. Section 3.550 of the Act, 415 ILCS 5/3.550 (2024), provides as follows:

“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.

27. Groundwater at the Site is “waters” of the State of Illinois as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2024).

28. Section 3.545 of the Act, 415 ILCS 5/3.545 (2024), provides as follows:

“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.

29. M & A’s discharging of Fluids from the Facility onto the ground at the Site and into the Dry Well created or is likely to create a nuisance or is likely to render groundwater at the Site harmful or detrimental or injurious to public health, commercial, industrial, or other legitimate uses, or to wild animals, birds, fish, or other aquatic life. M & A’s discharge of Fluids at the Site and Facility thereby caused or threatened to cause the discharge of contaminants into the environment so as to cause or tend to cause “water pollution” as that term is defined by Section 3.545 of the Act, 415 ILCS 5/3.545 (2024).

30. By causing, threatening, or allowing the discharge of contaminants from the Facility into the environment so as to cause water pollution, M & A violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, M & A PRECISION TRUCK AND AUTO REPAIR, INC.:

1. Authorizing a hearing in this matter at which time M & A will be required to answer the allegations herein;
2. Finding that M & A violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2024);
3. Ordering M & A to cease and desist from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024);
4. Assessing against M & A, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2024), that occurred prior to June 16, 2025, and an additional Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;
5. Taxing all costs of this action to M & A pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT II
FAILURE TO SUBMIT INVENTORY INFORMATION

1. This Count 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 pursuant to Section 31 of the Act, 415 ILCS 5/31 (2024).

2-22. Complainant re-alleges and incorporates by reference herein paragraphs 2 through 20 and 22 through 23 of Count I as paragraph 2 through 22 of this Count II.

23. Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2024), 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;

* * *

24. Section 3.535 of the Act, 415 ILCS 5/3.535 (2024), provides the following definition:

“Waste” means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities,

25. Section 3.470 of the Act, 415 ILCS 5/3.470 (2024), provides the following definition:

“Solid Waste” means waste.

26. The Fluids, produced from the activities and operations taking place at the M & A Facility, along with the Dry Well Materials, Stained Soil Pile, and oily water, which were removed from the Dry Well at the Site on or before January 10, 2020, are liquid, solid, or semi-solid materials resulting from commercial operations that were discarded, and are therefore each a “waste” and “solid waste” as those terms are defined by Section 3.535 and 3.470 of the Act, 415 ILCS 5/3.535 and 5/3.470 (2024).

27. Section 3.185 of the Act, 415 ILCS 5/3.185 (2024), provides the following definition:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

28. The discharge, deposit, injection, or placing of Fluids, a waste and solid waste, into the Dry Well at the M & A Facility, and on any land, so that such waste and solid waste may enter into the soil, groundwater, or environment constitutes “disposal” as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2024).

29. Section 3.540 of the Act, 415 ILCS 5/3.540 (2024), provides the following definition:

“Waste disposal site” is a site on which solid waste is disposed.

30. M & A’s disposal of Fluids, a waste and solid waste, into the Dry Well at its Facility constitutes a “waste disposal site” as that term is defined in Section 3.540 of the Act, 415 ILCS 5/3.540 (2024).

31. Pursuant to authority granted under the Act, the Board has promulgated standards for submitting inventory information regarding underground injection wells, codified at 35 Ill. Adm. Code Parts 702 (“Board RCRA and UIC Permit Program Regulations”) and 35 Ill. Adm. Code 704 (“Board UIC Permit Program Regulations”).

32. Section 704.148(d) of the Board UIC Permit Program Regulations, 35 Ill. Adm. Code 704.148(d), provides as follows:

The owner or operator of an injection well that is authorized by rule under this Subpart C must submit inventory information to the Agency. Such an owner or operator is prohibited from injecting into the well upon failure to submit inventory

information for the well to the Agency within the time frame specified in subsection (d).

* * *

(d) The owner or operator of a new Class V injection well must submit inventory information prior to starting injection.

* * *

BOARD NOTE: A well that was in existence as of March 3, 1984, was required to submit inventory information by March 3, 1985. Since all wells other than Class V injection wells are now either prohibited or required to file a permit application, the inventory requirement will apply only to new Class V injection wells.

33. Section 704.281 of the Board UIC Permit Program Regulations, 35 Ill. Adm. Code 704.281, provides, in pertinent part, as follows:

The following are examples of Class V injection wells to which this Subpart I applies:

* * *

(e) A dry well that is used for the injection of wastes into a subsurface formation.

34. Section 702.110 of the Board RCRA and UIC Permit Program Regulations, 35 Ill. Adm. Code 702.110, provides the following definitions:

“Drywell” (UIC) means a well, other than an improvised sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry, except when receiving fluids.

“Existing injection well” (UIC) means an injection well that is not a new injection well.

“Facility or activity” (RCRA and UIC) means any HWM facility, UIC injection well, or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

“Fluid” (UIC) means any material or substance that flows or moves, whether in a semisolid, liquid, sludge, gas, or any other form or state.

“Injection well” (RCRA and UIC) means a well into which fluids are being injected.

“New injection well” (UIC) means a well that began injection after March 3, 1984, the date of USEPA approval of the UIC program for the State of Illinois.

“Owner or operator” means the owner or operator of any facility or activity subject to regulation under the RCRA or UIC program.

“Site” (RCRA and UIC) means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

35. M & A is an “owner or operator” of a “facility” located on a “site” where “fluid” was injected into an “injection well” as those terms are described by Section 702.110 of the Board RCRA and UIC Permit Program Regulations, 35 Ill. Adm. Code 702.110. The injection well was a “drywell” that was constructed, on a date better known to Respondent, and was either considered a “new injection well” or an “existing injection well” as those terms are described by Section 702.110 of the Board RCRA and UIC Permit Program Regulations, 35 Ill. Adm. Code 702.110.

36. The Dry Well located at the Site on August 26, 2019 and September 9, 2019 was a Class V injection well as described by Section 704.281(e) of the Board UIC Permit Program Regulations, 35 Ill. Adm. Code 704.281(e).

37. Section 704.279 of the Board UIC Permit Program Regulations, 35 Ill. Adm. Code 704.279, provides, in pertinent part, as follows:

This Subpart I sets forth the requirements applicable to the owner or operator of a Class V injection well. Additional requirements listed elsewhere in this Part may also apply. Where they may apply, those other requirements are referenced rather than repeated in this Subpart I. The requirements described in this Subpart I and elsewhere in this Part are intended to protect USDWs and are part of the UIC program established under Section 13(c) of the Act.

38. M & A, as owner or operator of a Class V injection well, was subject to regulations under the Illinois UIC program, pursuant to Section 704.279 of the Board UIC Permit Program Regulations, 34 Ill. Adm. Code 704.279.

39. Section 704.146(c)(3) of Board UIC Permit Program Regulations, 35 Ill. Adm. Code 704.146(c)(3), provides, in pertinent part, as follows:

- * * *
- (c) Prohibition of injection. An owner or operator of a well that is authorized by rule pursuant to this Section is prohibited from injecting into the well on the occurrence of any of the following:

- * * *
- 3) Upon a failure to submit inventory information in a timely manner pursuant to Section 704.148;

40. M & A injected wastes into a Class V injection well prior to the submittal of an Inventory Form to the Illinois EPA on January 10, 2020, and thereby violated Sections 704.146(c)(3) and 704.148(d) of the Board UIC Permit Program Regulations, 35 Ill. Adm. Code 704.146(c)(3) and 704.148(d).

41. By violating Sections 704.146(c)(3) and 704.148(d) of the Board UIC Permit Program Regulations, 35 Ill. Adm. Code 704.146(c)(3) and 704.148(d), M & A's operations of the Class V injection well did not meet the requirements of the Act or regulations and standards thereunder, and thereby also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, M & A PRECISION TRUCK AND AUTO REPAIR, INC.:

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

2. Finding that M & A violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2024), and Sections 704.146(c)(3) and 704.148(d) of the Board UIC Permit Program Regulations, 35 Ill. Adm. Code 704.146(c)(3) and 704.148(d);

3. Ordering M & A to cease and desist from any further violations of Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2024), and Sections 704.146(c)(3) and 704.148(d) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.146(c)(3) and 704.148(d);

4. Assessing against M & A, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2024), and Sections 704.146(c)(3) and 704.148(d) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.146(c)(3) and 704.148(d), that occurred prior to June 16, 2025, and an additional Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Taxing all costs of this action to M & A pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT III
WASTE DISPOSAL AT A SITE THAT DOES NOT MEET THE
REQUIREMENTS OF THE ACT

1-35. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 20 and 22 through 23 of Count I and paragraphs 24 through 36 of Count II as paragraphs 1 through 35 of this Count III.

36. Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), provides 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.

37. The soil, gravel, and sludge impacted by Fluids occurring from operations and activities at the Facility, the Stained Soil Pile, and Dry Well Materials which, upon information and belief, were removed from the Site between November 20 and 30, 2019, on dates better known to M & A, and were discarded at the Midwest Facility.

38. The Stained Soil Pile and Dry Well Materials were transported by Flood Bros between November 20 and 30, 2019, on dates better known to M & A, to the Midwest Facility and deposited directly on the land in such a manner so that they may enter the environment, and were therefore “disposed” as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2024).

39. Section 3.460 of the Act, 415 ILCS 5/3.460 (2024), provides as follows:

“Site” means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.

40. The Midwest Facility is a “site” as that term is defined in Section 3.460 of the Act, 415 ILCS 5/3.460 (2024).

41. Section 3.445 of the Act, 415 ILCS 5/3.445 (2024), provides as follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder . . .

42. At all times relevant to this Complaint, the Midwest Facility was not permitted by the Illinois EPA for the disposal of waste consisting of Fluids, including the Dry Well Materials and Stained Soil Pile, on land, and therefore did not fulfill the requirements of a “sanitary landfill” as defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2024).

43. Between November 20 and 30, 2019, on dates better known to M & A, Flood Bros transported the Dry Well Materials and Stained Soil Pile, each a “waste,” from the M & A Facility

and disposed, stored, and/or abandoned the Dry Well Materials and Stained Soil Pile at the Midwest Facility.

44. By disposing, storing, and/or abandoning waste at a site that fails to meet the requirements of the Act and regulations, M & A violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, M & A PRECISION TRUCK AND AUTO REPAIR, INC.:

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

2. Finding that M & A violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2024);

3. Ordering M & A to cease and desist from any further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2024);

4. Assessing against M & A, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2024), that occurred prior to June 16, 2025, and an additional Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Taxing all costs of this action to M & A pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT IV
FAILURE TO CLOSE CLASS V INJECTION WELL IN COMPLIANCE
WITH THE ACT AND BOARD REGULATIONS

1. This Count 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 pursuant to Section 31 of the Act, 415 ILCS 5/31 (2024).

2-50. Complainant re-alleges and incorporates by reference herein paragraphs 2 through 20 and 22 through 23 of Count I, paragraphs 23 through 36 of Count II, and paragraphs 37 through 43 of Count III, as paragraphs 2 through 50 of this Count IV.

51. Section 704.289(a)(1) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.289(a)(1), provides in relevant part as follows:

(a) Closure

- (1) Prior to closing a Class V large-capacity cesspool or motor vehicle waste disposal well, the owner or operator must plug or otherwise close the well in a manner that complies with the prohibition of fluid movement set forth in Section 704.122 and summarized in Section 704.282(a). The owner or operator must also dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well in accordance with all applicable federal, State, and local regulations and requirements, as described in Section 704.282(b).

* * *

52. Section 704.282(b) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.282(b), provides in relevant part as follows:

* * *

- (b) Closure Requirements. An owner or operator must close the well in a manner that complies with the above prohibition of fluid movement. Also, the owner or operator must dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to its well in accordance with all applicable federal, State, and local regulations and requirements.

* * *

53. Between November 20 and 30, 2019, on dates better known to M & A, Flood Bros removed the Dry Well Materials and Stained Soil Pile from the Site for disposal at the Midwest Facility, a facility which accepts exclusively general construction or demolition debris for transfer, storage and treatment pursuant to Section 22.38 of the Act, 415 ILCS 5/22.38 (2024).

54. By disposing the Dry Well Materials and Stained Soil Pile at the Midwest Facility, M & A did not dispose of or otherwise manage the soil, gravel, sludge, liquids, or other materials removed from or adjacent to the Dry Well at the Site in accordance with all applicable State and local regulations and requirements, as described in Section 704.282(b) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.282(b).

55. By not disposing of or otherwise managing the soil, gravel, sludge, liquids, or other materials removed from or adjacent to the Dry Well in accordance with all applicable State and local regulations and requirements, M & A failed to close the Dry Well at the Site pursuant to Section 704.289(a)(1) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.289(a)(1).

56. By failing to close the Dry Well in accordance with all applicable State and local regulations and requirements, M & A violated Section 704.289(a)(1) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.289(a)(1).

57. By violating Section 704.289(a)(1) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.289(a)(1), M & A's operations of the Dry Well did not meet the requirements of the Act or regulations and standards thereunder, and thereby also violated Section 21(d)(2) of the Act 415 ILCS 5/21(d)(2) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, M & A PRECISION TRUCK AND AUTO REPAIR, INC.:

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

2. Finding that M & A violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2024), and Section 704.289(a)(1) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.289(a)(1) (2024);

3. Ordering M & A to cease and desist from any further violations of Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2024), and Section 704.289(a)(1) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.289(a)(1) (2024);

4. Assessing against M & A, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2024), and Section 704.289(a)(1) of the Board UIC Permit Program Regulations, 35 III. Adm. Code 704.289(a)(1), that occurred prior to June 16, 2025, and an additional Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Taxing all costs of this action to M & A pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

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

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