



**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)*

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB NO. 22-062</b>
	)	<b>(Enforcement – Water - Land)</b>
<b>CORES FOR YOU, INC.,</b>	)	
<b>an Illinois corporation, and</b>	)	
<b>PRECISION FOUNDRY TOOLING, LTD.,</b>	)	
<b>an Iowa corporation,</b>	)	
	)	
<b>Respondents.</b>	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and Respondents CORES FOR YOU, INC., an Illinois corporation, and PRECISION FOUNDRY TOOLING, LTD., an Iowa corporation, (“Respondents”) (“Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.* (2020), and the Board’s Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

## I. STATEMENT OF FACTS

### A. Parties

1. Respondent Cores For You, Inc. ("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 Tooling, Ltd. ("Precision Foundry") both own parcels of property that comprise the Hamilton Site.

2. 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.

3. Respondent Precision Foundry 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.

4. On February 26, 2019, Illinois EPA inspected property located at 355 North County Road 480, Warsaw, Hancock County, Illinois (the "Warsaw Site"). The Warsaw Site is owned by Robert Harmon and Donna Harmon. Robert Harmon is the company president for both Respondents.

5. 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.

6. 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.

7. Continuing its inspection of the Hamilton Site on February 26, 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.

8. 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.

**B. Allegations of Non-Compliance**

Complainant contends that the Respondents have violated the following provisions of the Act and the Board's Regulations:

Count I: Water Pollution  
415 ILCS 5/12(a) (2020)

- Count II: Water Pollution Hazard  
415 ILCS 5/12(d) (2020)
- Count III: Open Dumping of Waste  
415 ILCS 5/21(a) (2020)
- Count IV: Unpermitted Waste Disposal  
415 ILCS 5/21(d)(1) (2020)
- Count V: Conducting A Waste Disposal Operation  
in Violation of Board Regulations  
415 ILCS 5/21(d)(2) (2020)  
35 Ill. Adm. Code 812.101(a)  
35 Ill. Adm. Code 815.201
- Count VI: Conducting a Waste Disposal Operation at a Site Not Meeting  
the Requirements of the Act and Board Regulations  
415 ILCS 5/21(e) (2020)
- Count VII: Open Dumping Resulting in the Disposition  
of Waste in Standing or Flowing Water  
415 ILCS 5/21(p)(4) (2020)
- Count VIII: Open Dumping Resulting in the Disposition  
of General Construction or Demolition Debris  
415 ILCS 5/21(p)(7) (2020)
- Count IX: Failure to Conduct Hazardous Waste  
and Special Waste Determinations  
415 ILCS 5/21(e) (2020)  
35 Ill. Adm. Code 722.111  
35 Ill. Adm. Code 808.121(a)
- Count X: Transporting Special Waste Without a Permit  
415 ILCS 5/21(j) (2020)  
35 Ill. Adm. Code 809.201

**C. Non-Admission of Violations**

Respondents represent that they have entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested

litigation. By entering into this Stipulation and complying with its terms, Respondents do not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

**D. Compliance Activities**

1. Subsequent to Illinois EPA's inspections, in accordance with Section 722.111 of the Board's 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.

2. 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's 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.

3. On May 31, 2019, the engineering firm of Klinger and Associates responded on behalf of Respondents concerning the clean-up of the sites. The sand castings and foundry sand in the parking lot and accumulation area, as well as the waste in the open dump, had been removed and properly disposed. Klinger and Associates submitted to Illinois EPA

documentation of the clean-up of the Hamilton and Warsaw Sites including non-special waste certification forms, documentation for scrap metal removal, documentation for sand casting removal and post-cleanup photos.

## **II. APPLICABILITY -**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondents shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of their officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondents in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2020).

## **III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or

eliminating the emissions, discharges or deposits resulting from such pollution source; and

5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The violations posed a moderate potential for harm as the actions had a significant adverse effect on the statutory or regulatory purposes or procedure for implementing the solid waste program by Illinois EPA.

2. There is social and economic benefit in the operation of Respondents' facilities.

3. Respondents' facilities area suitable for the area in which they are being operating, so long as they are operated in compliance with the Act and the Board's Regulations.

4. Preventing water pollution, preventing the creation of a water pollution hazard, conducting waste disposal operations in compliance with the Act and the Board's Regulations, preventing the open dumping of waste, conducting hazardous waste and special waste determinations and obtaining the required permit for special waste transportation were all actions which were both technically practicable and economically reasonable.

5. Respondents have subsequently resolved the violations alleged in the Complaint.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2020), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;

3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The violations posed a moderate potential for harm as the actions had a significant adverse effect on the statutory or regulatory purposes or procedure for implementing the solid waste program by Illinois EPA.
2. Respondents' actions demonstrated due diligence, after the violations had been detected by Illinois EPA.
3. The economic benefit from non-compliance would have been less than the civil penalty required by the Stipulation.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Twenty Thousand Five Hundred Dollars (\$20,500.00) from Respondents will serve to

deter further violations and aid in future voluntary compliance with the Act and Board Regulations.

5. To Complainant's knowledge, Respondents have no previously adjudicated violations of the Act.

6. Respondents did not self-disclose the violations.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

## V. TERMS OF SETTLEMENT

### A. Penalty Payment

Respondents shall jointly and severally pay a civil penalty in the sum of Twenty Thousand Five Hundred Dollars (\$20,500.00) within thirty (30) calendar days from the date the Board adopts and accepts this Stipulation.

### B. Interest and Default

1. If Respondents fail to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondents shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by Respondents not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment

is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

**C. Payment Procedures**

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

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

The name and case number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Raymond J. Callery  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706  
[Raymond.Callery@ilag.gov](mailto:Raymond.Callery@ilag.gov)

**D. Future Compliance**

1. Respondent Precision Foundry will continue to utilize Safety-Kleen Systems, Inc. for pick-up, transportation, and disposal of the spent coolant as a special waste.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon Respondents' facilities which were the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In

conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. This Stipulation in no way affects the responsibilities of Respondents to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

4. Respondents shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of Respondents' payment of the \$20,500.00 penalty, their commitment to cease and desist as contained in Section V.D.3 above, and upon the Board's approval of this Stipulation, Complainant releases, waives and discharges Respondents from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed simultaneously with this Stipulation. Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against Respondents with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and

d. liability or claims based on the Respondents' failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), or entity other than the Respondents.

**F. Enforcement**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**G. Execution of Stipulation**

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

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WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

KWAME RAOUL  
Attorney General  
of the State of Illinois

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

JOHN J. KIM, Director  
Illinois Environmental Protection Agency

BY: *Andrew Armstrong*  
ANDREW ARMSTRONG, Chief  
Environmental Bureau  
Assistant Attorney General

BY: *Charles W. Gunnarson*  
CHARLES W. GUNNARSON,  
Chief Legal Counsel

DATE: 07/13/2022

DATE: 7/6/22

CORES FOR YOU, INC.,

PRICISION FOUNDRY TOOLING, LTD.,

BY: *Robert Harmon*

BY: *Robert Harmon*

Name/Title: Robert Harmon / President

Name/Title: Robert Harmon / President

DATE: 6/28/22

DATE: 6/28/22



person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

4. No hearing is scheduled in this matter.
5. Complainant hereby requests relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2020).

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/ Raymond J. Callery  
RAYMOND J. CALLERY  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
(217) 557-5690  
[raymond.callery@ilag.gov](mailto:raymond.callery@ilag.gov)

Dated: July 18, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that I did on July 18, 2022, send as indicated a true and correct copy of the documents entitled Notice of Filing, Stipulation and Proposal for Settlement, Motion for Relief from Hearing Requirements and Certificate of Service to the following:

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)*

s/Lilia M. Brown  
Lilia M. Brown  
Administrative Secretary

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil , Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

s/Lilia M. Brown  
Lilia M. Brown  
Administrative Secretary