



Service List

For the Respondent

Robert G. Harmon, Registered Agent  
Cores for You, Inc.  
140 Industrial Park  
Hamilton, IL 62341  
*(via certified mail)*

Nick Tzenevrakis, Plant Manager  
Cores for You, Inc.  
160 Industrial Park  
Hamilton, IL 62341  
*(via 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. 2024-</b>
	)	<b>(Enforcement-Air)</b>
<b>CORES FOR YOU, INC.,</b>	)	
<b>an Illinois corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**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, CORES FOR YOU, INC., an Illinois corporation, as follows:

**COUNT I**  
**FAILURE TO SUBMIT ANNUAL EMISSION REPORTS**

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”), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (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, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent, CORES FOR YOU, INC., was and is an Illinois corporation in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State.

4. At all times relevant to this Complaint, Respondent was and is the operator of a core-making facility manufacturing cores for foundries and located at 16 Industrial Park, Hamilton, Hancock County, Illinois (“Facility”).

5. Respondent molds sand cores at the Facility using poly-urethane resin and silica sand.

6. Emission units at the Facility include: four sand storage tanks, two sand storage day tanks, one sand distribution system, two continuous mixers, one batch mixer, 16 shell core machines, and 16 Isocure shell core machines.

7. On a date better known to Respondent, in 2006 Respondent began installing and operating emission units, adding units over the years as follows: three shell core machines in 2006; two shell core machines in 2009; three shell core machines in 2010; four shell core machines in 2011; four shell core machines and one Isocure shell core machine in 2012; four Isocure shell core machines in 2014; one Isocure shell core machine, two bulk sand storage tanks, and a batch mixer in 2015; six Isocure shell core machines in 2016; one Isocure shell core machine in 2017; four sand storage tanks (replacing the two older tanks), two sand storage day tanks, two continuous mixers, and a sand distribution system in 2018; and three Isocure shell core machines in 2019.

8. Emission control equipment for all the emission units at the Facility consists of a dust collector equipped with a HEPA filter.

9. The emission units at the Facility are capable of emitting particulate matter, volatile organic compounds, nitrogen oxides, and sulfur oxides.

10. Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend

to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

11. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), provides the following definition:

“Person” means 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.

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

13. Section 3.115 of the Act, 415 ILCS 5/3.115 (2022), provides the following definition:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

14. 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.

15. Particulate matter, volatile organic compounds, nitrogen oxides, and sulfur oxides are each considered a “contaminant” as that term is defined under Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

16. Section 201.302(a) of the Illinois Pollution Control Board’s (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

The owner or operator of any emission unit or air pollution control equipment meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102 shall submit to the Agency as a minimum, annual reports detailing

the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports when necessary to accomplish the purposes of the Act and this Chapter.

17. Section 254.102(b) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 254.102(b), provides as follows:

Subpart C of this Part applies to the owner or operator of any source of regulated air pollutants required to have an operating permit in accordance with 35 Ill. Adm. Code 201 that is not subject to subsection (a) of this Section.

\* \* \*

18. The Facility is a source required to have an operating permit in accordance with 35 Ill. Adm. Code 201 and is not subject to subsection (a) of Section 254.102 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 254.102. The Facility therefore meets the applicability criteria contained in Section 254.102(b) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 243.102(b).

19. Section 254.132(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), provides as follows:

Failure to file a complete Annual Emissions Report by the applicable deadlines prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).

20. Section 254.137(a) of the Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a), provides as follows:

All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

21. Section 211.4370 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 211.4370, provides the following definition:

“Owner or operator” means any person who owns, operates, leases, controls, or supervises a source, an emission unit or air pollution control equipment.

22. Respondent is an “owner or operator” as that term is defined by Section 211.4370 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 211.4370.

23. Section 211.1950 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 211.1950, provides the following definition:

“Emission unit” means any part or activity at a stationary source that emits or has the potential to emit any air pollutant.

24. Section 211.6370 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 211.6370, provides the following definition:

“Stationary source” means any building, structure, facility or installation that emits or may emit any air pollutant.

25. Section 211.5500(a) of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 211.5500(a), provides the following definition:

(a) "Regulated air pollutant" means the following:

- 1) Nitrogen oxides (NO[x]) or any volatile organic compound.
- 2) Any pollutant for which a national ambient air quality standard has been promulgated.
- 3) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.
- 4) Any Class I or II substance subject to a standard promulgated under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).

\* \* \*

26. The Facility is a standalone building and a “stationary source” as that term is defined in Section 211.6370 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 211.6370.

Respondent operates “emission units” at the Facility capable of emitting particulate matter, volatile organic compounds, nitrogen oxides, and sulfur oxides, each of which a “regulated air pollutant,” as those terms are defined, respectively, in Sections 211.1950 and 211.5500(a) of the Board’s Air Pollution Regulations, 35 Ill. Adm. 211 1950 and 211.5500(a).

27. By May 1 of each year, Respondent, as the owner or operator of emission units, was required to submit an Annual Emission Report (“AER”) for emissions occurring in the preceding calendar year to the Illinois EPA, pursuant to Section 201.302(a) of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.137(a) of the Illinois EPA’s Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a).

28. Illinois EPA did not receive Respondent’s AERs for calendar year 2017 and 2018 until on or about November 14, 2019, and did not receive Respondent’s AER for calendar year 2019 until on or about March 9, 2021.

29. By failing to timely submit complete and accurate AERs for each year that one was required, Respondent violated Section 201.302(a) of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of Illinois EPA’s Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a). Respondent thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

**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 Respondent, CORES FOR YOU, INC., for the following relief:

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



B. Finding that the Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Sections 201.302(a) of the Board's Air Pollution Regulations and 254.132(a) of Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a) and 254.132(a);

C. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Sections 201.302(a) of the Board's Air Pollution Regulations and 254.132(a) of Illinois EPA's Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a) and 254.132(a);

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the Respondent a civil penalty of \$50,000.00 for each violation of the Act and Board and Illinois EPA Regulations, and an additional civil penalty of \$10,000.00 for each day the violations continued;

E. Ordering the Respondent 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**  
**FAILURE TO OBTAIN CONSTRUCTION PERMITS**  
**FOR INSTALLED EQUIPMENT**

1-20. Complainant realleges and incorporates herein by reference paragraphs 1 through 9, 11 through 15, and 21 through 26 of Count I as paragraphs 1 through 20 of Count II.

21. Section 9(b) of the Act, 415 ILCS 5/9(b) (2022), provides as follows:

No person shall:

- (b) Construct, install or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations, (1) without a permit granted by the Agency unless otherwise exempt by this Act or Board regulations or (2) in violation of any conditions imposed by such permit.

22. Section 9.12 of the Act, 415 ILCS 5/9.12 (2022), provides, in pertinent part, as follows:

- (a) An applicant for a new or revised air pollution construction permit shall pay a fee, as established in this Section, to the Agency at the time he or she submits the application for construction permit.

\* \* \*

- (j) If the owner or operator undertakes construction without obtaining an air pollution construction permit, the fee under this section is still required. Payment of the required fee does not preclude the agency or the Attorney General or other authorized persons from pursuing enforcement against the applicant for failure to have an air pollution construction permit prior to commencing construction.

\* \* \*

23. Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142, provides as follows:

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Agency, except as provided in Section 201.146 or Section 201.170(b) of this Part.

24. Respondent was required to obtain construction permits from Illinois EPA prior to constructing emission units at the Facility.

25. By failing to obtain construction permits from Illinois EPA prior to the construction of emission units at the Facility, Respondent violated Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142, and therefore further violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2022).

26. By failing to timely pay the appropriate construction permit fees for the construction of emission units at the Facility, Respondent violated Section 9.12 of the Act, 415 ILCS 5/9.12 (2022).

**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 Respondent, CORES FOR YOU, INC., for the following relief:

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

B. Finding that the Respondent has violated Sections 9(b) and 9.12 of the Act, 415 ILCS 5/9(b) and 9.12 (2022), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

C. Ordering the Respondent to cease and desist from any further violations of Sections 9(b) and 9.12 of the Act, 415 ILCS 5/9(b) and 9.12 (2022), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

D. Ordering the Respondent to pay all appropriate construction permit fees required by Section 9.12 of the Act, 415 ILCS 5/9.12 (2022);

E. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the 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 the violations continued;

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

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

**COUNT III**  
**FAILURE TO OBTAIN OPERATING PERMITS**  
**FOR INSTALLED EQUIPMENT**

1-20. Complainant realleges and incorporates herein by reference paragraphs 1 through 9, 11 through 15, and 21 through 26 of Count I as paragraphs 1 through 20 of Count III.

21. Complainant realleges and incorporates herein by reference paragraph 21 of Count II as paragraph 21 of Count III.

22. Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143, provides as follows:

No person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by Section 201.142 without first obtaining an operating permit from the Agency, except for such testing operations as may be authorized by the construction permit. Applications for operating permits shall be made at such times and contain such information (in addition to the information required by Section 201.157) as shall be specified in the construction permit.

23. For calendar years 2006 through 2011, and 2017 through at least 2022, the Facility emitted more than an actual 5 tons per year of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions, and thus was not eligible for the Registration of Smaller Sources program under Section 9.14(a) of the Act, 415 ILCS 5/9.14(a) (2022).

24. For calendar years 2006 through 2011, and 2017 through at least 2022, Respondent was required to obtain operating permits from Illinois EPA before operating emission units at the Facility.

25. Respondent did not obtain an operating permit until May 20, 2020.

26. By failing to obtain the required operating permits from Illinois EPA prior to operating emission units at the Facility, Respondent violated Section 9(b) of the Act, 415 ILCS

5/9(b) (2022), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143.

**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 Respondent, CORES FOR YOU, INC., for the following relief:

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

B. Finding that the Respondent has violated Sections 9(b) of the Act, 415 ILCS 5/9(b) (2022), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143;

C. Ordering the Respondent to cease and desist from any further violations of Sections 9(b) of the Act, 415 ILCS 5/9(b) (2022), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the 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 the violations continued;

E. Ordering the Respondent 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**  
**CONSTRUCTION AND OPERATION OF A FACILITY**  
**WITHOUT A ROSS REGISTRATION**

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 the terms and

provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2022).

2-20. Complainant realleges and incorporates herein by reference paragraphs 2 through 9, 11 through 15, and 21 through 26 of Count I as paragraphs 2 through 20 of Count IV.

21. Section 9.14(a) of the Act, 415 ILCS 5/9.14 (2022), provides for the Registration of Smaller Sources (“ROSS”) program, in pertinent part, as follows:

(a) After the effective date of rules implementing this Section, the owner or operator of an eligible source shall annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under this Act. The criteria for determining an eligible source shall include the following:

(1) the source must not be required to obtain a permit pursuant to the Illinois Clean Air Act Permit Program or Federally Enforceable State Operating Permit program, or under regulations promulgated pursuant to Section 111 or 112 of the Clean Air Act;

\* \* \*

(3) the source emits less than an actual 5 tons per year of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;

(4) the source emits less than an actual 0.5 tons per year of combined hazardous air pollutant emissions; . . . .

22. Section 201.175(d)(1)(C) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.175(d)(1)(C), provides for the ROSS program as follows:

The owner or operator of a new source shall register at least 10 days before commencing construction or operation and may commence construction or operation 10 days after submittal to the Agency.

23. Respondent did not annually register for the ROSS program with Illinois EPA during the period of 2012 through 2016, when its combined particulate matter, carbon monoxide,

nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions were less than 5 tons per year.

24. By constructing and operating emission units at the Facility without registering for the ROSS program with Illinois EPA, Respondent violated Section 9.14(a) of the Act, 415 ILCS 5/9.14 (2022), and Section 201.175(d)(1)(C) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.175(d)(1)(C).

**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 Respondent, CORES FOR YOU, INC., for the following relief:

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

B. Finding that the Respondent has violated Sections 9.14(a) of the Act, 415 ILCS 5/9.14(a) (2022), and Section 201.175 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.175;

C. Ordering the Respondent to cease and desist from any further violations of Sections 9.14(a) of the Act, 415 ILCS 5/9.14(a) (2022), and Section 201.175 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.175;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), assessing against the 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 the violations continued;

E. Ordering the Respondent 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  
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Environmental Bureau  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
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<b>v.</b>	)	<b>PCB No. 2024-</b>
	)	<b>(Enforcement-Air)</b>
<b>CORES FOR YOU, INC.,</b>	)	
<b>an Illinois corporation,</b>	)	
	)	
<b>Respondent.</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 CORES FOR YOU, INC., an Illinois corporation, (“Respondent”) (“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.* (2022), 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. At all times relevant to this Complaint, Respondent, CORES FOR YOU, INC., was and is an Illinois corporation in good standing and authorized to do business in the State of Illinois by the Illinois Secretary of State.

2. At all times relevant to this Complaint, Respondent was and is the operator of a core-making facility manufacturing cores for foundries and located at 16 Industrial Park, Hamilton, Hancock County, Illinois ("Facility").

3. Respondent molds sand cores at the Facility using poly-urethane resin and silica sand.

4. Emission units at the Facility include: four sand storage tanks, two sand storage day tanks, one sand distribution system, two continuous mixers, one batch mixer, 16 shell core machines, and 16 Isocure shell core machines.

5. Emission control equipment for all the emission units at the Facility consists of a dust collector equipped with a HEPA filter.

6. The emission units at the Facility are capable of emitting particulate matter, volatile organic compounds, nitrogen oxides, and sulfur oxides.

### B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board Air Pollution Regulations:

Count I: FAILURE TO SUBMIT ANNUAL EMISSIONS REPORTS  
415 ILCS 5/9(a) (2022)  
35 Ill. Adm. Code 201.302(a)

35 Ill. Adm. 254.132(a)

Count II: FAILURE TO OBTAIN CONSTRUCTION PERMIT FOR INSTALLED EQUIPMENT  
415 ILCS 5/9(b) (2022)  
415 ILCS 9.12 (2022)  
35 Ill. Adm. 201.142

Count III: FAILURE TO OBTAIN OPERATING PERMITS FOR INSTALLED EQUIPMENT  
415 ILCS 5/9(b) (2022)  
35 Ill. Adm. Code 201.143

Count IV: CONSTRUCTION AND OPERATION OF A FACILITY WITHOUT A ROSS REGISTRATION  
415 ILCS 5/9.14(a) (2022)  
35 Ill. Adm. Code 201.175(d)(1)(C)

**C. Non-Admission of Violations**

Respondent represents that it has 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, Respondent does 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. Respondent has now submitted late Annual Emission Reports (“AER’s”) from 2017 forward and since 2020 has been submitting AER’s in a timely manner.

2. Respondent has paid to Illinois EPA Nine Thousand Nine Hundred Twenty-Five Dollars (\$9,925) towards late operating permit fees and late Registration of Smaller Sources (“ROSS”) program registration fees. Respondent still owes Two Thousand Sixty Dollars (\$2,060) for late permit and registration fees.

3. From 2006 through 2011 and from 2017 through the present, Respondent was not eligible for the ROSS program due to the level of its emissions and was required to obtain an operating permit. On May 20, 2020, Illinois EPA issued Respondent an operating permit.

## II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its 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 Respondent 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 (2022).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2022), 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. Respondent failed to submit complete and accurate AER's for each year required. Respondent constructed and operated equipment without obtaining construction or operating permits from Illinois EPA. Respondent failed to register for the ROSS program in the years it was eligible for the program. Compliance with permitting requirements is essential to effective regulation of sources of air pollution. The submission of timely and accurate AER's is essential to Illinois EPA's enforcement of its air pollution control responsibilities.
2. There is and was social and economic benefit in the operation of Respondent's facility.
3. Respondent's core-making facility is suitable for the area in which it is operating, so long as it is operating in compliance with the Act and Board regulations.
4. Submitting AER's and permit applications as required and obtaining permits in a timely manner were both technically practicable and economically reasonable.
5. Respondent has 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) (2022), 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. Respondent failed to submit complete and accurate AER's for each year required. Respondent constructed and operated equipment without obtaining construction or operating permits from Illinois EPA. Respondent failed to register for the ROSS program in the years it was eligible for the program. Compliance with permitting requirements is essential to effective regulation of sources of air pollution. The submission of timely and accurate AER's is essential to Illinois EPA's enforcement of its air pollution control responsibilities.
2. Once informed of these violations, Respondent's actions demonstrated a

reasonable degree of diligence.

3. Any 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 Dollars (\$20,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Respondent did self-disclose the violation by submitting a CAAPP permit application.

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

1. Respondent shall pay a civil penalty in the sum of Twenty Thousand Dollars (\$20,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

2. Payment of the civil penalty shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF").

### B. Permit and Registration Fees

1. Respondent shall pay Two Thousand Sixty Dollars (\$2,060.00) to the Illinois EPA, to satisfy past due permit and registration fees, within thirty (30) days from the date the Board adopts and accepts this Stipulation.

2. Payment of late permit and registration fees shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Permit and Inspection Fund.

**B. Interest and Default**

1. If Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondent 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 Respondent 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 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 shall obtain all necessary permits and registrations in a timely manner; timely pay all required permit, operating, and registration fees; and timely submit all required reports.

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

3. Respondent 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 Respondent's payment of the \$20,000.00 penalty, its commitment to cease and desist as contained in Section V.D.3 above, its payment of past due permit fees, and upon the Board's approval of this Stipulation, Complainant releases, waives and discharges Respondent 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 Respondent 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 Respondent's 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 (2022), or entity other than the Respondent.

**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.

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

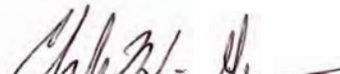
JOHN J. KIM, Director  
Illinois Environmental Protection Agency

BY:



ANDREW ARMSTRONG, Chief  
Environmental Bureau  
Assistant Attorney General

BY:



CHARLES W. GUNNARSON,  
Chief Legal Counsel

DATE:

08/23/2023

DATE:

8/17/23

CORES FOR YOU, INC.,

BY: \_\_\_\_\_

Name:

Title:

DATE: \_\_\_\_\_

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,  
KWAME RAOUL  
Attorney General  
of the State of Illinois

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

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

JOHN J. KIM, Director  
Illinois Environmental Protection Agency

BY: \_\_\_\_\_  
ANDREW ARMSTRONG, Chief  
Environmental Bureau  
Assistant Attorney General

BY: \_\_\_\_\_  
CHARLES W. GUNNARSON,  
Chief Legal Counsel

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

CORES FOR YOU, INC.,

BY: Nick Tzenevskis  
Name:

Title: General Manager

DATE: 7/31/23

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No. 2024-</b>
	)	<b>(Enforcement-Air)</b>
<b>CORES FOR YOU, INC.,</b>	)	
<b>an Illinois corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENTS**

Complainant, People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, Complainant states as follows:

1. Filed contemporaneously with this Motion is a Stipulation and Proposal for Settlement executed between Complainant and the Respondent, CORES FOR YOU, INC.
2. The parties have reached agreement on all outstanding issues in this matter.
3. Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2022), provides as follows:
  - (c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision 1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any 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) (2022).

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  
ARDC #6193579  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
(217) 557-5690  
[raymond.callery@ilag.gov](mailto:raymond.callery@ilag.gov)  
[ebs@ilag.gov](mailto:ebs@ilag.gov)

Dated: August 23, 2023

**CERTIFICATE OF SERVICE**

I, Raymond C. Callery, an Assistant Attorney General, certify that on the 23rd day of August 2023, I caused to be served by U.S. Certified Mail, the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 500 South Second Street, Springfield, Illinois 62701.

By: /Raymond J. Callery  
Raymond J. Callery  
ARDC # 6193579  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
[raymond.callery@ilag.gov](mailto:raymond.callery@ilag.gov)  
[ebs@ilag.gov](mailto:ebs@ilag.gov)