

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
By KWAME RAOUL, Attorney General)
Of the State of Illinois,)
)
Complainant,)
) PCB No. 2026-028
v.) (Enforcement – Land)
)
M & A PERCISION TRUCK AND)
AUTO REPAIR, INC. an Illinois)
Corporation,)
)
Respondent.)

NOTICE OF FILING

TO: See attached Service List.

PLEASE TAKE NOTICE that I have filed today with the Office of the Clerk of the Pollution Control Board the Answer to Complaint of M & A PERCISION TRUCK AND AUTO REPIAR, INC., a copy of which is herewith served upon you.

Respectfully submitted,

M & A PERCISION TRUCK AND
AUTO REPIAR, INC

By: /s/ Peter Alan Wasem
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Date: December 16, 2025

CERTIFICATE OF SERVICE

I, an attorney, certify that on December 16, 2025, I served a true and correct copy of the foregoing Answer to Complaint on the parties named on the attached Service List via email.

By: /s/ Peter Alan Wasem
Peter Alan Wasem, Esq.

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By KWAME RAOUL, Attorney General)
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Complainant,)
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Respondent.)

ANSWER TO THE COMPLAINT

Respondent, M & A PRECISION TRUCK and AUTO REPAIR, INC., by and through Peter Alan Wasem, of Peter Alan Wasem, P.C., its counsel, submits its Answer To The Complaint, in response to the Complaint filed by KWANME RAOUL, on behalf of the PEOPLE OF THE STATE OF ILLINOIS, 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).

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and therefore the allegations are denied.

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.

Answer: Admit.

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.

Answer: Admit.

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

Answer: Admit.

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").

Answer: Admit that M & A operates a diesel truck maintenance and repair facility, but also provides other services at the 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.

Answer: Deny.

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.

Answer: Deny.

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.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 and therefore the allegations are denied.

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.

Answer: Respondent lacks knowledge or information sufficient to form a belief as

to the truth of the allegations in Paragraph 9 and therefore the allegations are denied.

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.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 and therefore the allegations are denied.

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.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and therefore the allegations are denied.

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.

Answer: Respondent denies the allegation in Paragraph 12 of the Complaint.

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.

Answer: Respondent denies the allegations Paragraph 13 of the Complaint.

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

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 and therefore the allegations are denied.

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").

Answer: Admit, work was done at the Site in accordance with the improvements made to the Site per the plan approved by the County of McHenry, Illinois.

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").

Answer: Respondent denies the dates alleged in Paragraph 16. Answering further, Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 and therefore the allegations are denied.

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.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 and therefore the allegations are denied.

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

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 and therefore the allegations are denied.

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.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 and therefore the allegations are denied.

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.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 and therefore the allegations are denied.

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.

* * *

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 21.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 22.

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).

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 23.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 24.

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).

Answer: Paragraph 25 states a legal conclusion to which no answer is required.

Answering further, to the extent an answer is required, Respondent denies the allegations of Paragraph 12.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 26.

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).

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 27.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 28.

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).

Answer: Paragraph 29 states a legal conclusion to which no answer is required.

Answering further, to the extent an answer is required, Respondent denies the allegations in Paragraph 29.

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).

Answer: Paragraph 30 states a legal conclusion to which no answer is required.

Answering further, to the extent an answer is required, Respondent denies the allegations in Paragraph 30.

WHEREFORE, Respondent, M & A Precision Truck and Auto Repair, Inc, respectfully requests that the Board enter an order in favor of Respondent, M & A PRECISION TRUCK AND AUTO REPAIR, INC., and against the Complainant, PEOPLE OF THE STATE OF ILLINOIS; denying all relief prayed for by the Complainant as set forth in Count I of the Complaint.

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).

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and therefore the allegations are denied.

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.

Answer: Respondent re-states and incorporates by reference herein its answers to Paragraph 2 through 20 and 22 through 23 of Count I as though the same were fully set forth herein as its answer to Paragraphs 2-22 of Count II of the Complaint.

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;

* * *

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 23.

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,

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 24.

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

"Solid Waste" means waste.

Answer: Respondent respectfully refers the Board to the cited statute for a full

and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 28.

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).

Answer: Paragraph 26 states legal conclusions to which no answer is required.

Answering further, to the extent an answer is required, Respondent denies the allegations of Paragraph 27.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 27.

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).

Answer: Paragraph 28 states a legal conclusion to which no answer is required.

Answering further, to the extent an answer is required, Respondent denies the allegations of Paragraph 28.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 29.

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).

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 30.

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").

Answer: Paragraph 31 states a legal conclusion to which no answer is required.

Answering further, to the extent an answer is required, Respondent denies the allegations in Paragraph 31.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full

and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 32.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 33.

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 VIC 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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 34.

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.

Answer: Paragraph 35 states legal conclusions to which no answer is required.

Answering further, to the extent that an answer is required, Respondent denies the allegations in Paragraph 35.

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).

Answer: Paragraph 36 states a legal conclusion to which no answer is required. Answering further, to the extent that an answer is required, Respondent denies the allegations in Paragraph 36.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 37.

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.

Answer: Paragraph 38 states a legal conclusion to which no answer is required.

Answering further, to the extent an answer is required, Respondent denies the allegations in Paragraph 38.

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;

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 39.

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).

Answer: Paragraph 40 states a legal conclusion to which no answer is required.

Answering further, to the extent an answer is required, Respondent denies the allegations in Paragraph 40.

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).

Answer: Paragraph 41 states a legal conclusion to which no answer is required. Answering further, to the extent an answer is required, Respondent denies the allegations in Paragraph 41.

WHEREFORE, Respondent, M & A Precision Truck and Auto Repair, Inc,

respectfully requests that the Board enter an order in favor of Respondent, M & A PRECISION TRUCK AND AUTO REPAIR, INC., and against the Complainant, PEOPLE OF THE STATE OF ILLINOIS; denying all relief prayed for by the Complainant as set forth in Count II of the Complaint.

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.

Answer: Respondent re-states and incorporates by reference herein its answers to Paragraph 2 through 20 and 22 through 23 of Count I and Paragraphs 24 through 36 of Count II as though the same were fully set forth herein as its answer to Paragraphs 1 through 35 of Count III of the Complaint.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 36.

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.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 and therefore the allegations are denied.

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).

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 and therefore the allegations are denied.

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.

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 39.

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).

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 40.

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 ..

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 41.

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).

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 and therefore the allegations are denied.

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.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and therefore the allegations are denied.

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).

Answer: Paragraph 44 states a legal conclusion to which no answer is required. Answering further, to the extent an answer is required, Respondent denies the allegations of Paragraph 44.

WHEREFORE, Respondent, M & A Precision Truck and Auto Repair, Inc, respectfully requests that the Board enter an order in favor of Respondent, M & A PRECISION TRUCK AND AUTO REPAIR, INC., and against the Complainant, PEOPLE OF THE STATE OF ILLINOIS; denying all relief prayed for by the Complainant set forth in Count III of the Complaint.

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).

Answer: Respondent lacks knowledge or information sufficient to form a belief as

to the truth of the allegations in Paragraph 1 and therefore the allegations are denied.

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.

Answer: Respondent re-states and incorporates by reference herein its answers to Paragraph 2 through 20 and 22 through 23 of Count I and Paragraphs 23 through 36 of Count II, and Paragraphs 37 through 43 of Count III as though the same were fully set forth herein as its answer to Paragraphs 2 through 50 of Count IV of the Complaint.

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).

* * *

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 51.

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.

* * *

Answer: Respondent respectfully refers the Board to the cited statute for a full and fair statement of the terms and provisions contained therein and otherwise denies the allegations of Paragraph 52.

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).

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore the allegations are denied.

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).

Answer: Paragraph 54 states a legal conclusion to which no answer is required. Answering further, to the extent an answer is required, Respondent denies the allegations of Paragraph 54.

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).

Answer: Paragraph 55 states a legal conclusion to which no answer is required. Answering further, to the extent an answer is required, Respondent denies the allegations of Paragraph 55.

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).

Answer: Paragraph 56 states a legal conclusion to which no answer is

required. Answering further, to the extent an answer is required, Respondent denies the allegations of Paragraph 56.

57. By violating Section 704.289(a)(1) of the Board VIC 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).

Answer: Paragraph 57 states a legal conclusion to which no answer is required. Answering further, to the extent an answer is required, Respondent denies the allegations of Paragraph 57.

WHEREFORE, Respondent, M & A Precision Truck and Auto Repair, Inc, respectfully requests that the Board enter an order in favor of Respondent, M & A PRECISION TRUCK AND AUTO REPAIR, INC., and against the Complainant, PEOPLE OF THE STATE OF ILLINOIS; denying all relief prayed for by the Complainant in Count IV of the Complaint.

Respectfully submitted,

M & A PERCISION TRUCK AND
AUTO REPIAR, INC

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