

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)	
by KWAME RAOUL, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	
)	PCB No.
)	
SAVANNA QUARRY, INC.)	
an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

TO: Persons on Attached Service List (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today caused to be filed with the Clerk of the Illinois Pollution Control Board by electronic filing the following Complainant’s Complaint, Motion for Relief from Hearing Requirement and Stipulation and Proposed Settlement, true and correct copies of which are attached hereto and hereby served upon you.

Respectfully submitted,

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

BY: /s/ Christopher Grant
Christopher Grant
Senior Assistant Attorney General
Environmental Bureau
Illinois Attorney General’s Office
115 S. LaSalle Street, 23rd Floor
Chicago, Illinois 60603
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Date: March 25, 2026

Service List

For Savanna Quarry, Inc
Mr. Thomas Pastrnak
Pastrnak Law Firm, P.C.
313 West 3rd Street
Davenport, Iowa 52801
jdykes@pastrnak.com

CERTIFICATE OF SERVICE

I, Christopher Grant, a Senior Assistant Attorney General, certify that on the 25th day of March 2026, I caused to be served the foregoing Notice of Filing of Complaint, Motion for Relief from Hearing Requirement and Stipulation and Proposed Settlement on the parties named on the attached Service List, by electronic mail.

BY: /s/ Christopher Grant

Christopher Grant

Assistant Attorney General

Environmental Bureau

Illinois Attorney General's Office

115 S. LaSalle Street, 23rd Floor

Chicago, Illinois 60603

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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, complains of the Respondent, SAVANNA QUARRY, INC., as follows:

COUNT I
DISCHARGE OF CONTAMINANTS WITHOUT AN NPDES PERMIT

1. This Complaint is brought on behalf of the People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), against SAVANNA QUARRY, INC. (“Savanna Quarry”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2024).

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 (2024), and is charged with, *inter alia*, the duty of enforcing the Act.

3. At all times relevant to this Complaint, Savanna Quarry has been and is an Illinois corporation.

4. At all times relevant to this Complaint, Savanna Quarry owned and operated, and continues to own and operate, a business engaged in the quarrying and processing of limestone products and a batch mix asphalt plant located at 9859 Scenic Bluff Road, Savanna, Carroll County, Illinois (“Facility”). Facility operations include the excavation, crushing, screening, washing, and stockpiling of limestone aggregate and production of asphaltic concrete.

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

6. Pit pumpage and stormwater runoff discharges from Outfall No. 001 at the Facility to an unnamed tributary of Plum River.

7. On April 3, 2019, the Illinois EPA issued coverage to Savanna Quarry for the Facility under the National Pollutant Discharge Elimination System (“NPDES”) General Permit for Non-Coal Mines (“NPDES General Permit for Non-Coal Mines”), with an expiration date of February 29, 2024 (“NPDES Permit No. ILG840207”).

8. To receive authorization to discharge under the NPDES General Permit for Non-Coal Mines, a facility operator is required to submit to the Illinois EPA a Notice of Intent (“NOI”) to obtain coverage (also known as an application).

9. Section 309.104(a) of the Board Water Pollution Regulations, 35 Ill Adm. Code 309.104(a), provides:

a) Any permittee who wishes to continue to discharge after the expiration date of the NPDES Permit must timely apply for reissuance of the permit.

1) A permittee has submitted a timely application for a new permit when:

- A) The permittee submits:
 - i) an application 180 days before the expiration date of the existing permit; or
 - ii) a request for a waiver in writing to the Agency, the Agency grants a written waiver to apply less than 180 days before the expiration date of the existing permit, and the applicant applies within the timeframe listed in the waiver request. A waiver request must include the permittee's reasonably justifiable causes for not meeting the 180-day timeframe. A waiver of the 180-day submittal requirement must be filed a minimum of 60 days before the permit expires, and must include the date by which the permittee must apply.

10. Special Condition 31 of the NPDES General Permit for Non-Coal Mines provides:

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect.... The permittee shall submit a revised or updated NOI to the Agency no later than 180 days prior to the expiration date of this permit in order for permit coverage to be administratively continued.

11. As of the date of filing this Complaint, Illinois EPA has not reissued or replaced the expired NPDES General Permit for Non-Coal Mines, NPDES Permit No. ILG840207.

12. Savannah Quarry failed to submit a renewal application for its coverage under the NPDES General Permit for Non-Coal Mines 180 days prior to February 29, 2024.

13. Savanna Quarry's failure to timely submit a renewal application prevents its coverage from being administratively continued under Special Condition 31 of the NPDES General Permit for Non-Coal Mines, NPDES Permit No. ILG840207.

14. On February 29, 2024, the NPDES General Permit for Non-Coal Mines expired, along with Savanna Quarry's coverage under it (NPDES Permit No. ILG840207).

15. On July 15, 2024, 137 days after NPDES Permit No. ILG840207 expired, and 317 days after the deadline for submitting a renewal application, Savanna Quarry submitted its NOI to renew its coverage under the NPDES General Permit for Non-Coal Mines to Illinois EPA.

16. Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), provides as follows:

No person shall:

* * *

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

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

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

18. Section 301.240 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 301.240, provides the following definition:

“CWA” means the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 *et seq.*, Public Law 92-500 enacted by Congress October 18, 1972 as amended by the “Clean Water Act”, Public Law 95-217, enacted December 12, 1977, as amended.)

19. Section 3.315 of the Act, 415 ILCS 5/3.315 (2024), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

20. Savanna Quarry, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2024).

21. Section 3.165 of the Act, 415 ILCS 5/3.165 (2024), provides the following definition:

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

22. The pit pumpage and stormwater runoff generated at the Facility, which by the nature of the Facility comes into contact with industrial materials from its mining and asphaltic operations, constitutes a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

23. Pit pumpage and stormwater from rain and other precipitation events has the potential to transfer these contaminants into the tributary to the Plum River.

24. Section 3.550 of the Act, 415 ILCS 5/3.550 (2024), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

25. The Plum River and its tributary streams are “waters” of the State of Illinois as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2024).

26. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), provides the following definition:

(14) The term “point source” means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit,

well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

27. Outfall No. 00 at the Facility is a “point source”, as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

28. The CWA regulates the discharge of pollutants from a point source into navigable waters and prohibits such point source discharges without an NPDES permit. The United States Environmental Protection Agency (“USEPA”) administers the NPDES program in each State unless the USEPA has delegated authority to do so to that State.

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

30. The USEPA NPDES Regulations require certain categories of point source dischargers to obtain coverage under a general NPDES permit.

31. 40 C.F.R. § 122.26(a)(1)(ii) provides as follows:

(a) Permit Requirement

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

* * *

(ii) A discharge associated with industrial activity;

32. 40 C.F.R. § 122.26(b)(14)(ii)–(iii) provides as follows:

(b) Definitions.

* * *

(14) Storm water discharge associated with industrial activity means the discharge of storm water from any conveyance that is used for

collecting and conveying storm water . . . The following categories of facilities are considered to be engaging in “industrial activity” for purposes of paragraph (b)(14):

* * *

- (ii) Facilities classified within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR 122.27(b)(2)-(i) and Industry Groups 242 through 249; 26 (except 264 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities).

* * *

- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations . . . and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations . . .

33. As an active mining operation and asphalt production business, Savanna Quarry is an operation within the Standard Industrial Classification (“SIC”) group 14—Mining and Quarrying of nonmetallic minerals and SIC group 29—Asphalt Paving Mixtures and Blocks.

34. Savanna Quarry engages in mining or quarrying crushed and broken limestone at the Facility classified as SIC 1422 as identified in 40 C.F.R. § 122.26(b)(14)(iii) and operates as an asphalt paving business at the Facility classified as SIC 2951 as identified in 40 C.F.R. § 122.26(b)(14)(ii). Stormwater discharges from the Facility are therefore discharges associated with industrial activity, requiring coverage under an NPDES permit.

35. By discharging stormwater from a facility engaged in industrial and mining activities from March 1, 2024, to at least July 15, 2024, without obtaining administrative continuation of its NPDES permit for such operations, Savanna Quarry discharged contaminants

into waters of the State without an NPDES Permit, and thereby violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Board enter an Order against Respondent, SAVANNA QUARRY, INC., with respect to Count I:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), and 35 Ill. Adm. Code 309.102(a);
3. Ordering the Respondent to cease and desist from any future violations of Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), and 35 Ill. Adm. Code 309.102(a);
4. Assessing against the Respondent, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 12(f) of the Act, and 35 Ill. Adm. Code 309.102(a) that continued prior to June 16, 2025;
5. Assessing against the Respondent, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2024)¹, a civil penalty of Twenty Five Thousand Dollars (\$25,000.00) for each day of violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2024), and 35 Ill. Adm. Code

¹ On June 16, 2025, the State of Illinois enacted Public Act 104-006, “which amended Section 42(b) of the Act, 415 ILCS 5/42 (b) (2024), to change the maximum penalty amounts under that section to \$25,000 per day each violation continues.” Pub. Act 104-006 (eff. June 16, 2025), § 5-35. The amendment provides for these amounts to be increased annually based on the consumer price index. Id. The amendment took effect immediately. Pub. Act 104-006, § 99-99.

309.102(a) that continued after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l) (2024);

6. Ordering the Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

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

COUNT II
OPERATING A MAJOR EMISSION SOURCE WITHOUT A CAAPP PERMIT

1-6. Complainant re-alleges and incorporates by reference herein, paragraphs 1 through 4, and paragraphs 19 through 20, of Count I, as paragraphs 1 through 6 of this Count II.

7. Respondent's batch mix asphalt plant, which also includes storage tanks, conveyors, and tank heaters, has the potential to emit more than 100 tons per year of carbon monoxide ("CO"), to the atmosphere.

8. On November 13, 2014, Illinois EPA issued coverage under its General Federally Enforceable State Operating Permit for Batch-Mix Asphalt Plant-NSPS Source, No. G2951B ("FESOP"), to Respondent for its operation of emission sources at the Facility. Respondent's FESOP expired by its own terms on September 23, 2024.

9. By letter dated April 15, 2025, Respondent submitted a proposed FESOP renewal application to Illinois EPA. However by that date, General Permit No. G2951B had expired, and, as of the date of filing this Complaint, has not yet been reissued. Accordingly, Respondent's untimely April 15, 2025 FESOP renewal application was insufficient to administratively continue Respondent's FESOP Permit. As of the date of filing this Complaint, Respondent continues to operate its Facility without a FESOP or Clean Air Act Permit Program ("CAAPP") permit.

10. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2024), provides, in pertinent part, as follows:

6. Prohibitions.

* * *

b. ... no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency.

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

(x) If, before the expiration of a State operating permit that is issued pursuant to subsection (a) of this Section and contains federally enforceable conditions limiting the potential to emit of the source to a level below the major source threshold for that source so as to exclude the source from the Clean Air Act Permit Program, the Agency receives a complete application for the renewal of that permit, then all of the terms and conditions of the permit shall remain in effect until final administrative action has been taken on the application for the renewal of the permit.

12. Because Respondent's renewal application was not timely pursuant to Section 39(x) of the Act, 415 ILCS 5/39(x) (2024), the Permit was not administratively continued, and the Permit expired on September 23, 2024.

13. By allowing the Permit to expire, Respondent no longer has authority to operate pursuant to Section 39.5(3)(c) of the Act, 415 ILCS 5/39.5(3)(c) (2024).

14. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024), provides the following definitions:

* * *

“CAAPP” means the Clean Air Act Permit Program developed pursuant to Title V of the Clean Air Act.

“CAAPP permit”. . . means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

“CAAPP source” means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

“Major source” means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph (c) of subsection 2 of this Section.

“Owner or operator” means any person who owns, leases, operates, controls, or supervises a stationary source.

“Potential to emit” means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term “capacity factor” as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

“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 or established by Title VI of the Clean Air Act.
- (5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).
 - (i) Any pollutant subject to requirements under Section 112(j) of the Clean Air Act. Any pollutant listed under Section 112(b) for which the subject source would be major shall be considered to be regulated 18 months after the date on which USEPA was

required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.

- (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

(6) Greenhouse gases.

“Stationary source” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

15. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2024), provides in pertinent part as follows:

* * *

2. Applicability.

a. Sources subject to this Section shall include:

- i. Any major source as defined in paragraph (c) of this subsection.

* * *

c. For purposes of this Section the term “major source” means any source that is:

* * *

- ii. A major stationary source of air pollutants, as defined in Section 302 of the Clean Air Act, that directly emits or has the potential to emit, 100 tpy [tons per year] or more of any air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant, as determined by rule by USEPA)....

16. At all times relevant to this Complaint, the Facility has been, and continues to be, a building, structure, facility, or installation which emits or may emit CO, which is “regulated air pollutant” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024),

and an “air pollutant” as that term is defined in Section 302 of the Clean Air Act, 42 USC § 7602. The Facility thereby constitutes a “stationary source” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

17. At all times relevant to this Complaint, the Facility has the potential to emit more than 100 tons per year total of CO a regulated air pollutant, and is, therefore, a “major source” pursuant to Section 39.5(2)(c)(ii) of the Act, 415 ILCS 5/39.5(2)(c)(ii) (2024).

18. At all times relevant to this Complaint, Respondent has been, and continues to be, the owner and operator of the Facility and therefore is an “owner or operator” of a “CAAPP source” and is required to obtain a “CAAPP Permit,” pursuant to Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

19. As a major stationary source required to have a “CAAPP Permit” under Section 39.5(2)(c)(ii) of the Act, 415 ILCS 5/39.6(2)(c)(ii) (2024), Respondent’s Facility is a “CAAPP Source” as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

20. Section 39.5 (1.1) provides, in pertinent part, as follows:

1.1 Exclusion From the CAAPP

- a. An owner or operator of a source which determines that the source could be excluded from the CAAPP may seek such exclusion prior to the date what the CAAPP application is due....through the imposition of federally enforceable conditions limiting the “potential to emit” of a source to a level below the major source threshold for that source...

21. From November 13, 2014 until September 23, 2024, Respondent operated under its FESOP permit, which included federally enforceable conditions limiting its potential to emit air pollutants, and was excluded from the requirement of obtaining a CAAPP Permit. However, once the Permit expired on September 23, 2024 without renewal, Respondent was required to apply for and obtain a CAAPP Permit covering its emissions and operation of the Facility.

22. From at least September 23, 2024 to the date of filing this Complaint, Respondent operated a CAAPP Source without a CAAPP Permit, and thereby violated Section 39.5(6) of the Act, 415 ILCS 5/39.5(6) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests the Board enter an Order against Respondent, SAVANNA QUARRY, INC., with respect to Count II:

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

2. Finding that the Respondent has violated Section 39.5(6) of the Act, 415 ILCS 5/39.5 (2024);

3. Ordering the Respondent to cease and desist from any future violations of Section 39.5(6) of the Act, 415 ILCS 5/39.5 (2024);

4. Ordering the Respondent to immediately apply for and obtain all required permits covering its emissions at its Facility;

5. Assessing against the Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6) of the Act, 415 ILCS 5/39.5(6) (2024), that continued prior to June 16, 2025;

6. Assessing against the Respondent, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Twenty Five Thousand Dollars (\$25,000.00) for each day of violation of Section 39.5(6) of the Act, 415 ILCS 5/39.5 (2024), that occurred after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l) (2024);

7. Ordering the Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

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

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

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

By: /s/ Stephen J. Sylvester
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

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General of the State of Illinois,)	
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an Illinois corporation,)	
)	
Respondent.)	

MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT

Now comes 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, the Complainant states as follows:

1. Along with this Motion, Complainant is filing a Complaint and Stipulation and Proposal for Settlement executed between Complainant and Respondent Savanna Quarry, Inc.

2. Section 31 of the Act, 415 ILCS 5/31 (2024), provides, in pertinent part, 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).

* * *

3. No hearing is now scheduled in this matter.
4. The Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2024).

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

STEPHEN SYLVESTER, Chief
Environmental Bureau North

BY: /S Christopher Grant
CHRISTOPHER GRANT
Senior Assistant Attorney General
Environmental Bureau
115 S. LaSalle Street, 23rd Floor
Chicago, Illinois 60603
(312) 814-5388
Christopher.grant@ilag.gov

and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2024), against the Respondent.

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 (2024).

3. At all times relevant to the Complaint, Respondent was and is an Illinois corporation that is authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent owned and operated a quarry and hot mix asphalt facility located at 9859 Scenic Bluff Road, Savanna, Carroll County, Illinois ("Facility" or "Site").

5. On April 3, 2019, Respondent obtained coverage under Illinois EPA's General NPDES Permit for Non-Coal Mines No. ILG840 ("General NPDES Permit for Non-Coal Mines"). The General NPDES Permit for Non-Coal Mines expired on February 29, 2024. Respondent did not submit a renewal application for its coverage under the NPDES General Permit for Non-Coal Mines 180 days prior to February 29, 2024, as required. A new General NPDES Permit for Non-Coal Mines has not yet been issued by Illinois EPA.

6. On November 13, 2014, Respondent obtained coverage under Illinois EPA's General Federally Enforceable State Operations Permit for Batch-Mix Asphalt Plants Permit No. G2951B ("General FESOP Permit"). The General FESOP Permit expired on September 23, 2024. A new General FESOP Permit has not yet been issued by Illinois EPA.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: Discharge of Contaminants without an NPDES Permit, in violation of 415 ILCS 5/12(f) (2024), and 35 Ill. Adm. Code 309.102(a); and

Count II: Operating a Major Emission Source without a CAAPP Permit, in violation of 415 ILCS 5/39.5(6) (2024).

C. Non-Admission of Violations

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced herein.

D. Compliance Activities to Date

1. On July 15, 2024, Respondent submitted a Notice of Intent to renew coverage under General NPDES Permit for Non-Coal Mines to Illinois EPA. However, because the General NPDES Permit for Non-Coal Mines has expired, Respondent's Notice of Intent did not result in coverage.

2. By letter dated April 15, 2025, Respondent submitted an application for renewal of coverage under its General FESOP Permit. However, because the General FESOP Permit had expired, the application did not result in coverage.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The 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 the 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 (2024).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2024), 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. Human health and the environment were threatened by Respondent's failure to obtain coverage under a General NPDES Permit for Non-Coal Mines and a General FESOP Permit for its operation at the Site, and the Illinois EPA's information gathering responsibilities were hindered by Respondent's violations.
2. There is social and economic benefit to the facility.
3. Operation of the facility was and is suitable for the area in which it is located.
4. Obtaining timely coverage under NPDES and FESOP permits for operation of the Site is both technically practicable and economically reasonable.
5. Respondent has agreed to operate under the conditions of its expired permits and has sought coverage from Illinois EPA under newly-issued NPDES and FESOP General Permits in an attempt to comply with the Act and the Board regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2024), 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 alleged in Count I began on or around September 3, 2023, when Respondent failed to re-apply for coverage under Illinois EPA's General NPDES Permit for Non-Coal Mines, and will only be resolved upon Illinois EPA's issuance of the permit. The

violations alleged in Count II began on or about September 23, 2024, when Respondent's General FESOP Permit expired, and will only be resolved upon Illinois EPA's issuance of the permit.

2. Respondent was not diligent in allowing expiration of its General NPDES Permit for Non-Coal Mines and its General FESOP Permit as each permit expressly provided an expiration dates. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once Complainant notified it of its noncompliance.

3. The civil penalty takes into account any economic benefit realized by the Respondent as a result of avoided or delayed compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Twenty-Seven Thousand Dollars (\$27,000.00) 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. Self-disclosure is not at issue in this matter.

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**

The Respondent shall pay a civil penalty in the sum of Twenty-Seven Thousand Dollars (\$27,000.00) within thirty (30) days from the date the Board adopts and accepts this

Stipulation.

B. Stipulated Penalties, Interest, and Default

1. If the Respondent fails to complete any activity or fails to comply with any response or reporting requirement by the date specified in this Stipulation, the Respondent shall provide notice to the Complainant of each failure to comply with this Stipulation and shall pay stipulated penalties in the amount of \$400.00 per day per violation for up to the first fifteen (15) days of violation, \$500.00 per day per violation for the next fifteen (15) days of violation, and \$1,000.00 per day per violation thereafter until such time that compliance is achieved. The Complainant may make a demand for stipulated penalties upon the Respondent for its noncompliance with this Stipulation. However, failure by the Complainant to make this demand shall not relieve the Respondent of the obligation to pay stipulated penalties. All stipulated penalties shall be payable within thirty (30) calendar days of the date the Respondent knows or should have known of its noncompliance with any provision of this Stipulation.

2. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the 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, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

3. Pursuant to Section 42(g) of the Act, 415 ILCS 4/42(g) (2024), interest shall accrue on any penalty amount owed by the 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.

4. The stipulated penalties shall be enforceable by the Complainant and shall be in addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Stipulation.

C. Payment Procedures

1. 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
2520 W. Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Christopher Grant
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
115 S. LaSalle St., 23rd Floor
Chicago, Illinois 60603
Christopher.grant@ilag.gov

D. Future Compliance

1. Respondent shall operate under the terms of its expired General NPDES Permit for Non-Coal Mines No. ILG840, until such time as Illinois EPA issues a new General NPDES Permit for Non-Coal Mines.

2. Respondent shall operate under the terms of its expired General Federally Enforceable State Operations Permit for Batch-Mix Asphalt Plants Permit No. G2951B until such time as Illinois EPA issues a new General Federally Enforceable State Operation Permit for Batch-Mix Asphalt Plants.

3. 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 the Respondent's facility which is 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.

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

5. The 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 the Respondent's payment of the \$27,000.00 penalty, completion of all activities required hereunder, its commitment to cease and desist as contained in Section V.D.5 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the 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 on March 25, 2026. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the 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 (2024), or entity other than the Respondent.

F. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Christopher Grant
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
115 S. LaSalle St., 23rd Floor
Chicago, Illinois 60603

Christine Zeivel
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
2520 W. Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276

Maureen Wozniak
Deputy General Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
2520 W. Iles Avenue
P.O. Box 19276
Springfield, Illinois 62794-9276

As to the Respondent

Savanna Quarry, Inc.
Attn: Beau Brandt
700 4th Street W.
Milan, Illinois 61264

G. Enforcement and Modification of Stipulation

1. 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.

2. The Parties to the Stipulation may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section V.F. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of the Parties to the Stipulation.

H. Opportunity For Public Comment

Pursuant to 35 Ill. Adm. Code 103.300(b)(2), the Board shall publish notice of this Stipulation for at least 30 days prior to the Board accepting the Stipulation. If public comments are submitted to the Board regarding this Stipulation, the Complainant reserves the right to withdraw its consent if the comments regarding the Stipulation disclose facts or considerations which indicate that the Stipulation is inappropriate, improper, or inadequate. Respondent

consents to the entry of this Stipulation without further notice and agrees not to withdraw from or oppose acceptance of this Stipulation or to challenge any provision of the Stipulation, unless the Complainant has notified Respondent in writing that it withdraws or withholds its consent for the Stipulation. In the event the Complainant notifies the Respondent that it withdraws or withholds its consent for the Stipulation, then the terms of the agreement may not be used as evidence in any litigation between those entities.

I. 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. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument.

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
State of Illinois

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

JAMES JENNINGS, Acting Director
Illinois Environmental Protection Agency

BY:



STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

BY:




ANDREW ARMSTRONG
Chief Legal Counsel

DATE: 3/20/26

DATE: 03/18/2026

RESPONDENT

SAVANNA QUARRY INC.
BY: 

ITS: **PRESIDENT**

DATE: 03-12-2026