

August 24, 2021

ATTORNEY GENERAL RAOUL AND GRUNDY COUNTY STATE'S ATTORNEY FILE LAWSUIT OVER BATTERY WAREHOUSE FIRE

Chicago — Attorney General Kwame Raoul and Grundy County State's Attorney Jason Helland today filed a lawsuit against Superior Battery, Inc. (Superior Battery) over a June 29 fire at its facility in Morris, Illinois. The fire burned for four days and prompted evacuations due to smoke irritation and potential toxic air emission releases from the lithium batteries stored at the facility.

[Raoul and Helland's lawsuit](#) was filed in Grundy County Circuit Court and alleges that Superior Battery's actions pose a substantial danger to the public's health and welfare and the environment. The lawsuit also includes allegations of air and water pollution, as well as unauthorized waste disposal.

Superior Battery's Morris warehouse held up to 90 tons of lithium batteries, as well as solar panels, lead and acid batteries, nickel cadmium batteries, roofing materials and other building and industrial materials, and is adjacent to a residential area. Additionally, because the city of Morris had not received a request for a business license that would allow Superior Battery to operate at the facility, the city did not know of the company's existence or what was inside the building until the fire occurred.

"The Superior Battery Fire not only displaced residents, but put their health and safety at risk and caused a significant threat to the environment," Raoul said. "My office, in collaboration with the Grundy County State's Attorney's office will work to hold Superior Battery responsible for the damage caused by its irresponsible actions and ensure that no further harm will be done to the environment or public's well-being."

Raoul's lawsuit is based on referrals from the Illinois Environmental Protection Agency (IEPA) and the Illinois Emergency Management Agency (IEMA).

"Our office was part of a broad State response to the dangerous fire at Superior Battery, a situation that posed serious health risks to nearby residents and created dangerous conditions for first responders," IEPA Director John Kim said. "The complaint filed by Attorney General Raoul and State's Attorney Helland will ensure that Superior Battery will be held responsible for the negative impacts to the environment by requiring necessary steps to remediate the situation and to prevent any such events in the future."

"The role of the Illinois Emergency Management Agency is to help the residents of our state and our local governments prepare for and respond to all natural, manmade or technological disasters, hazards or acts of terrorism," IEMA Director Alicia Tate-Nadeau said. "Responding to an incident of this nature puts our first responders at great risk and assumes a financial cost. This lawsuit seeks to reimburse the state for costs incurred from this incident."

On June 29, a fire broke out in a Morris warehouse owned and operated by Superior Battery, prompting the evacuation of up to 4,000 residents, which lasted for four days. The evacuation was meant to protect residents from the release of toxic air emissions from lithium batteries, including hydrogen fluoride (HF), volatile organic compounds (VOC) and particulate matter (PM) that cause eye, nose, throat, and skin irritation; coughing, shortness of breath, increased asthma symptoms, or pulmonary edema; and cardiovascular effects such as an irregular heartbeat or heart attack. People with existing heart or lung disease and older adults are more sensitive to these adverse effects.

According to Raoul and Helland's lawsuit, air monitors recorded two exceedances of the Public Health Screening Standard for VOC levels at two separate locations, PM levels that were exceeded at least nine times at six separate locations, and HF present in at least one location. Additionally, airborne debris from the fire, including ash and other unknown material, landed on buildings and the ground, as well as residences, yards and mailboxes in the vicinity. Raoul and Helland also allege that fire debris and toxic air emissions were discharged from the site into the surrounding neighborhood, reaching the sanitary sewer and the storm water system that discharges to the I & M Canal. Raoul and Helland also allege that toxic emissions and fire debris will continue to be released from the site into the environment, causing a substantial danger to the public's health and welfare, as well as the environment.

Raoul and Helland's lawsuit seeks to require Superior Battery to take immediate corrective actions to address the release of pollutants to air, water and land. The lawsuit also seeks to require Superior Battery to take preventative actions to avoid the future release of pollutants, and pay civil penalties.

Assistant Attorneys General Arlene Haas and Nancy Tikalsky are handling the case for Raoul's Environmental Bureau.

**IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS)
ex rel. KWAME RAOUL, Attorney)
General of the State of Illinois, and *ex rel.*)
JASON HELLAND, State’s Attorney)
for Grundy County, Illinois,)
)
Plaintiff,) No. 2021CH10
)
v.)
)
SUPERIOR BATTERY, INC., an Illinois)
corporation,)
)
Defendant.)

VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency and the Illinois Emergency Management Agency, and *ex rel.* JASON HELLAND, State’s Attorney for Grundy County, Illinois on his own motion, complains of the Defendant, SUPERIOR BATTERY, INC., an Illinois corporation, as follows:

COUNT I

**SUBSTANTIAL DANGER TO THE ENVIRONMENT,
PUBLIC HEALTH AND WELFARE**

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”), and by Jason Helland, State’s Attorney for Grundy County, Illinois, on his own motion against Defendant pursuant to the terms and provisions of Section 43(a) of the Illinois Environmental Protection Act (the “Act”), 415

ILCS 5/43(a) (2020), and is an action to restrain a substantial danger to public health and welfare and to the environment.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/4 (2020), and charged, *inter alia*, with the duty of enforcing the Act.

3. Illinois Emergency Management Agency (“IEMA”) is an administrative agency of the State of Illinois created pursuant to the Illinois Emergency Management Agency Act, 20 ILCS 3305/5, and charged with the duty of coordinating the overall emergency management program of the State and with private organizations, political subdivisions, and the federal government. IEMA also is responsible for implementation of Title III of the Superfund Amendments and Reauthorization Act of 1986.

4. At all times relevant to this Verified Complaint, Defendant SUPERIOR BATTERY, INC. (“Superior” or “Defendant”) was and is an Illinois corporation in good standing doing business in the State of Illinois.

5. At all times relevant to this Verified Complaint, Defendant owns and operates a warehouse located on a 3.08-acre parcel of real estate identified as PIN 05-03-406-003 at 900 East Benton Street, Morris, Grundy County, Illinois (“Site”).

6. Located on the Site is a brick single level warehouse building (“Building”) that is approximately 300 by 400 feet and approximately 20 feet tall.

7. Upon information and belief, there are floor drains located within the Building.

8. Upon information and belief, the Building had a roof which leaked storm water into the interior.

9. Directly north, west, and south of the Site are residential areas. East of the Site are industrial areas.
10. Approximately one quarter mile southeast of the Site is the I & M canal, which flows adjacent to the Illinois River.
11. On June 29, 2021, upon information and belief, Defendant had stored up to 90 tons of lithium batteries, as well as lead/acid batteries, nickel cadmium batteries, roofing materials, other building and industrial materials, and miscellaneous merchandise from an import business in the Building (“Building Contents”).
12. The release of toxic air emissions from lithium batteries, including hydrogen fluoride (“HF”), lithium hydroxide (“LiOH”), volatile organic compound (“VOC”) and particulate matter (“PM”), into the atmosphere can cause irritation of the eyes, nose, throat, and skin; coughing, shortness of breath, increased asthma symptoms, or pulmonary edema; and cardiovascular effects such as an irregular heartbeat or heart attack. People with existing heart or lung disease and older adults are more sensitive to the effects of PM.¹
13. Lithium hydride (“LiH”), which is contained in lithium batteries, is water reactive and will explode when it becomes wet.²
14. Lithium batteries do not need ambient oxygen to burn.
15. According to the United States Occupational Safety and Health Administration (“OSHA”) and the National Institute for Occupational Safety and Health (“NIOSH”), damage

¹ <https://www.cdc.gov/niosh/npg/npgd0334.html>; *see also* Material Data Safety Sheet (“MSDS”) for Lithium [Safety Data Sheet \(nwmissouri.edu\)](https://www.nwmissouri.edu); *see also*, <https://nj.gov/health/eoh/rtkweb/documents/fs/1119.pdf>.

² <https://www.cdc.gov/niosh/npg/npgd0371.html>.

from physical impacts and exposure to high temperatures, water and humidity can cause lithium batteries to ignite.³

16. Exposure to changing weather conditions, such as rain, high humidity, and warm temperatures can cause lithium batteries to ignite dependent upon a break-down of their physical condition.

17. Upon information and belief, a community drinking water storage tank is located approximately 1000 feet, directly north of the Site.

18. Upon information and belief, community water supply wells and a water treatment facility (“POTW”) with a combined sewer overflow are located approximately two miles southeast from the Site.

19. The storm water from the Site flows east to storm sewers which discharge into the I & M canal.

20. On June 29, 2021, the Building Contents began burning and spewing black and white plumes of smoke into the air.

21. Upon information and belief, on June 29, 2021, the fire and smoke at the Building released potentially toxic air emissions, including unknown quantities of HF, PM, VOC, and metals.

22. On June 29, 2021, in addition to representatives from the Illinois EPA Office of Emergency Response (“OER”), representatives from Morris Fire Protection and Ambulance District, Morris Police Department, up to 30 other units of area fire departments, representatives

³ See <https://www.osha.gov/sites/default/files/publications/shib011819.pdf>; see also NIOSH Pocket Guide to Chemical Hazards – Lithium Hydride, [CDC - NIOSH Pocket Guide to Chemical Hazards - Lithium hydride](#); see also, MSDS for Lithium, [Safety Data Sheet \(nwmissouri.edu\)](#).

from the United States Environmental Protection Agency (“USEPA”), and other governmental authorities responded to the fire at the Site.

23. On June 29, 2021, fire officials used water for fire suppression until they became aware of the presence of lithium batteries. The use of water for fire suppression caused lithium batteries to explode. Consequently, the use of water for fire suppression ceased and the fire continued to burn.

24. From June 29, 2021, at approximately 1:05 p.m. through July 2, 2021, at 4:00 p.m., the Morris Fire Protection and Ambulance District ordered the evacuation of residents who were directly threatened by smoke irritation from thick black smoke and the potential of toxic air emission releases from lithium batteries, including HF, VOC, PM and other unknown materials in the Building. The evacuation order affected about 950 homes and up to 4,000 people from the surrounding approximate 10 block radius around the Site, which includes residential, commercial, and light industrial areas.

25. Upon information and belief, on June 29, 2021, through July 1, 2021, the USEPA placed stationary air monitoring stations in various locations and directions outside the evacuation zone and fixed discrete monitoring stations at or near the perimeter of the evacuation zone (“USEPA Air Monitors”). The USEPA Air Monitors were placed between 1,000 and 3,000 feet from the Site. The USEPA Air Monitors were used to measure the presence of chemicals in the air.

26. On June 29, 2021, Illinois EPA OER On-Scene Responders (“Illinois OSR”) arrived at the Site and observed fire and black and white plumes of smoke towering up to 100 feet into the air. The Illinois OSR also observed smoke hovering at ground level at the Site and drifting from the Site.

27. Upon information and belief, USEPA uses public health screening levels for air quality guidelines developed by the Agency for Toxic Substances and Disease Registry (“ATSDR”) for Minimal Risk Levels (“MRL”) and the World Health Organization (“WHO”) (“Public Health Screening Standards”). The ATSDR MRL Toxicological Profile for Toluene level is used to screen VOC levels, the ASTDR MRL is used to screen HF levels, and the WHO standard is used to screen PM levels.⁴

28. From June 29, 2021, through July 1, 2021, the USEPA Air Monitor results⁵ measured the following air contaminants, in part, as follows:

Analyte	Public Health Screening Standards (1 hr duration)	June 30 through July 1, 2021 USEPA Air Monitoring Results (1 hr duration)
Total VOC	1 ppm	1.36 ppm 2.31 ppm
PM2.5	.025 mg/m ³	.082 mg/m ³ .028 mg/m ³ .052 mgm ³ .027 mg/m ³ .050 mg/m ³
PM10	.050 mg/m ³	.083 mg/m ³ .055 mg/m ³

⁴ See USEPA Compiled Acute Exposure Guideline Values, <https://www.epa.gov/aegl/compiled-acute-exposure-guideline-values-aegls>; ATSDR Minimal Risk Levels for Hazardous Substances: <https://wwwn.cdc.gov/TSP/MRLS/mrlsListing.aspx>; and World Health Organization Air Quality Guidelines for Particulate Matter, Ozone, Nitrogen Dioxide and Sulfur Dioxide 2005; http://apps.who.int/iris/bitstream/handle/10665/69477/WHO_SDE_PHE_OEH_06.02_eng.pdf;jsessionid=489682560996123792E64292FD38FE56?sequence=1.

⁵ See USEPA Site Profile for Morris Lithium Battery Fire, air monitoring reports, https://response.epa.gov/site/doc_list.aspx?site_id=15259.

		.087 mg/m ³ .053 mg/m ³
HF	1 ppm	.052 ppm

29. From June 29 through July 1, 2021, the USEPA Air Monitors results recorded two exceedances for the Public Health Screening Standard for VOC levels at two separate locations, PM levels were exceeded at least nine times at six separate locations.⁶ The USEPA Air Monitors measured the presence of HF once in one location.⁷

30. From June 29, 2021, through July 9, 2021, airborne debris from the fire, including ash and other unknown material, deposited onto physical objects, and the ground, including residences and yards in the vicinity of the Building.

31. From June 29, 2021, through the date of filing this Complaint, the fire damaged Building contains burned and broken lithium batteries in various states of deterioration. Some containers are leaking unknown materials and a large amount of burned debris and ash throughout the inside of the Building exposing lithium battery residue, ash, charred remnants, and other unknown material (“Fire Debris”) to storm water.

32. On July 1, 2021, Morris Fire Protection and Ambulance District dug a containment trench east of the Building, which is down gradient from the Building (“Trench”). On or about July 1, 2021, mobile tanks were brought to the Site to store contaminated water (“Frac Tanks”). However, the Trench and Frac Tanks were not used.

⁶ *Id.*

⁷ *Id.*

33. On July 1, 2021, fire fighters contained the fire with dry cement but in several hot spots within the Building, the lithium batteries continued to smolder under the dry cement.

34. On July 1, 2021, and July 2, 2021, the Illinois OSR observed smoke from smoldering piles of Fire Debris in the Building at the Site.

35. On June 30 and July 8, 2021, the Morris Fire Protection and Ambulance District applied water and extinguishing agents on Fire Debris to extinguish the remaining hotspots in the Building, with the exclusion of one hot spot due to the type of lithium battery involved.

36. On July 7, 2021, USEPA obtained water samples from the Trench and the I & M Canal.

37. From July 2 through the date of filing of this Verified Complaint, upon information and belief, USEPA took and continues to take wipe samples around the Site and in the immediate area.

38. As of the date of filing of this Verified Complaint, upon information and belief, the Morris Fire Protection and Ambulance District and other government authorities continue to monitor the Site due to the immediate and substantial danger posed by the remaining batteries and other materials in the fire damaged and open walled Building at the Site exposed to storm water, heat and humidity.

39. Toxic emissions, including HF, PM, VOC and other unknown materials as well as Fire Debris in general will discharge from and/or continue to be released into the environment from the Site and surrounding effected areas until such time as the contaminants are identified and remediated.

40. Section 43(a) of the Act, 415 ILCS 5/43(a) (2020), provides as follows:

- (a) In circumstances of substantial danger to the environment or to the public health of persons or to the welfare of persons where such

danger is to the livelihood of such persons, the State's Attorney or Attorney General, upon request of the Agency or on his own motion, may institute a civil action for an immediate injunction to halt any discharge or other activity causing or contributing to the danger or to require such other action as may be necessary. The court may issue an ex parte order and shall schedule a hearing on the matter not later than 3 working days from the date of injunction.

41. Defendant, by causing the discharge of thick smoke and toxic emissions, including, HF, VOC and PM from the Site, has created circumstances of substantial danger to the environment and to public health and welfare, in direct contravention of the requirements of the Act.

42. The substantial danger alleged herein shall continue until such time Defendant removes all Fire Debris and other contaminants from the Site and surrounding water, soil, and groundwater; and demonstrates to Plaintiff that the activities complained of herein no longer present a danger to or threaten human health.

43. The substantial danger alleged herein will continue or reoccur unless and until this Court grants equitable relief in the form of immediate, preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court grant an immediate and preliminary injunction in favor of Plaintiff, and against Defendant, SUPERIOR BATTERY, INC.:

1. Finding that Defendant created and is maintaining a substantial danger to public health and welfare;

2. Enjoining the Defendant from creating any further substantial endangerment pursuant to Section 43(a) of the Act, 415 ILCS 5/43(a);

3. Ordering the Defendant to immediately take all actions necessary actions to contain and prevent the discharge or release of firefighting water, wastewater runoff, and any other contaminants as a result of the Fire, to prohibit the emission of chemicals into the air, soil, vegetation, groundwater and surface water, as well as to secure the Site from public access.

4. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement;

5. Ordering Defendant, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this court deems appropriate and just.

COUNT II

AIR 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 EPA, and by Jason Helland, State's Attorney for Grundy County, Illinois, on his own motion against Defendant pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42 (d) and (e) (2020).

2-39. Plaintiff realleges and incorporates herein by reference paragraphs 2 through 39 of Count I, as paragraphs 2 through 39 of this Count II.

40. Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), 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.

41. Section 201.141 of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code Section 201.141, provides as follows:

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

42. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), 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.

43. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), contains the following definition:

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

44. Superior, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

45. Fire Debris, HF, VOC and PM are each a “contaminant” as that term is defined in Section 3.165 of the Act.

46. Section 3.115 of the Act, 415 ILCS 5/3.115 (2020), 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.

47. The release of smoke, particulate matter and the presence of Fire Debris, HF, VOC and PM and the potential release of other unknown contaminants into the air at the Site from June 29, 2021, at approximately 12:00 p.m., through at least July 9, 2021, where they created a risk of injury to human, plant, or animal life, to health, or to property, and the evacuation of at least 900 residences and up to 4000 people in an approximately 10 block radius around the Site from June 29, 2021, at approximately 1:05 p.m. through July 2, 2021, at 4:00 p.m., which unreasonably interfered with the enjoyment of life and property, constitutes “air pollution” as defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2020).

48. Defendant, by causing and threatening the discharge of contaminants that caused or tended to cause air pollution in Illinois and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020) and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code Section 201.141.

49. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, SUPERIOR BATTERY, INC.:

1. Finding that Defendant has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

2. Enjoining Defendant from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

3. Ordering Defendant to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9(a) of the Act, 415 ILCS 5/9(a)

(2020), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

4. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Defendant, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT III

WATER POLLUTION

1-43. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 39, and paragraphs 42 through 45 of Count II, as paragraphs 1 through 43 of this Count III.

44. Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), 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.

45. Section 3.545 of the Act, 415 ILCS 5/3.545 (2020), provides the following definition:

“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.

46. Section 3.550 of the Act, 415 ILCS 5/3.550 (2020), 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.

47. The sanitary sewer, storm sewers, and the I & M canal are each “waters” as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

48. Fire Debris and other unknown materials, including, VOCs and PM, which are contaminants discharged from the Site onto the ground and surrounding neighborhood soil, into the sanitary sewer and the storm water system that discharges to the I & M canal, is capable of creating, or threatened to create, a nuisance or capable of rendering, or threatened to 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 is “water pollution” as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

49. By causing, allowing, or threatening the release of Fire Debris, including VOCs and PM, which are contaminants, into the sanitary sewer and storm water system that discharges to the I & M canal, Defendant caused, allowed or threatened the discharge of a contaminants into the environment so as to cause or tend to cause water pollution in Illinois, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

50. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter a preliminary and, after trial, permanent injunction and an order in favor of Plaintiff and against Defendant, SUPERIOR BATTERY, INC.:

1. Finding that Defendant has violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
2. Enjoining Defendant from any further violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
3. Ordering Defendant to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
4. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Defendant, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and
6. Granting such other relief as this Court deems appropriate and just.

COUNT IV

UNAUTHORIZED WASTE DISPOSAL

1-41. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 39 and paragraphs 42 and 44 of Count II, as paragraphs 1 through 41 of this Count IV.

42. Section 21(e) of the Act, 415 ILCS 5/21(e) (2020), provides, in pertinent part, 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.

43. Section 3.535 of the Act, 415 ILCS 5/3.535 (2020), 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, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.135, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended,¹ or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87)³ or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto.

44. Section 3.185 of the Act, 415 ILCS 5/ 3.185 (2020), 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.

45. The Fire Debris at and around the Site is “waste” as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2020).

46. The discharge, deposit, dumping, leaking, or placing of Fire Debris at and around the Site onto the land at the Site is “disposal” as that term is defined in Section 3.185 of the Act, 415 ILCS 5/ 3.185 (2020).

47. The Illinois EPA has never issued a permit to dispose of waste at the Site.

48. Because the Illinois EPA has never issued a permit for the disposal of waste at the Site, the Site fails to meet the requirements of the Act for the disposal, treatment, storage, and abandonment of waste.

49. From at least June 29, 2020 through at least the date of filing this Verified Complaint, Defendant disposed or abandoned waste at the Site.

50. By disposing of or abandoning waste at the Site that fails to meet the requirements of the Act, Defendant violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2020).

51. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, SUPERIOR BATTERY, INC.:

1. Finding that Defendant has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2020);

2. Enjoining Defendant from any further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2020);

3. Ordering Defendant to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2020);

4. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2020), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Defendant, pursuant to 415 ILCS 5/42(f) (2020), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT V

COST RECOVERY

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 EPA and IEMA, and *ex rel.* JASON HELLAND, State's Attorney of Grundy County, Illinois, on his own motion against Defendant pursuant to the terms and provisions of Section 22.2(f) (2020) of the Act, 415 ILCS 5/22.2(f), and is an action to recover removal and remedial costs incurred for overseeing response and cleanup activities arising from the release or threat of release of hazardous substances from the fire, including HF and LiOH into the environment.

2-41. Plaintiff realleges and incorporates herein by reference paragraphs 2 through 39 and paragraphs 42 and 44 of Count II, as paragraphs 2 through 41 of this Count V.

42. Section 22.2(f) of the Act, 415 ILCS 5/22.2(f) (2020), provides, in pertinent part, as follows:

(f) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois or any unit of local government as a result of a release or substantial threat of a release of a hazardous substance or pesticide:

(1) the owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance or pesticide;

43. Section 3.215 of the Act, 415 ILCS 5/3.215 (2020), provides the following definitions:

Hazardous substance. "Hazardous substance" means: (A) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (B) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended, (C) any hazardous waste, (D) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act (P.L. 92-500), as amended, (E) any hazardous air pollutant listed under Section 112 of the Clean Air Act (P.L. 95-95), as amended, (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator of the U.S. Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act (P.L. 94-469), as amended. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or mixtures of natural gas and such synthetic gas.

44. Section 3.395 of the Act, 415 ILCS 5/3.395 (2020), provides the following definitions:

"RELEASE" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing

into the environment, but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons; (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954,¹ if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and (d) the normal application of fertilizer.

45. Section 3.405 of the Act, 415 ILCS 5/3.405 (2020), provides the following

definitions:

“REMOVE” or “REMOVAL” means the cleanup or removal of released hazardous substances from the environment, actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or the environment, that may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals, and any emergency assistance that may be provided under the Illinois Emergency Management Agency Act¹ or any other law.

46. Section 3.400 of the Act, 415 ILCS 5/3.400 (2020), provides the following

definitions:

“REMEDIAL ACTION” means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes

the costs of permanent relocation of residents and businesses and community facilities where the Governor and the Director determine that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term includes offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials.

47. HF and LiOH are each a “hazardous substance” as that term is defined in Section 3.215 of the Act, 415 ILCS 5/3.215 (2020).

48. Discharging, emitting, leaking, leaching and disposing of HF and LiOH at and from the Site constitutes a “release” as that term is defined in Section 3.395 of the Act, 415 ILCS 5/3.395 (2020).

49. Actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or the environment, that may otherwise result from a release or threat of release, including security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals, and any emergency assistance that may be provided under the Illinois Emergency Management Agency Act or any other law constitutes “removal” as that term is defined in Section 3.405 of the Act, 415 ILCS 5/3.405 (2020).

50. Confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or

incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment taken to implement a permanent remedy taken instead of or in addition to removal actions in response to the release and threatened release of a hazardous substance into the environment, including offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials, and including the costs of permanent relocation of residents and businesses and community facilities where the Governor and the Director determine that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare and to prevent or minimize the release of hazardous substances constitutes “remediation” as that term is defined in Section 3.400 of the Act, 415 ILCS 5/3.400 (2020).

51. Defendant is an owner and operator of a facility from which there was a release or substantial threat of release of a hazardous substance as provided in Section 22.2(f) of the Act, 415 ILCS 5/22.2(f) (2020).

52. The State of Illinois and Grundy County have incurred and will continue to incur costs as a result of the release or substantial threat of release of hazardous substances, including HF and LiOH, into the environment.

53. As the owner and operator of the Site, Defendant is liable for the State’s and Grundy County’s removal and remediation costs as a result of the release or substantial threat of release of hazardous substances, including HF and LiOH, from the Site into the environment pursuant to Section 22.2(f) of the Act, 415 ILCS 5/22.2(f) (2020).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this court enter an order in favor of Plaintiff and against Defendant, SUPERIOR BATTERY, INC.:

1. Finding that Defendant is liable for the removal and remediation costs incurred or to be incurred by the Plaintiff as a result of the release or substantial threat of release of hazardous substances, including HF and LiOH, from the Site into the environment, pursuant to Section 22.2(f) of the Act, 415 ILCS 5/22.2(f) (2020); and

2. Granting such other and further relief as this Court deems appropriate and just.

COUNT VI

COMMON LAW PUBLIC NUISANCE

1. This count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, and *ex rel.* JASON HELLAND, State's Attorney of Grundy County, Illinois, on his own motion. The Attorney General is the chief legal officer of the State of Illinois having the powers and duties prescribed by the law, ILL. CONST. Article V, Section 15 (1970). The Grundy County State's Attorney is an elected county officer having the powers and duties prescribed by the law, ILL. CONST. Article VI, Section 19 and Article VII, Section 4 (1970). This count is brought pursuant to the power of the Attorney General and State's Attorney to institute an action on behalf of the People of the State of Illinois to abate a public nuisance and to protect the health, safety and welfare of the People of the State of Illinois.

2-39. Plaintiff realleges and incorporates herein by reference paragraphs 2 through 39 of Count I, as paragraphs 2 through 39 of this Count VI.

40. The Illinois Constitution provides the People of the State of Illinois a common right "to a healthful environment." Ill. Const. Article XI, Section 1 (1970).

41. The release of HF, LiOH, VOC, and PM, into the atmosphere, can cause irritations of the eyes, nose, throat and skin; coughing, shortness of breath, increased asthma symptoms, or pulmonary edema; and cardiovascular effects such as an irregular heartbeat or heart attack.

42. From June 29, 2021, through the date filing of this Verified Complaint, the release of toxic discharges from the fire, including HF, VOC, and PM from the Site, discharged into the air, water, land and groundwater in the surrounding area.

43. Defendant, by its actions, caused an unreasonable and substantial prejudice to the public health and welfare and the environment, to wit, the fire at the Site that released Fire Debris and toxic emissions from lithium batteries, including HF, and from other materials, including VOC and PM; a) impacted storm sewers and sanitary sewers surrounding the Site, the Morris Waste Water Treatment Plant, a drainage ditches and retention ponds; b) threatened ground water surrounding the site in addition to the I & M Canal; c) threatened wildlife in the area surrounding the Site; and d) caused the evacuation of approximately 4000 people from the residential, commercial and industrial areas nearby and closed several businesses located in the industrial park due to concerns of a release of toxic air emissions, including HF, VOC and PM.

44. As a consequence of its actions as alleged herein, Defendant has created and maintained a public nuisance at common law.

45. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and the violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter an order granting a preliminary injunction and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, SUPERIOR BATTERY, INC.:

1. Finding that Defendant's actions alleged herein constituted a common law public nuisance;

2. Enjoining Defendant from further acts constituting a common law public nuisance;

3. Ordering the Defendant to immediately undertake the necessary action that will result in a final and permanent abatement of the common law public nuisance;

4. Ordering Defendant to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action to abate the public nuisance; and

[Remainder of Page Blank; Text Continues on Page 26]

5. Granting such other relief as this Court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS
ex rel. 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
ARDC # 6282241

PEOPLE OF THE STATE OF ILLINOIS
ex rel. JASON HELLAND, State's Attorney
of Grundy County, Illinois

By: /s/ Jason Helland
JASON HELLAND
State's Attorney
ARDC # 6280193

Of Counsel:

NANCY J. TIKALSKY
ARDC # 6273159
ARLENE HAAS
ARDC # 6203846
Assistant Attorneys General
Environmental Bureau
69 West Washington Street, Suite 180
Chicago, Illinois 60602
(312) 566-7348
nancy.tikalsky@ilag.gov
arlene.haas@ilag.gov
maria.cacaccio@ilag.gov

**IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS)	
ex rel. KWAME RAOUL, Attorney)	
General of the State of Illinois, and ex rel.)	
JASON HELLAND, State's Attorney)	
for Grundy County, Illinois,)	
)	
Plaintiff,)	No.
)	
v.)	
)	
SUPERIOR BATTERY, INC., an Illinois)	
corporation,)	
)	
Defendant.)	

VERIFICATION

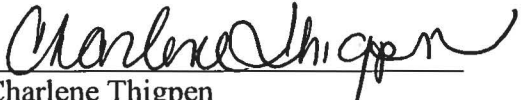
I, Charlene Thigpen, do state as follows:

1. I am currently employed by the Illinois Environmental Protection Agency ("Illinois EPA") in the Bureau of Land ("BOL") as an Environmental Protection Specialist IV.
2. I have been employed by the Illinois EPA for the past 17 years with the last 4 months in my current position.
3. The duties and responsibilities of my current position include among other things: inspecting locations within my assigned region for land-based violations of the Illinois Environmental Protection Act (Act) and related statutes and regulations, including the Illinois Pollution Control Board (Board) regulations; requesting documentation to demonstrate compliance with the Act and related statutes and regulations; and photographing conditions.
4. I have read the foregoing Verified Complaint for Injunction and Civil Penalties (the "Complaint"), captioned *People of the State of Illinois v. Superior Battery, Inc.*, and am aware of the contents thereof.

5. I conducted a record review of DocuWare and BOL Database for Superior Battery located on East and Benton Street (aka 900 E. Benton and 747 East Street) in Morris, Illinois (“Site”). I also checked with the Agency’s Records Unit.

6. The factual matter in Count IV of the Complaint, “The Illinois EPA has never issued a permit to dispose of waste at the Site” is true in substance and in fact, to the best of my knowledge, information and belief.

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


Charlene Thigpen
Illinois Environmental Protection Agency
Dated: 7-29-21

**IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS)	
ex rel. KWAME RAOUL, Attorney)	
General of the State of Illinois, and ex rel.)	
JASON HELLAND, State's Attorney)	
for Grundy County, Illinois,)	
)	
Plaintiff,)	No.
)	
v.)	
)	
SUPERIOR BATTERY, INC., an Illinois)	
corporation,)	
)	
Defendant.)	

VERIFICATION

I, Charles Curtis, do state as follows:

1. I am currently employed by the Illinois Environmental Protection Agency ("Illinois EPA") in the Office of Emergency Management, Illinois as an Environmental Protection Specialist III.

2. I have been employed by the Illinois EPA for the past 30 years with the last 7 years in my current position.

3. The duties and responsibilities of my current position include among other things: respond to emergency hazardous material incidents involving harm or threats of harm to the general public and the environment; investigate the incident site for hazardous material impact; define areas of threat to the public health and environment; coordinate and consult with emergency response personnel and government agencies.

4. I have read the foregoing Verified Complaint for Injunction and Civil Penalties (the "Complaint"), captioned *People of the State of Illinois v. Superior Battery, Inc.*, and am aware of the contents thereof.

5. The factual matters set forth in paragraphs 6, 7, 8, 10, 19, 20, 25, 26, 30, 31, 34, and 36 of Count I of the Complaint are true in substance and in fact, to the best of my knowledge, information and belief.

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



Charles D. Curtis
Illinois Environmental Protection Agency

Dated: 8-23-21

**IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS)	
ex rel. KWAME RAOUL, Attorney)	
General of the State of Illinois, and ex rel.)	
JASON HELLAND, State's Attorney)	
for Grundy County, Illinois,)	
)	
Plaintiff,)	No.
)	
v.)	
)	
SUPERIOR BATTERY, INC., an Illinois)	
corporation,)	
)	
Defendant.)	

VERIFICATION

I, Kelly Horn, do state as follows:

1. I am currently employed by the Illinois Emergency Management Agency ("IEMA") in Springfield, Illinois, serving as the Acting Chief, Division of Nuclear Safety. When not serving as Acting Chief, my current regular position is Section Head, Environmental Management, Division of Nuclear Safety.

2. I have been employed by the IEMA for the past 25 years with the last 9 years in my current regular position as Section Head, Environmental Management, Division of Nuclear Safety.

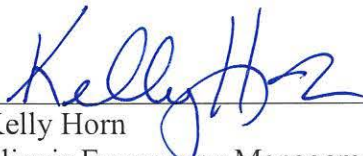
3. The duties and responsibilities of my current regular position include: the management of the Division of Nuclear Safety's Decommissioning, Low-Level Radioactive Waste, Radium Residual, Radiological Environmental Monitoring, Radioactive Material Transportation, Radon, and Hazardous Materials programs.

4. I have read the foregoing Verified Complaint for Injunction and Civil Penalties (the "Complaint"), and am aware of the contents thereof.

5. The factual matters set forth in Paragraphs 3, 13, 14, and 15 of Count I of the Complaint are true in substance and in fact, to the best of my knowledge, information and belief.

6. The factual matters set forth in Paragraph 46 of Count V of the Complaint are true in substance and in fact, to the best of my knowledge, information and belief.

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



Kelly Horn
Illinois Emergency Management Agency
Dated: 8/23/21

**IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS)	
ex rel. KWAME RAOUL, Attorney)	
General of the State of Illinois, and ex rel.)	
JASON HELLAND, State's Attorney)	
for Grundy County, Illinois,)	
)	
Plaintiff,)	No.
)	
v.)	
)	
SUPERIOR BATTERY, INC., an Illinois)	
corporation,)	
)	
Defendant.)	

VERIFICATION

I, Aaron Martin, LEHP, do state as follows:

1. I am currently employed by the Illinois Department of Public Health, Division of Environmental Health as the Toxicology Section Chief.

2. I have been employed by the Illinois Department of Public Health, Division of Environmental Health for the past 22 years with the last 2 years in my current position.

3. The duties and responsibilities of my current position include among other things: overseeing statewide operations of the Toxicology Section and responding to citizen complaints and concerns about exposure to hazardous substances and conditions, reviewing laboratory analytical reports for environmental samples, making recommendations concerning adverse health outcomes and appropriate preventative measures, and consulting with local, state, and federal partner agencies.

4. I have read the foregoing Verified Complaint for Injunction and Civil Penalties (the "Complaint"), captioned *People of the State of Illinois v. Superior Battery, Inc.*, and am aware of

the contents thereof.

5. The release of toxic air emissions from lithium batteries, including hydrogen fluoride (“HF”), lithium hydroxide, volatile organic chemicals (VOCs), and particulate matter (“PM”), into the atmosphere can cause irritation of the eyes, nose, throat, and skin; coughing, shortness of breath, increased asthma symptoms, or pulmonary edema; and cardiovascular effects such as an irregular heartbeat or heart attack. People with existing heart or lung disease and older adults are more sensitive to the effects of PM.

6. Upon information and belief, on June 29, 2021, the fire and smoke at the Building released potentially toxic air emissions, including unknown quantities of HF, PM, VOCs, and metals.

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



[verifier name]
Illinois Department of Public Health

Dated: 8/4/2021

**IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS)	
ex rel. KWAME RAOUL, Attorney)	
General of the State of Illinois, and ex rel.)	
JASON HELLAND, State's Attorney)	
for Grundy County, Illinois,)	
)	
Plaintiff,)	No.
)	
v.)	
)	
SUPERIOR BATTERY, INC., an Illinois)	
corporation,)	
)	
Defendant.)	

VERIFICATION

I, Tracey Steffes, do state as follows:

1. I am currently employed by the City of Morris as the City of Morris Fire Marshal.
2. I have been appointed as the City of Morris Fire Marshal since May 3, 2021.
3. The duties and responsibilities of my appointment include among other things, inspections and investigations of all premises and buildings in the City and make recommendations for the prevention of fire and fire hazards
4. I have read the foregoing Verified Complaint for Injunction and Civil Penalties (the "Complaint"), captioned *People of the State of Illinois v. Superior Battery, Inc.*, and am aware of the contents thereof.

5. The factual matters set forth in paragraphs 11, 16, 22-24, 32, 33, 35, and 38 of Count I of the Complaint are true in substance and in fact, to the best of my knowledge, information and belief.

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



Tracey Steffes
City of Morris Fire Marshal

Dated: Aug 24, 2021