

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 23-
)	(Enforcement - Air)
CST INDUSTRIES, INC.,)	
a Delaware corporation,)	
)	
Respondent.)	

NOTICE OF FILING

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

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

KWAME RAOUL
Attorney General
State of Illinois

/s/ Audrey Avila
Audrey Avila, AAG

Dated: April 12, 2023

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CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served on the 12th day of April, 2023, the attached Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement upon the persons listed on the foregoing Service List by electronic mail.

/s/ Audrey Avila
Audrey Avila
Assistant Attorney General
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Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), complains of Respondent, CST INDUSTRIES, INC., a Delaware corporation (“Respondent”), as follows:

COUNT I
FAILURE TO COMPLY WITH COATING OPERATION EMISSION LIMITS

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 Respondent, pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

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 (2020), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent, CST Industries, Inc., has been and is a Delaware corporation qualified to transact business in the State of Illinois. Respondent is

registered with the Illinois Secretary of State's Office as a foreign corporation and is in good standing.

4. At all times relevant to this Complaint, CST Storage is a division of CST Industries, Inc.

5. At all times relevant to this Complaint, CST Storage ("CST") operates a storage tank manufacturing facility at 345 Harvestore Drive, DeKalb, DeKalb County, Illinois 60115 ("Facility").

6. As of the date of filing of this Complaint, the Facility is located in an area of Environmental Justice ("EJ") concern as identified using Illinois EPA EJ Start.

7. Respondent's operations at the Facility include seven automatic spray coat booths, four manual spray coat booths, one porcelain enameling furnace, one paint bake oven, one flow coat booth, one decal spray booth, one paint burn off oven, one manual paint line, four drying ovens, and one mill room consisting of six coat mills, two glass mixing tanks, a bag unloading station, and previously included one thermal arc spray system.

8. Respondent's operations at the Facility emit or are capable of emitting volatile organic material ("VOM"); toluene and xylene, which are listed pursuant to Section 112(b) of the Clean Air Act, 42 U.S.C. §7412(b)(1), as hazardous air pollutants ("HAPs"); and particulate matter ("PM") into the environment.

9. On July 25, 2017, Illinois EPA issued Federally Enforceable State Operating Permit ("FESOP") No. 73120098 to Respondent for operations at the Facility. FESOP No. 73120098 authorized, among other things, the emission units listed in paragraph 7.

10. On June 19, 2019, Illinois EPA inspected the Facility ("June 19, 2019 Inspection").

11. Respondent's coating operations for the Silver Metallic Poly-Zen Enamel and the Blue Poly-Zen Enamel both emit or are capable of emitting VOM into the environment.

12. 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.

13. 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.

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

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

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

16. VOM, toluene and xylene, which are both HAPs, and PM are each a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

17. Section 215.204(j)(3) of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 215.204(j)(3), provides as follows:

Emission Limitations for Manufacturing Plants

No owner or operator of a coating line shall cause or allow the emission of volatile organic material to exceed the following limitations on coating

materials, excluding water and any compounds which are specifically exempted from the definition of volatile organic material pursuant to this Part, delivered to the coating applicator:

* * *

j) Miscellaneous Metal Parts and Products Coating

* * *

3)	Extreme performance coating	<u>kg/l</u>	<u>lb/gal</u>
		0.42	(3.5)

* * *

18. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, provides the following definitions:

“Air Contaminant”: Any solid, liquid or gaseous matter, any odor or any form of energy that is capable of being released into the atmosphere from an emission source.

“Emission Source”: Any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

“Owner or Operator”: any person who owns, leases, controls or supervises an emission source or air pollution control equipment.

“Specified Air Contaminant”: Any air contaminant as to which this Subtitle contains emissions standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

19. VOM is capable of being released into the atmosphere from an emission source, and is therefore an “air contaminant” as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

20. Subtitle B (Air Pollution) of Title 35 (Environmental Protection) of the Illinois Code of Administrative Regulations contains specific limits on VOM, and therefore VOM is a “specified air contaminant” as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

21. Respondent's coating operations for the Silver Metallic Poly-Zen Enamel and the Blue Poly-Zen Enamel are capable of emitting VOM, a "specified air contaminant," into the atmosphere, and are therefore "emission sources" as that term is defined by Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

22. Respondent is an "owner or operator" as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

23. At the June 19, 2019 Inspection, Respondent's extreme performance coating emission of VOM for the Silver Metallic Poly-Zen Enamel operation was 4.76 lbs/gal and the emission of VOM for the Blue Poly-Zen Enamel operation was 4.57 lbs/gal. Respondent's Silver Metallic Poly-Zen Enamel and Blue Poly-Zen Enamel coating operation emissions of VOM both exceeded the VOM emission limitations for extreme performance coating of .42 kg/l or 3.5 lb/gal as set forth in Section 215.204(j)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.204(j)(3).

24. On June 19, 2019, and other dates best known to Respondent, and continuing to April 4, 2020, Respondent caused or allowed the emission of VOM for the Silver Metallic Poly-Zen Enamel and the Blue Poly-Zen Enamel coating operations to exceed .42 kg/l or 3.5 lb/gal. Respondent thereby violated Section 215.204(j)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.204(j)(3).

25. By violating Section 215.204(j)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.204(j)(3), Respondent caused or threatened or allowed the discharge or emission of VOM into the environment so as to violate a regulation adopted by the Board, and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020).

26. Section 9(b) of the Act, 415 ILCS 5/9(b) (2020), provides as follows:

No person shall:

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

27. 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.

28. The operations, including the coating operations, at the Facility are capable of causing or contributing to “air pollution” as that term is defined by Section 3.115 of the Act, 415 ILCS 5/3.115 (2020), because they emit, or are capable of emitting, contaminants into the atmosphere.

29. Condition 5(iii) of FESOP No. 73120098 provides as follows:

Spray Booths 1 through 13 and Flow Coat Booth 1 are subject to 35 Ill. Adm. Code Part 215 Subpart F (Coating Operations). Pursuant to 35 Ill. Adm. Code 215.204(j), no owner or operator of a coating line shall cause or allow the emission of volatile organic material to exceed the following limitations on coating materials, excluding water and any compounds which are specifically exempted from the definition of volatile organic material pursuant to 35 Ill. Adm. Code Part 215, delivered to the coating applicator.

	<u>kg/l</u>	<u>lb/gal</u>
Miscellaneous Metal Parts and Products Coating		
* * *		
iii. Extreme performance coating	.42	(3.5)
* * *		

30. On June 19, 2019, and other dates best known to Respondent, and continuing to

April 4, 2020, Respondent caused or allowed the emission of VOM for the Silver Metallic Poly-Zen Enamel and the Blue Poly-Zen Enamel coating operations to exceed .42 kg/l or 3.5 lb/gal. Respondent thereby violated Condition 5(iii) of FESOP No. 73120098.

31. By violating Condition 5(iii) of FESOP No. 73120098, Respondent constructed, installed, or operated any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, so as to violate a condition imposed by a permit, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CST INDUSTRIES, INC., a Delaware corporation, with respect to Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9(a) and (b) of the Act, 415 ILCS 5/9(a) and (b) (2020), Section 215.204(j)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.204(j)(3), and Condition 5(iii) of FESOP No. 73120098;
3. Ordering Respondent to cease and desist from any future violations of Section 9(a) and (b) of the Act, 415 ILCS 5/9(a) and (b) (2020), Section 215.204(j)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.204(j)(3), and Condition 5(iii) of FESOP No. 73120098;
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, Board Air Pollution Regulations, and condition of FESOP No. 73120098, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness

and consultant fees against Respondent; and

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

COUNT II
FAILURE TO MAINTAIN RECORDS AND COMPLY WITH REPORTING
REQUIREMENTS

1-23. Complainant re-alleges and incorporates by reference paragraphs 1 through 10, 12 through 21, and 26 through 28 of Count I, as paragraphs 1 through 23 of this Count II.

24. Section 215.206(b) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.206(b), provides as follows:

- (b) The limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described in Sections 215.204(b), (d), (f), (g), (i), and (j) of this Subpart; provided that the source-wide volume of such coatings does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling twelve-month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (c) of this Section.

25. Respondent applies touch-up and repair coatings to its solvent paint line. Respondent's coating source for its touch-up and repair coatings is described in Section 215.204(j) of the Board Air Pollution Regulations, 35, Ill. Adm. Code 215.204(j).

26. On information and belief, the source-wide volume of touch-up and repair coatings used by Respondent does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling twelve-month period.

27. Section 215.206(c) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.206(c), provides as follows:

- (c) The owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Sections 215.204(b), (d), (f), (g), (i), and (j) of this Subpart because of the provisions of subsection (b) of this Section shall:

- 1) Collect and record the name, identification number, and volume of each touch-up and repair coating, as applied on each coating line, per eight-hour period and per month;
- 2) Perform calculations on a daily basis, and maintain at the source, records of such calculations of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;
- 3) Perform calculations on a monthly basis, and maintain at the source, records of such calculations of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling twelve-month period;
- 4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsection (b) of this Section on or before January 31 of the following year;
- 5) Maintain at the source for a minimum of three years all records required to be kept under this subsection (c) and make such records available to the Agency upon request; and
- 6) Notify the Agency in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling twelve-month period within 30 days after any such exceedence. Such notification shall include a copy of any records of such exceedence.

28. At the June 19, 2019 Inspection, Respondent failed to produce required records for its touch-up and repair coatings used on its solvent paint line and failed to notify the Illinois EPA of any usage of touch-up and repair coatings in excess of 1 quart per eight-hour period or in excess of 55 gallons/year for any rolling 12-month period.

29. On June 19, 2019, and other dates best known to Respondent, and continuing to March 31, 2020, Respondent failed to keep records for its touch-up and repair coatings used on its solvent paint line as required pursuant to Section 215.206(c)(1) through (5) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.206(c)(1) through (5), and failed to notify the Illinois EPA of any usage of touch-up and repair coatings in excess of 1 quart per eight-hour period or in

excess of 55 gallons/year for any rolling 12-month period as required pursuant to Section 215.206(c)(6) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.206(c)(6).

30. By failing to keep required records and to notify the Illinois EPA of any usage of touch-up and repair coatings in excess of 1 quart per eight-hour period or in excess of 55 gallons/year for any rolling 12-month period, Respondent violated Section 215.206(c) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.206(c).

31. By violating Section 215.206(c) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.206(c), Respondent caused or threatened or allowed the discharge or emission of VOM into the environment so as to violate a regulation adopted by the Board, and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020).

32. Condition 7(a) of FESOP No. 73120098 provides as follows:

(a) Pursuant to 35 Ill. Adm. Code 215.206(b), the limitations of 35 Ill. Adm. Code Part 215 Subpart F shall not apply to touch-up and repair coatings used by a coating source described in 35 Ill. Adm. Code 215.204(b), (d), (f), (g), (i), and (j); provided that the source-wide volume of such coatings does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling twelve-month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with 35 Ill. Adm. Code 215.206(c).

33. At the June 19, 2019 Inspection, Respondent failed to produce required records for its touch-up and repair coatings used on its solvent paint line and failed to notify the Illinois EPA of any usage of touch-up and repair coatings in excess of 1 quart per eight-hour period or in excess of 55 gallons/year for any rolling 12-month period.

34. On June 19, 2019, and other dates best known to Respondent, and continuing to March 31, 2020, Respondent failed to keep records for its touch-up and repair coatings used on its solvent paint line and failed to notify the Illinois EPA of any usage of touch-up and repair

coatings in excess of 1 quart per eight-hour period or in excess of 55 gallons/year for any rolling 12-month period as required pursuant to Condition 7(a) of FESOP No. 73120098.

35. By failing to keep required records and to notify the Illinois EPA of any usage of touch-up and repair coatings in excess of 1 quart per eight-hour period or in excess of 55 gallons/year for any rolling 12-month period, Respondent violated Condition 7(a) of FESOP No. 73120098.

36. Condition 21 of FESOP no. 73120098 provides as follows:

Pursuant to 35 Ill. Adm. Code 215.206(c)(6), the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of 35 Ill. Adm. Code 215.204(b), (d), (f), (g), (i), and (j) because of the provisions of 35 Ill. Adm. Code 215.206(b) shall notify the Illinois EPA in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 1 (1 quart) per eight-hour period or exceeds 209 1/yr (55 gal/yr) for any rolling twelve-month period within 30 days after any such exceedance. Such notifications shall include a copy of any records of such exceedance.

37. At the June 19, 2019 Inspection, Respondent failed to notify the Illinois EPA of any usage of touch-up and repair coatings in excess of 1 quart per eight-hour period or in excess of 55 gallons/year for any rolling 12-month period.

38. On June 19, 2019, and other dates best known to Respondent, and continuing to March 31, 2020, Respondent failed to notify the Illinois EPA of any usage of touch-up and repair coatings in excess of 1 quart per eight-hour period or in excess of 55 gallons/year for any rolling 12-month period as required pursuant to Condition 21 of FESOP No. 73120098.

39. By failing to notify the Illinois EPA of usage of touch-up and repair coatings in excess of 1 quart per eight-hour period or in excess of 55 gallons/year for any rolling 12-month period, Respondent violated Condition 21 of FESOP No. 73120098

40. By violating Conditions 7(a) and 21 of FESOP No. 73120098, Respondent

constructed, installed, or operated any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, so as to violate conditions imposed by a permit, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CST INDUSTRIES, INC., a Delaware corporation, with respect to Count II:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Sections 9(a) and (b) of the Act, 415 ILCS 5/9(a) and (b) (2020), Section 215.206(c) of the Board Air Pollution Regulations, 35 Ill. Adm. Code. 215.206(c), and Conditions 7(a) and 21 of FESOP No. 73120098;
3. Ordering Respondent to cease and desist from any future violations of Section 9(a) and (b) of the Act, 415 ILCS 5/9(a) and (b) (2020), Section 215.206(c) of the Board Air Pollution Regulations, 35 Ill. Adm. Code. 215.206(c), and Conditions 7(a) and 21 of FESOP No. 73120098;
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, Board Air Pollution Regulations, and condition of FESOP No. 73120098, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT III
FESOP PERMIT VIOLATIONS

1-17. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 10, 13 through 16, and 26 through 28 of Count I, as paragraphs 1 through 17 of this Count III.

18. Condition 10(e) of FESOP No. 73120098 provides as follows:

- (e) Compliance with the annual limits of this permit shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total).

19. At the June 19, 2019 Inspection, Respondent failed to produce records of running 12 month totals for all annual emission limits.

20. On June 19, 2019, and other dates best known to Respondent, and continuing to March 31, 2020, Respondent failed to maintain records of running 12 month totals for all annual emission limits.

21. By failing to maintain records of running 12 month totals for all annual emission limits, Respondent did not continuously demonstrate it is in compliance with the annual limits of FESOP No. 73120098. Therefore, Respondent violated Condition 10(e) of FESOP No. 73120098.

22. Condition 18(a)(ii) and (iii) of FESOP No. 73120098 provides as follows:

- (a) The Permittee shall maintain records of the following items so as to demonstrate compliance with the Conditions of this permit:
 - ii. Coating usage for all coating operations at this source (gallons/month and gallons/year);
 - iii. Solvent usage for all coating operations at this source (gallons/month and gallons/year);

23. At the June 19, 2019 Inspection, Respondent failed to produce monthly records for the coating and solvent usage for all coating operations at the Facility.

24. On June 19, 2019, and other dates best known to Respondent, and continuing

to March 31, 2020, Respondent failed to keep monthly records for the coating and solvent usage for all coating operations at the Facility as required pursuant to Condition 18(a)(ii) and (iii) of FESOP No. 73120098.

25. By failing to keep monthly records for the coating and solvent usage for all coating operations at the Facility, Respondent violated Condition 18(a)(ii) and (iii) of FESOP No. 73120098.

26. Condition 18(a)(viii) of FESOP No. 73120098 provides as follows:

(a) The Permittee shall maintain records of the following items so as to demonstrate compliance with the Conditions of this permit:

* * *

viii. Records of the transfer efficiencies of each coating operation at this source (% by weight);

27. At the June 19, 2019 Inspection, Respondent failed to produce records of the transfer efficiencies of each coating operation at the Facility.

28. On June 19, 2019, and other dates best known to Respondent, and continuing to November 1, 2022, Respondent failed to keep records of the transfer efficiencies of each coating operation at the Facility as required pursuant to Condition 18(a)(viii) of FESOP No. 73120098.

29. By failing to keep records of the transfer efficiencies of each coating operation at the Facility, Respondent violated Condition 18(a)(viii) of FESOP No. 73120098.

30. Condition 18(a)(x) of FESOP No. 73120098 provides as follows:

(a) The Permittee shall maintain records of the following items so as to demonstrate compliance with the Conditions of this permit

x. Monthly and annual emissions of CO, NO_x, PM, SO₂, VOM and HAPs from the source, with supporting calculations (tons/month and tons/year).

31. At the June 19, 2019 Inspection, Respondent failed to produce records of monthly

emissions of VOM and HAPs from its Custom Colors, 1070 M224WB Black Dip AD, Silver Metallic Poly-Zen Enamel, Blue Poly-Zen Enamel, Black Chassis Enamel Primer, Xylene, and Butyl Cellusolve products.

32. On June 19, 2019, and other dates best known to Respondent, and continuing to March 31, 2020, Respondent failed to keep records of monthly emissions of VOM and HAPs from its Custom Colors, 1070 M224WB Black Dip AD, Silver Metallic Poly-Zen Enamel, Blue Poly-Zen Enamel, Black Chassis Enamel Primer, Xylene, and Butyl Cellusolve products as required pursuant to Condition 18(a)(x) of FESOP No. 73120098.

33. By failing to keep records of monthly emissions of VOM and HAPs from its Custom Colors, 1070 M224WB Black Dip AD, Silver Metallic Poly-Zen Enamel, Blue Poly-Zen Enamel, Black Chassis Enamel Primer, Xylene, and Butyl Cellusolve products, Respondent violated Condition 18(a)(x) of FESOP No. 73120098.

34. Condition 18(b) of FESOP No. 73120098 provides as follows:

- (b) All records and logs required by Condition 18(a) of this permit shall be retained at a readily accessible location at the source for at least five (5) years from the date of entry and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request. Any records retained in an electronic format (e.g., computer storage device) shall be capable of being retrieved and printed on paper during normal source office hours so as to be able to respond to an Illinois EPA or USEPA request for records during the course of a source inspection.

35. At the June 19, 2019 Inspection, as alleged in paragraphs 22 through 33 of this Count III, Respondent failed to produce records and logs required by Condition 18(a) of FESOP No. 73120098 in a readily accessible location for a period of five years from the date the record was made, which would have been, at a minimum, records for 2018 through 2019.

36. On June 19, 2019, and other dates best known to Respondent, and continuing

to March 31, 2020, Respondent failed to keep and maintain records and logs required by Condition 18(a) of FESOP No. 73120098 in a readily accessible location for a period of five years as required pursuant to Condition 18(b) of FESOP No. 73120098.

37. By failing to keep and maintain records and logs required by Condition 18(a) of FESOP No. 73120098 in a readily accessible location for a period of five years, Respondent violated Condition 18(b) of FESOP No. 73120098.

38. Condition 22(a) of FESOP No. 73120098 provides as follows:

If there is an exceedance of or a deviation from the requirements of this permit as determined by the records required by this permit or otherwise, the Permittee shall submit a report to the Illinois EPA's Bureau of Air Compliance Section in Springfield, Illinois within thirty (30) days after the exceedance or deviation. The report shall identify the duration and the emissions impact of the exceedance or deviation, a copy of the relevant records and information to resolve the exceedance or deviation, and a description of the efforts to reduce emissions from, and the duration of exceedances or deviation, and to prevent future occurrences of any such exceedance or deviation.

39. Beginning on at least June 19, 2019, or dates better known to Respondent, and continuing to September 16, 2021, Respondent failed to submit reports to the Illinois EPA of deviations from the requirements of FESOP No. 73120098 as alleged in paragraphs 18 through 37 of this Count III.

40. By failing to timely submit deviation reports, Respondent violated Condition 22(a) of FESOP No. 73120098.

41. By violating Conditions 10(e), 18(a)(ii) and (iii), 18(a)(viii), 18(a)(x), 18(b), and 22(a) of FESOP No. 73120098, Respondent constructed, installed, or operated any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, so as to violate conditions imposed by a permit, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CST INDUSTRIES, INC., a Delaware corporation, with respect to Count III:

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

2. Finding that Respondent has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2020), and Conditions 10(e), 18(a)(ii) and (iii), 18(a)(viii), 18(a)(x), 18(b), and 22(a) of FESOP No. 73120098;

3. Ordering Respondent to cease and desist from any future violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2020), and Conditions 10(e), 18(a)(ii) and (iii), 18(a)(viii), 18(a)(x), 18(b), and 22(a) of FESOP No. 73120098;

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and condition of FESOP No. 73120098, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

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

COUNT IV
FAILURE TO KEEP AND MAINTAIN RECORDS REQUIRED BY NESHAP

1-17. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 10, 13 through 16, and 26 through 28 of Count I, as paragraphs 1 through 17 of this Count IV.

18. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2020), provides as follows:

No person shall:

(1) violate any provisions of Sections 111, 112, 165, or 173 of the Clean Air

Act, as now or hereafter amended, or federal regulations adopted pursuant thereto;

19. Section 112(d)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7412(d)(1), provides, in pertinent part, as follows:

The Administrator shall promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants listed for regulation.

20. Pursuant to Section 112(d)(1) of the CAA, 42 U.S.C. § 7412(d)(1), the United States Environmental Protection Agency (“USEPA”) promulgated National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories, which are found in Chapter 40, Part 63 of the Code of Federal Regulation, 40 C.F.R. Part 63.

21. The provisions of NESHAP are enforceable by the Illinois EPA pursuant to Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2020).

22. General provisions of NESHAP are found in Title 40, Chapter I, Subchapter C, Part 63, Subpart A of NESHAP for Source Categories, 40 C.F.R. § 63.1 *et seq.*, and codify the general rules and regulations pertaining to national emission standards.

23. Section 63.2 of Subpart A of the NESHAP, 40 C.F.R. § 63.2, provides the following definitions:

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

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

24. The Facility emits VOM and PM and is therefore a stationary source as that term is defined in Section 63.2 of Subpart A of the NESHAP, 40 C.F.R. § 63.2.

25. Respondent is the owner and operator of a stationary source subject to Part 63 of NESHAP, 40 C.F.R. Part 63.

26. On June 13, 2008, USEPA promulgated NESHAP for the Nine Metal Fabrication and Finishing Source Categories that became effective on July 23, 2008 and are found at Title 40, Chapter I, Subchapter C, Part 63, Subpart XXXXXX, National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories, 40 C.F.R. § 63.11514 *et seq.*

27. Section 63.11514(a) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11514(a), provides, in pertinent part, as follows:

- (a) You are subject to this subpart if you own or operate an area source that is primarily engaged in the operations in one of the nine source categories listed in paragraphs (a)(1) through (9) of this section.

...

- (2) Fabricated Metal Products;

28. Respondent's Facility is engaged in the operations of Fabricated Metal Products, making the Facility subject to Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11514 *et seq.*

29. Section 63.11519(c)(5) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(c)(5), provides as follows:

- (c) What records must I keep? You must collect and keep records of the data and information specified in paragraphs (c)(1) through (13) of this section, according to the requirements in paragraph (c)(14) of this section.

* * *

- (5) Spray paint booth filter records. Maintain a record of the filter efficiency demonstrations and spray paint booth filter maintenance activities, performed in accordance with § 63.11516(d)(1)(ii) and (iii), "Requirements for spray painting objects in spray booths or spray rooms."

30. Section 63.11514(b)(4) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11514(b)(4), provides as follows:

- (b) The provisions of this subpart apply to each new and existing affected source listed and defined in paragraphs (b)(1) through (5) of this section if you use materials that contain or have the potential to emit metal fabrication or finishing metal HAP (MFHAP), defined to be the compounds of cadmium, chromium, lead, manganese, and nickel, or any of these metals in the elemental form with the exception of lead. Materials that contain MFHAP are defined to be materials that contain greater than 0.1 percent for carcinogens, as defined by OSHA at 29 CFR 1910.1200(d)(4), and greater than 1.0 percent for noncarcinogens. For the MFHAP, this corresponds to materials that contain cadmium, chromium, lead, or nickel in amounts greater than or equal to 0.1 percent by weight (of the metal), and materials that contain manganese in amounts greater than or equal to 1.0 percent by weight (of the metal), as shown in formulation data provided by the manufacturer or supplier, such as the Material Safety Data Sheet for the material.

* * *

- (4) A spray painting affected source is the collection of all equipment and activities necessary to perform spray-applied painting operations using paints which contain MFHAP. A spray painting affected source includes all equipment used to apply cleaning materials to a substrate to prepare it for paint application (surface preparation) or to remove dried paint; to apply a paint to a substrate (paint application) and to dry or cure the paint after application; or to clean paint operation equipment (equipment cleaning). Affected source(s) subject to the requirements of this paragraph are not subject to the miscellaneous surface coating provisions of subpart HHHHHH of this part, "National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources."

31. Condition 2 of FESOP No. 73120098 provides that Spray Booths 1 through 13 at the Facility are subject to Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11514 *et seq.*

32. Respondent own or operates a new or existing spray painting affected source, as defined in Section 63.11514(b)(4) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11514(b)(4).

33. Condition 8(a)(i)(C) of FESOP No. 73120098 provides as follows:

- (a) Pursuant to 40 CFR 63.11516(d), if you own or operate a new or existing spray painting affected source, as defined in 40 CFR 63.11514 (b)(4), "Am

I subject-to this subpart?," you must implement the management practices in 40 CFR 63.11516(d)(1) through (9) when a spray-applied paint that contains MFHAP is being applied. These requirements do not apply when spray-applied paints that do not contain MFHAP are being applied.

- (i) All spray-applied painting of objects must meet the requirements of 40 CFR 63.11516(d)(1)(i) through (iii). These requirements do not apply to affected sources located at Fabricated Structural Metal Manufacturing facilities, as described in Table I, "Description of Source Categories Affected by this Subpart," or affected sources that spray paint objects greater than 15 feet (4.57 meters), that are not spray painted in spray booths or spray rooms.

* * *

- (c) You must perform regular inspection and replacement of the filters in all spray booths or spray rooms according to manufacturer's instructions, and maintain documentation of these activities, as detailed in 40 CFR 63.11519(c)(5), "Notification, recordkeeping, and reporting requirements."

34. Condition 9(b) of FESOP No. 73120098 provides as follows:

- (b) The Permittee shall, in accordance with the manufacturer(s) and/or vendor(s) recommendations, perform periodic maintenance on the baghouses, dust collectors and paint booth baffles so that the baghouses, dust collectors and paint booth baffles are kept in proper working condition and not cause a violation of the Illinois Environmental Protection Act or regulations promulgated therein.

35. Condition 18(a)(i) of FESOP No. 73120098 provides as follows:

- (a) The Permittee shall maintain records of the following items so as to demonstrate compliance with the Conditions of this permit:
 - (i) Records addressing the use of good operating practices for the baghouses, dust collectors and paint booth baffles:
 - A. Records for periodic inspection of the baghouses, dust collectors and paint booth baffles with date, individual performing the inspection and nature of the inspection; and
 - B. Records for prompt repair of defects with identification and description of defect, effect of emissions, date identified, date repaired and nature of repair.

36. At the June 19, 2019 Inspection, Respondent failed to produce records of regular inspection and replacement of filters in all spray booths or spray rooms according to manufacturer's instructions and failed to produce records of periodic maintenance and inspection of the baghouses, dust collectors, and paint booth baffles for calendar year 2018.

37. From at least 2018, and other dates best known to Respondent, and continuing to March 31, 2020, Respondent failed to keep and maintain records of regular inspection and replacement of filters in all spray booths or spray rooms according to manufacturer's instructions and failed to produce records of periodic maintenance and inspection of the baghouses, dust collectors, and paint booth baffles for calendar year 2018 as required pursuant to Section 63.11519(c)(5) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(c)(5), and Conditions 8(a)(i)(C), 9(b), and 18(a)(i) of FESOP No. 73120098.

38. By failing to keep and maintain records of regular inspection and replacement of filters in all spray booths or spray rooms according to manufacturer's instructions and by failing to keep and maintain records of periodic maintenance and inspection of the baghouses, dust collectors, and paint booth baffles for calendar year 2018, Respondent violated Section 63.11519(c)(5) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(c)(5), and Respondent thereby also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2020).

39. By failing to keep and maintain records of regular inspection and replacement of filters in all spray booths or spray rooms according to manufacturer's instructions and by failing to keep and maintain records of periodic maintenance and inspection of the baghouses, dust collectors, and paint booth baffles for calendar year 2018, Respondent violated Conditions 8(a)(i)(C), 9(b), and 18(a)(i) of FESOP No. 73120098, and Respondent thereby also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CST INDUSTRIES, INC., a Delaware corporation, with respect to Count IV:

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

2. Finding that Respondent has violated Sections 9.1(d)(1) and 9(b) of the Act, 415 ILCS 5/9.1(d)(1) and 9(b) (2020), Section 63.11519(c)(5) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(c)(5), and Conditions 8(a)(i)(C), 9(b), and 18(a)(i) of FESOP No. 73120098;

3. Ordering Respondent to cease and desist from any future violations of Sections 9.1(d)(1) and 9(b) of the Act, 415 ILCS 5/9.1(d)(1) and 9(b) (2020), Section 63.11519(c)(5) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(c)(5), and Conditions 8(a)(i)(C), 9(b), and 18(a)(i) of FESOP No. 73120098;

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and condition of FESOP No. 73120098, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

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

COUNT V
FAILURE TO RE-CERTIFY TRAINED SPRAY PERSONNEL REQUIRED BY
NESHAP

1-32. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 10, 13 through 16, and 26 through 28 of Count I, and paragraphs 18 through 32 of Count IV, as paragraphs 1 through 32 of this Count V.

33. Section 63.11516(d)(9) of Subpart XXXXXX of the NESHAP, 40 C.F.R. §

63.11516(d)(9), provides as follows:

(d) Standards for control of MFHAP in spray painting. If you own or operate a new or existing spray painting affected source, as defined in § 63.11514 (b)(4), "Am I subject to this subpart?," you must implement the management practices in paragraphs (d)(1) through (9) of this section when a spray-applied paint that contains MFHAP is being applied. These requirements do not apply when spray-applied paints that do not contain MFHAP are being applied.

* * *

(9) Duration of training validity. Training and certification will be valid for a period not to exceed 5 years after the date the training is completed. All personnel must receive refresher training that meets the requirements of this section and be re-certified every 5 years.

34. Condition 8(a)(ix) of FESOP No. 73120098 provides as follows:

(a) Pursuant to 40 CFR 63.11516(d), if you own or operate a new or existing spray painting affected source, as defined in 40 CFR 63.11514(b)(4), "Am I subject to this subpart?," you must implement the management practices in 40 CFR 63.11516(d)(1) through (9) when a spray-applied paint that contains MFHAP is being applied. These requirements do not apply when spray-applied paints that do not contain MFHAP are being applied.

(ix) Training and certification will be valid for a period not to exceed 5 years after the date the training is completed. All personnel must receive refresher training that meets the requirements of 40 CFR 63.11516 and be re-certified every 5 years.

35. At the June 19, 2019 Inspection, Respondent informed Illinois EPA that the initial certification for spray painting personnel was conducted and completed on July 25, 2011. This certification was valid through July 25, 2016.

36. On December 22, 2017, or a date or dates better known to Respondent, Respondent acquired the Facility through an asset purchase. At that time, personnel at the Facility did not have valid training and certification for spray-applied paint operations.

37. Respondent did not provide training to re-certify spray painting personnel at the Facility until June 27, 2019.

38. From December 22, 2017, or a date or dates better known to Respondent, until June 27, 2019, spray painting personnel at the Facility did not have valid training and certification. Respondent, therefore, failed to re-certify trained spray painting personnel as required pursuant to Section 63.11516(d)(9) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11516(d)(9), and Condition 8(a)(ix) of FESOP No. 73120098.

39. By failing to re-certify trained spray painting personnel, Respondent violated Section 63.11516(d)(9) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11516(d)(9), and Respondent thereby also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2020).

40. By failing to re-certify trained spray painting personnel, Respondent violated Condition 8(a)(ix) of FESOP No. 73120098, and Respondent thereby also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CST INDUSTRIES, INC., a Delaware corporation, with respect to Count V:

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

2. Finding that Respondent has violated Sections 9.1(d)(1) and 9(b) of the Act, 415 ILCS 5/9.1(d)(1) and 9(b) (2020), Section 63.11516(d)(9) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11516(d)(9), and Condition 8(a)(ix) of FESOP No. 73120098;

3. Ordering Respondent to cease and desist from any future violations of Sections 9.1(d)(1) and 9(b) of the Act, 415 ILCS 5/9.1(d)(1) and 9(b) (2020), Section 63.11516(d)(9) of

Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11516(d)(9), and Condition 8(a)(ix) of FESOP No. 73120098;

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and condition of FESOP No. 73120098, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

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

COUNT VI
FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE ANNUAL
EMISSIONS REPORT FOR 2018

1-15. Complainant re-alleges and incorporates herein by reference paragraphs 1 through 10 and 12 through 16 of Count I as paragraphs 1 through 15 of this Count VI.

16. Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

The owner or operator of any emission unit or air pollution control equipment meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102 shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports when necessary to accomplish the purposes of the Act and this Chapter.

17. Section 254.102(a)(3) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a)(3), provides as follows:

(a) Subpart B of this Part applies to:

* * *

- (3) Owners and operators of sources in ozone nonattainment areas that have a potential to emit 25 tons per year or more of either VOM or NO_x from all emission units.

18. The Facility has the potential to emit 25 tons per year or more of VOM, and therefore meets the applicability criteria contained in Section 254.102(a)(3) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a)(3).

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

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

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

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

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

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

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

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

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

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

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

25. Section 211.370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.370, provides the following definition:

“Air pollutant” means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the atmosphere. Such term includes any precursors to the formation of any air pollutant, to the extent that the relevant statute or rule has identified such precursor or precursors for particular purpose for which the term “air pollutant” is used.

26. The Facility is a standalone building, which is a “stationary source”, where Respondent operates seven automatic spray coat booths, four manual spray coat booths, one porcelain enameling furnace, one paint bake oven, one flow coat booth, one decal spray booth, one paint burn off oven, one manual paint line, four drying ovens, and one mill room consisting of six coat mills, two glass mixing tanks, and a bag unloading station, and previously included one thermal arc spray system which are each an “emission unit” capable of emitting VOM, PM, or HAPs, each of which is an “air pollutant” as those terms are defined in Sections 211.6370, 211.1950, and 211.370, respectively, of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6370, 211.1950, and 211.370.

27. Beginning on a date or dates better known to Respondent, and continuing to the date of the filing of this Complaint, Respondent, as the owner or operator of emissions units, was required pursuant to Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Sections 254.132(a) and 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a) and 254.137(a), to submit Annual Emissions Reports (“AERs”) to the Illinois EPA each year by May 1 for the preceding calendar year.

28. On June 21, 2021, Respondent submitted to the Illinois EPA its AER for the calendar year 2018, approximately two years late.

29. By failing to timely submit a complete and accurate AER for calendar year 2018, Respondent violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a). Respondent thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CST INDUSTRIES, INC., a Delaware corporation, with respect to Count VI:

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

2. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);

3. Ordering Respondent to cease and desist from any future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

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

COUNT VII
FAILURE TO TIMELY SUBMIT ANNUAL CERTIFICATION AND COMPLIANCE
REPORTS REQUIRED BY NESHAP

1. This Count is brought on behalf of THE PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020).

2-28. Complainant re-alleges and incorporates herein by reference paragraphs 2 through 10, 13 through 16, and 26 through 28 of Count I, and paragraphs 18 through 28 of Count IV, as paragraphs 2 through 28 of this Count VII.

29. Section 63.11519(b) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(b), provides in pertinent part, as follows:

- (b) What reports must I prepare or submit?
 - (1) Annual certification and compliance reports. You must prepare and submit annual certification and compliance reports for each affected source according to the requirements of paragraphs (b)(2) through (7) of this section. The annual certification and compliance reporting requirements may be satisfied by reports required under other parts of the CAA, as specified in paragraph (b)(3) of this section.
 - (2) Dates. Unless the Administrator has approved or agreed to a different schedule for submission of reports under § 63.10(a), “General Provisions,” you must prepare and submit each annual certification and compliance report according to the dates specified in paragraphs (b)(2)(i) through (iii) of this section. Note that the information reported for each of the months in the reporting period will be based on the last 12 months of data prior to the date of each monthly calculation.
 - (i) The first annual certification and compliance report must cover the first annual reporting period which begins the day after the compliance date and ends on December 31.
 - (ii) Each subsequent annual certification and compliance report must cover the subsequent semiannual reporting period from January 1 through December 31.

- (iii) Each annual certification and compliance report must be prepared and submitted no later than January 31 and kept in a readily-accessible location for inspector review. If an exceedence has occurred during the year, each annual certification and compliance report must be submitted along with the exceedence reports, and postmarked or delivered no later than January 31.

* * *

30. Respondent, as the owner or operator of a source in fabricated metal parts, one of the nine metal fabrication and finishing source categories, as defined in Section 63.11514 of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11514, was required pursuant to Section 63.11519(b)(1) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(b)(1), to submit an annual certification and compliance report to the Illinois EPA each year by January 31 for the preceding calendar year.

31. On June 28, 2021, Respondent submitted to the Illinois EPA its annual certification and compliance report for calendar year 2020, approximately 148 days late.

32. By failing to timely submit an annual certification and compliance report to the Illinois EPA for calendar year 2020, Respondent violated Section 63.11519(b) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(b), and Respondent thereby also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CST INDUSTRIES, INC., a Delaware corporation, with respect to Count VII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9.1(d)(1) of the Act, 415 ILCS

5/9.1(d)(1) (2020), and Section 63.11519(b) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(b);

3. Ordering Respondent to cease and desist from any future violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2020), and Section 63.11519(b) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(b);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and

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

COUNT VIII
FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE ANNUAL
EMISSIONS REPORT FOR 2020

1. This Count is brought on behalf of THE PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020).

2-27. Complainant re-alleges and incorporates herein by reference paragraphs 2 through 10 and 12 through 16 of Count I, and paragraphs 16 through 27 of Count VI, as paragraphs 2 through 27 of this Count VIII.

28. On July 9, 2021, Respondent submitted to the Illinois EPA its AER for calendar year 2020, approximately 2 months late.

29. By failing to timely submit a complete and accurate AER for calendar year 2020, Respondent violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a). Respondent thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, CST INDUSTRIES, INC., a Delaware corporation, with respect to Count VIII:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);
3. Ordering Respondent to cease and desist from any future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

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5. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees against Respondent; and
6. Granting such other relief as the Board deems appropriate and just.

Respectfully submitted,

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

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

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

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 23-
)	(Enforcement - Air)
CST INDUSTRIES, INC.,)	
a Delaware corporation,)	
)	
Respondent.)	

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2020), moves that the Illinois Pollution Control Board (“Board”) grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2020). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 9(a) and (b) of the Act, 415 ILCS 5/9(a) and (b) (2020), Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2020), Section 215.204(j)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.204(j)(3), Section 215.206(c) of the Board Air Pollution Regulations, 35 Ill. Adm. Code. 215.206(c), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), Section 63.11519(b) and (c)(5) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(b) and (c)(5), Section 63.11516(d)(9) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11516(d)(9), and Conditions 5(iii), 7(a), 8(a)(i)(C), 8(a)(ix), 9(b), 10(e), 18(a)(i), 18(a)(ii) and (iii), 18(a)(viii), 18(a)(x), 18(b), 21 and 22(a) of Federally Enforceable State Operating Permit No. 73120098.
2. Complainant is filing the Complaint with the Board simultaneous with this

Motion and a Stipulation and Proposal for Settlement.

3. Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2020), allows the parties in certain enforcement cases to request relief from the mandatory hearing requirement where the parties have submitted to the Board a Stipulation and Proposal for Settlement.

4. The parties have reached agreement on all outstanding issues in this matter.

5. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

6. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2020).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL
Attorney General
State of Illinois

BY: /s/ Audrey Avila
AUDREY AVILA
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
(773) 590-7046
Primary email: Audrey.Avila@ilag.gov
Secondary: Maria.Cacaccio@ilag.gov

DATE: April 12, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 23-
)	(Enforcement - Air)
CST INDUSTRIES, INC.,)	
a Delaware corporation,)	
)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

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

I. STATEMENT OF FACTS

A. Parties

1. On April 12, 2023, a Complaint was filed 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 upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020),

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 (2020), and charged, inter alia, with the duty of enforcing the Act.

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

4. At all times relevant to the Complaint, CST Storage is a division of CST Industries, Inc.

5. At all times relevant to the Complaint, CST Storage ("CST") operates a storage tank manufacturing facility at 345 Harvestore Drive, DeKalb, DeKalb County, Illinois 60115 ("Facility").

6. As of the date of filing of the Complaint, the Facility is located in an area of Environmental Justice ("EJ") concern as identified using Illinois EPA EJ Start.

7. Respondent's operations at the Facility include seven automatic spray coat booths, four manual spray coat booths, one porcelain enameling furnace, one paint bake oven, one flow coat booth, one decal spray booth, one paint burn off oven, one manual paint line, four drying ovens, and one mill room consisting of six coat mills, two glass mixing tanks, and a bag unloading station, and previously included one thermal arc spray system

8. Respondent's operations at the Facility emit or are capable of emitting into the environment volatile organic material ("VOM"); toluene and xylene, each of which are listed pursuant to Section 112(b) of the Clean Air Act, 42 U.S.C. §7412(b)(1), as hazardous air pollutants ("HAPs"); and particulate matter ("PM").

9. On April 7, 2020, Illinois EPA issued a revised Federally Enforceable State

Operating Permit (“FESOP”) No. 73120098 (“Revised Permit”) to Respondent for operations at the Facility.

10. The Revised Permit authorized, operation of, among other things, the emission units listed in paragraph 7 above. The Revised Permit replaced the July 25, 2017 FESOP No. 73120098 (“2017 Permit”) and revised the emission limits for the emission units listed in paragraph 7 above.

B. Allegations of Non-Compliance

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

- Count I: Failure to Comply with Coating Operation Emission Limits in Violation of Section 9(a) and (b) of the Act, 415 ILCS 5/9(a) and (b) (2020), Section 215.204(j)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.204(j)(3), and Condition 5(iii) of FESOP No. 73120098.
- Count II: Failure to Maintain Records and Comply with Reporting Requirements in Violation of Sections 9(a) and (b) of the Act, 415 ILCS 5/9(a) and (b) (2020), Section 215.206(c) of the Board Air Pollution Regulations, 35 Ill. Adm. Code. 215.206(c), and Conditions 7(a) and 21 of FESOP No. 73120098.
- Count III: FESOP Permit Violations in Violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2020), and Conditions 10(e), 18(a)(ii) and (iii), 18(a)(viii), 18(a)(x), 18(b), and 22(a) of FESOP No. 73120098.
- Count IV: Failure to Keep and Maintain Records Required by National Emission Standards for Hazardous Air Pollutants (“NESHAP”) in Violation of Sections 9.1(d)(1) and 9(b) of the Act, 415 ILCS 5/9.1(d)(1) and 9(b) (2020), Section 63.11519(c)(5) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(c)(5), and Conditions 8(a)(i)(C), 9(b), and 18(a)(i) of FESOP No. 73120098.
- Count V: Failure to Re-Certify Trained Spray Personnel Required by NESHAP in Violation of Sections 9.1(d)(1) and 9(b) of the Act, 415 ILCS 5/9.1(d)(1) and 9(b) (2020), Section 63.11516(d)(9) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11516(d)(9), and Condition 8(a)(ix) of FESOP No. 73120098.

Count VI: Failure to Timely Submit Complete and Accurate Annual Emissions Reports for 2018 in Violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a).

Count VII: Failure to Timely Submit Annual Certification and Compliance Reports Required by NESHAP in Violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2020), and Section 63.11519(b) of Subpart XXXXXX of the NESHAP, 40 C.F.R. § 63.11519(b).

Count VIII: Failure to Timely Submit Complete and Accurate Annual Emissions Report for 2020 in Violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2020), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a).

C. Non-Admission of Violations

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

D. Compliance Activities to Date

1. In January 2018, Respondent stopped utilizing the extreme performance coatings that caused or allowed the emission of VOM to exceed the limitations on extreme performance coatings set forth in Section 215.204(j)(3) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 215.204(j)(3) and Condition 5(iii) of the 2017 Permit.

2. On June 21, 2021, Respondent submitted to the Illinois EPA the following documentation: a) transfer efficiencies from 2016 to June 21, 2021 for each coating operation except the Binks Rhino application gun utilized on Coating Line SB 13; b) deviation reports for calendar years 2018 and 2019; c) Annual Emissions Reports (“AERs”) for 2016, 2017, and 2018; d) list of touch up and repair coatings, as-applied VOM content, and daily and monthly usage

records for 2016 to June 21, 2021; e) copy of the spreadsheet of the running 12-month totals for all annual emissions limits for 2016 to June 21, 2021; and f) copy of the spreadsheet tracking monthly, annual, and rolling annual for glass coating usage and PM emissions for 2016 to June 21, 2021.

3. On June 22, 2021, Respondent submitted to the Illinois EPA a deviation report for June 2021.

4. On June 28, 2021, Respondent submitted to the Illinois EPA its NESHAP Annual Certification and Compliance Report.

5. On July 9, 2021, Respondent submitted to the Illinois EPA its AER for calendar year 2020.

6. On August 13, 2021, Respondent submitted to the Illinois EPA revised deviation reports, revised transfer efficiencies, and revised coating operations calculations.

7. On September 16, 2021, Respondent submitted to the Illinois EPA a deviation report for spray booth 14.

8. On September 13, 2022, Respondent submitted to the Illinois EPA manufacturer specifications for the replaced spray guns.

9. On November 1, 2022, Respondent submitted to the Illinois EPA supporting documentation for the transfer efficiency calculations.

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 (2020).

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

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

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

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

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

1. Complainant contends that human health and the environment were threatened 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. Complying with record keeping and reporting requirements and coating emission limits at the Facility is both technically practicable and economically reasonable.

5. Respondent has subsequently complied 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) (2020), provides as follows:

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

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

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

1. Complainant contends that Respondent failed to comply with coating operation emission limits, failed to maintain records and comply with reporting requirements, failed to

comply with its FESOP permit, failed to keep and maintain records required by NESHAP, failed to re-certify trained spray personnel required by NESHAP, failed to timely submit its annual certification and compliance report as required by NESHAP, and failed to timely submit complete and accurate AERs. The violations began on or around December 22, 2017, and were individually resolved at various times from March 31, 2020 until November 1, 2022.

2. Respondent was diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once the Illinois EPA 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 Seventy-Five Thousand Dollars (\$75,000.00) 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 Seventy-Five Thousand Dollars (\$75,000.00) 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 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.

2. Pursuant to Section 42(g) of the Act, 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.

3. 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
1021 North Grand Avenue East
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:

Audrey Avila
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
Audrey.Avila@ilag.gov

D. Future Compliance

1. The Respondent shall timely submit all future AERs and other reports to the Illinois EPA and shall comply with the terms and conditions of its Revised Permit.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon 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.

3. 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.

4. 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 \$75,000.00 penalty, its commitment

to cease and desist as contained in Section V.D.4 above, completion of all activities required hereunder, 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 April 12, 2023. 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, or entity other than the Respondent.

F. Enforcement and Modification of Stipulation

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

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully

authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it. 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.

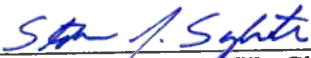
PEOPLE OF THE STATE OF ILLINOIS


ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

KWAME RAOUL
Attorney General
State of Illinois

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

JOHN J. KIM, Director
Illinois Environmental Protection Agency

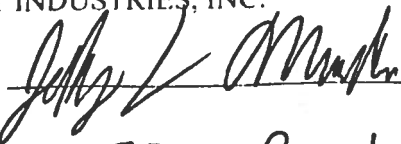
BY: 
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

BY: 
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: 4/6/23

DATE: 4/6/23

RESPONDENT
CST INDUSTRIES, INC.

BY: 

ITS: CEO + President

DATE: March 30, 2023