



**Service List**

Autotrol Corporation  
c/o Robert A. Frantz III, President, CEO  
3615 E. Prairie Street  
Crystal Lake, IL 60014-4414

Autotrol Corporation  
c/o Robert A. Frantz III, President  
340 Summit Road  
Springfield, PA 19064

**CERTIFICATE OF SERVICE**

I, Cara V. Sawyer, an Assistant Attorney General, certify that on the 3<sup>rd</sup> day of November, 2023, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by certified mail with return receipt.

/s/ Cara V. Sawyer  
Cara V. Sawyer  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAUOL, Attorney General	)	
of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 24-
	)	(Enforcement - Air)
AUTOTROL CORPORATION,	)	
a Delaware corporation,	)	
	)	
Respondent.	)	

**COMPLAINT**

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

**COUNT I**  
**FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE**  
**ANNUAL EMISSIONS REPORT FOR CALENDAR YEAR 2021**

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 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 (2022).
2. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2022), and is charged, *inter alia*, with the duty of enforcing the Act.
3. Respondent is a Delaware corporation registered to do business in Illinois, until November 11, 2022, when its certificate to do business in Illinois was revoked.

4. At all times relevant to this Complaint, Respondent owned and operated, and continues to own and operate, a manufacturing facility located at 365 East Prairie Street, Crystal Lake, McHenry County, Illinois 60014 (“Facility”).

5. On November 6, 2006, Illinois EPA issued the Facility a Lifetime Operating Permit (“LOP”) 97110006. At all times relevant to this Complaint, Respondent’s Facility includes the following source of emissions: one (1) batch vapor degreaser.

6. The Facility’s batch vapor degreaser emitted or is capable of emitting trichloroethylene, a hazardous air pollutant (“HAP”) as listed in Section 112(b) of the Clean Air Act, 42 USCS §7412(b), into the environment.

7. The Facility’s batch vapor degreaser is subject to the standards as listed under the National Emission Standards for Halogenated Solvent Cleaning, 40 CFR Part 63, Subpart T.

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

No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

9. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), 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.

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

11. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides the following definition:

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

12. Trichloroethylene is a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

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

(a) 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.

14. Section 254.102 of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102, provides, in pertinent part, as follows:

(a) Subpart B of this Part applies to:

\* \* \*

(2) Owners or operators of any source required to have an operating permit in accordance with Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5]...

\* \* \*

15. Section 39.5 of the Act, 415 ILCS 5/39.5 (2022), provides, in pertinent part, as follows:

Section 39.5 Clean Air Act Permit Program

\* \* \*

2. Applicability

a. Sources subject to this Section shall include:

\* \* \*

ii. Any source subject to a standard or other requirements promulgated under...Section 112 (Hazardous Air Pollutants) of the Clean Air Act...

16. Section 112(b) of the Clean Air Act, 42 USCS §7412, provides, in pertinent part, as follows:

(1) Initial List. The Congress establishes for purposes of this section a list of hazardous air pollutants as follows:

\* \* \*

CAS number	Chemical name
* * *	
79016	Trichloroethylene

17. Illinois EPA issued a Lifetime Operating Permit to Respondent based on its potential to emit trichloroethylene, a HAP, as listed in Section 112(b) of the Clean Air Act, 42 U.S.C. §7412.

18. 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).

19. 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.

20. Section 201.101 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.101, provides as follows:

- (a) Except as stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5] (Act).
- (b) All terms defined in 35 Ill. Adm. Code 211 which appear in this Part have the definitions specified by 35 Ill. Adm. Code 211.

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 owns, operates, leases, controls, or supervises its batch vapor degreaser and as such is an “owner or operator” as that term is defined in Section 211.4370, 35 Ill. Adm. Code 211.4370.

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

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

24. 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 byproducts 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 for particular purpose for which the term “air pollutant” is used.

25. 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.

26. Section 211.4970 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 211.4970, provides the following definition:

“Potential to emit (PTE)” means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restriction on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is federally enforceable.

27. 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.

28. At all times relevant to this Complaint, Respondent operated a batch vapor degreaser, a structure or installation which has the potential to emit (“PTE”) a HAP in the form of trichloroethylene, an “air pollutant,” thereby constituting a “stationary source,” as those terms are defined in Sections 211.370, 211.4970, and 211.6370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.370, 211.4970, and 211.6370.

29. Respondent’s batch vapor degreaser is an “emission source” and an “emission unit,” as those terms are defined in Sections 201.102 and 211.1950 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102 and 211.1950.

30. Since Respondent is subject to Section 112(b) of the Clean Air Act for its PTE a HAP, 42 USCS §7412, it was also subject to Section 39.5 of the Act, 415 ILCS 5/39.5 (2022), and therefore also subject to the reporting requirements of Subpart B of Section 254, 35 Ill. Adm. Code Part 254 *et seq.*, Respondent is an owner or operator who meets the applicability requirements of Section 254.102(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a).

Because Respondent is subject to Section 254.102(a)(2) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a), Respondent is an owner or operator of an emission unit and therefore is required to submit AERs to the Illinois EPA each year by May 1 for the preceding calendar year 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).

31. By May 1, 2022, Respondent was required to submit an AER for calendar year 2021 to the Illinois EPA.

32. As of the date of filing of this complaint, Respondent has not submitted its AER for calendar year 2021.

33. By failing to timely submit a complete and accurate AER for calendar year 2021, Respondent violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a) and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, AUTOTROL CORPORATION, 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) of the Act, 415 ILCS 5/9(a) (2022), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a);

3. Requiring Respondent to submit its 2021 AER to Illinois EPA pursuant to Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a);

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

5. 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;

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

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

**COUNT II**  
**FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE**  
**ANNUAL EMISSIONS REPORT FOR CALENDAR YEAR 2022**

1. This Count II 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 (2022).

2-30. Complainant re-alleges and incorporates herein by reference paragraphs 2 through 30 of Count I as paragraphs 2 through 30 of this Count II.

31. By May 1, 2023, Respondent was required to submit an AER for calendar year 2022 to the Illinois EPA.

32. As of the date of filing of this Complaint, Respondent has not submitted its AER for calendar year 2022.

33. By failing to timely submit a complete and accurate AER for calendar year 2022, Respondent violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, AUTOTROL CORPORATION, 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 Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a);

3. Requiring Respondent to submit its 2022 AER to Illinois EPA pursuant to Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a);

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

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