



**Service List**

Prestone Products Corporation  
c/o CT Corporation  
208 S. LaSalle Street, Suite 814  
Chicago, IL 60604-1101

**CERTIFICATE OF SERVICE**

I, Cara V. Sawyer, an Assistant Attorney General, certify that on the 26<sup>th</sup> day of February, 2024, 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 and electronic mail.

/s/ Cara V. Sawyer  
Cara V. Sawyer  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
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Chicago, Illinois 60602  
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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)
PRESTONE PRODUCTS 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, PRESTONE PRODUCTS CORPORATION, a Delaware corporation (“Prestone” or “Respondent”), as follows:

**COUNT I**  
**FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE**  
**ANNUAL EMISSIONS REPORT**

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 (2022).

2. The Illinois EPA is an administrative agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCA 5/4 (2022), and is charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent has been a Delaware corporation registered to do business in Illinois.

4. At all times relevant to this Complaint, Respondent owned and operated, and continues to own and operate, a wiper fluid formulation facility located at 13160 South Pulaski Road, Alsip, Illinois 60803 (“Facility”).

5. 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.

6. The Facility’s wiper fluid formulation process has the potential to emit (“PTE”) methanol into the atmosphere.

7. The following emission units at the Facility have the PTE volatile organic material (“VOM”) into the atmosphere: two (2) antifreeze storage tanks; three (3) mixing tanks; an antifreeze additive storage tank; three (3) acid storage tanks; ethylene glycol bottle, drum, tote, and bulk truck filling operations; a plastic container manufacturing process consisting of three (3) blow molding lines; and nine (9) ethylene glycol mixing tanks.

8. The following emission units at the Facility have the PTE particulate matter (“PM”) into the atmosphere: calcium chloride handling system with dust collector; storage silos; dust collector for mixing tank; dry material handling system with dust collector; corrugated carton forming operation; four (4) bottle grinders.

9. The following emission units at the Facility have the PTE VOM and PM into the atmosphere: 27 other storage tanks.

10. On August 11, 2014, Illinois EPA issued Respondent a revised Lifetime Operating Permit No. 73120007 (“LOP”) for operations at the Facility. The LOP authorizes the operation of identified emission units and air pollution control equipment at the Facility.

11. 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.

12. 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.

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

14. 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.

15. VOM, PM, and methanol are each a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

16. Section 201.302(a) of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations (“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.

17. Section 254.102(b) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm.

Code 254.102(b), provides as follows:

- (b) Subpart C of this Part applies to the owner or operator of any source of regulated air pollutants required to have an operating permit in accordance with 35 Ill. Adm. Code 201 that is not subject to subsection (a) of this Section.

18. Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143, provides as follows:

No person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by Section 201.142 without first obtaining an operating permit from the Agency, except for such testing operations as may be authorized by the construction permit. Applications for operating permits shall be made at such times and contain such information (in addition to the information required by Section 201.157) as shall be specified in the construction permit.

19. At all times relevant to this Complaint, the Facility was a minor source required to have an operating permit in accordance with Section 201.143 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.143, and was not subject to other requirements of Section 254.102(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a). The Facility is therefore subject to the reporting requirements of Subpart C of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code Part 254, as determined by Section 254.102(b) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(b).

20. 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.

21. 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.

22. 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).

23. 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.

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. Each piece of Facility equipment is an “emission unit” capable of emitting VOM, PM, and/or methanol, which are each an “air pollutant,” as those terms are defined in Sections 211.1950, and 211.370, of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.1950, and 211.370.

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, the Facility included and continues to include a building and surrounding structures that emit or may emit air pollutants and therefore is a “stationary source,” as that term is defined in Section 211.6370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6370.

29. Respondent, as the owner or operator of emission units, was required to submit an AER 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).

30. Respondent did not submit its AER for calendar year 2021 until August 15, 2022, which was 106 days late.

31. By failing to timely submit a complete and accurate AER for calendar year 2021 and instead submitting it 106 days late, Respondent violated Sections 201.302(a) and 254.132(a) of the Board and Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and 254.132(a), thereby violating 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, PRESTONE PRODUCTS 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), and Sections 201.302(a) and 254.132(a) of the Board and Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a) and 254.132(a);

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

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6. 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  
Environmental Bureau  
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