

Service List

MENASHA PACKAGING CO. LLC
c/o Thomas Curran
Director Safety, Security, and Crisis Management
7800 W 71st Street
Bridgeview, IL 60455
thomas.curran@menasha.com
(Via Certified Mail and Electronic Mail)

CERTIFICATE OF SERVICE

I, Justin Bertsche, an Assistant Attorney General, certify that on the 5th day of February, 2025, I caused to be served the foregoing Notice of Filing, Complainant's Complaint, Motion for Relief from Hearing Requirement and Stipulation and Proposed Settlement, on the parties named on the attached Service List by methods described.

s/ Justin Bertsche
Justin Bertsche
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., 18th Floor
Chicago, Illinois 60602
(773) 505-5308
Justin.Bertsche@ilag.gov

3. At all times relevant to this Complaint, Respondent has been and is a Wisconsin limited liability company in good standing with authority to operate in Illinois.

4. At all times relevant to this Complaint, Respondent has owned and operated and continues to own and operate a folding paper carton manufacturing plant located at 4545 West Palmer Street, Chicago, Cook County, Illinois (“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. Respondent’s emission units at the Facility include: five (5) flexographic printing presses with two (2) dryers; one (1) corrugator; one (1) cardboard baler cyclone; one (1) natural gas-fired boiler; one (1) storage silo with bin vent filter; one (1) weigh hopper with flexible sock boot filter; one (1) auger conveying system; seven (7) die cutters; one (1) primary mixer; one (1) high shear mixer; one (1) adhesive storage tank; and two (2) digital presses (collectively “Emission Units”).

7. The Facility’s operations emit or are capable of emitting particulate matter (“PM”), carbon monoxide (“CO”), volatile organic material (“VOM”), nitrogen oxides (“NO_x”), and sulfur dioxide (“SO₂”) into the environment.

8. At all times relevant to this Complaint, Respondent’s Facility had the potential to emit approximately 166 tons per year of VOM.

9. The Facility’s operations emit or are capable of emitting into the environment 1,4-dioxane, acrylic acid, ethylene glycol, ethyl acrylate, formaldehyde, glycol ethers, methyl methacrylate, and styrene which are each listed pursuant to Section 112(b) of the Clean Air Act, 42 U.S.C. §7412(b)(1), as a hazardous air pollutant (“HAP”).

10. On October 9, 2020, the Illinois EPA issued Federally Enforceable State Operating Permit (“FESOP”) 10080030 to Respondent. The FESOP contained an express expiration date of October 11, 2022.

11. Respondent did not timely seek a renewal of FESOP 10080030 prior to its expiration date on October 11, 2022, and Respondent did not apply for and obtain a Clean Air Act Permit Program (“CAAPP”) permit.

12. On February 3, 2023, Respondent submitted to the Illinois EPA a FESOP renewal application for the Facility, approximately 116 days after the permit expired.

13. On September 8, 2023, the Illinois EPA issued the renewal of FESOP 10080030.

14. From the expiration of FESOP 10080030 on October 11, 2022, until the renewal of FESOP 10080030 on September 8, 2023, Respondent operated the Emission Units at the Facility without a valid operating permit.

15. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2022), provides the following definitions:

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

* * *

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

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

* * *

“Emission unit” means any part or activity of a stationary source that emits or has the potential to emit any air pollutant. This term is not meant to alter or affect the definition of the term “unit” for purposes of Title IV of the Clean Air Act.

“Federally enforceable” means enforceable by USEPA.

* * *

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

* * *

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

* * *

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

* * *

“Regulated air pollutant” means the following:

- (1) Nitrogen oxides (NO_x) or any volatile organic compound.
- (2) Any pollutant for which a national ambient air quality standard has been promulgated.
- (3) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.
- (4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act.
- (5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).

- (i) Any pollutant subject to requirements under Section 112(j) of the Clean Air Act. Any pollutant listed under Section 112(b) for which the subject source would be major shall be considered to be regulated 18 months after the date on which USEPA was required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.
- (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

(6) Greenhouse gases.

“Renewal” means the process by which a permit is reissued at the end of its term.

* * *

“Source” means any stationary source (or any group of stationary sources) that is located on one or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping

“Stationary source” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act, except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the Clean Air Act.

* * *

16. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2022), provides, in pertinent part, as follows:

(2) Applicability.

(a) Sources subject to this Section shall include:

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

* * *

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

* * *

- (iii) A major stationary source as defined in part D of Title I of the Clean Air Act including:

- (A) For ozone nonattainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as “marginal” or “moderate”, 50 tons or more per year in areas classified as “serious”, 25 tons or more per year in areas classified as “severe”, and 10 tons or more per year in areas classified as “extreme”

17. Chicago, Cook County, Illinois, where the Facility is located, is identified as a “moderate” nonattainment classification for 8-hour ozone under the 2015 National Ambient Air Quality Standards (“NAAQS”).

18. Section 3.105 of the Act, 415 ILCS 5/3.105 (2022), provides the following definition:

“Agency” is the Environmental Protection Agency established by this Act.

19. 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.

20. Respondent, a Wisconsin limited liability company, is a “person” as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

21. At all times relevant to this Complaint, Respondent's Facility has been, and continues to be, a building, structure, facility, or installation which emits or may emit PM, CO, VOM, NO_x, SO₂, and HAP which are each a "regulated air pollutant" thereby constituting a "stationary source" as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2022).

22. At all times relevant to this Complaint, Respondent has been, and continues to be, an owner and operator of the Facility, which is a stationary source, thereby constituting an "owner or operator" as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2022).

23. At all times relevant to this Complaint, Respondent's Facility has been, and continues to be, a stationary source belonging to a single major industrial grouping, thereby constituting a "source" as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2022).

24. At all times relevant to this Complaint, Respondent's Facility has been, and continues to be, a source for which the owner or operator is required to obtain a "CAAPP Permit" thereby constituting a "CAAPP source" as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2022).

25. Respondent's Facility has a potential to emit 166 tons per year of VOM which is above the "major source" threshold of 100 tons per year, and is, therefore, a "stationary source", a "CAAPP source", a "major source", and a "major stationary source" as those terms are defined respectively by Sections 39.5(1) and (2) of the Act, 415 ILCS 5/39.5(1) and (2) (2022).

26. Section 39.5(1.1)(a) of the Act, 415 ILCS 5/39.5(1.1)(a) (2022), provides, in pertinent part, as follows:

- (a) An owner or operator of a source which determines that the source could be excluded from the CAAPP may seek such exclusion prior to the date that

the CAAPP application for the source is due but in no case later than 9 months after the effective date of the CAAPP through the imposition of federally enforceable conditions limiting the “potential to emit” of the source to a level below the major source threshold for that source as described in paragraph (c) of subsection 2 of this Section, within a State operating permit issued pursuant to subsection (a) of Section 39 of this Act. After such date, an exclusion from the CAAPP may be sought under paragraph (c) of subsection 3 of this Section.

27. The FESOP is a “State operating permit” imposing federally enforceable conditions limiting the Facility’s potential to emit below the major source threshold as that term is defined in Section 39.5(1.1)(a) of the Act, 415 ILCS 5/39.5(1.1)(a) (2022).

28. Section 39.5(3)(c) of the Act, 415 ILCS 39.5(3)(c) (2022), provides, in pertinent part, as follows:

- (3) Agency Authority to Issue CAAPP Permits and Federally Enforceable State Operating Permits.

* * *

- (c) The Agency shall have the authority to issue a State operating permit for a source under subsection (a) of Section 39 of this Act, as amended, and regulations promulgated thereunder, which includes federally enforceable conditions limiting the “potential to emit” of the source to a level below the major source threshold for that source as described in paragraph (c) of subsection 2 of this Section, thereby excluding the source from the CAAPP, when requested by the applicant pursuant to paragraph (u) of subsection 5 of this Section .
...

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

- (u) An owner or operator of a CAAPP source which seeks exclusion from the CAAPP through the imposition of federally enforceable conditions, pursuant to paragraph (c) of subsection 3 of this Section, must request such exclusion within a CAAPP application submitted consistent with this subsection on or after the date that the CAAPP application for the source is due

30. Section 39.5(5)(l) of the Act, 415 ILCS 39.5(5)(l) (2022), provides as follows:

- (l) Unless a timely and complete renewal application has been submitted consistent with this subsection, a CAAPP source operating upon the expiration of its CAAPP permit shall be deemed to be operating without a CAAPP permit. Such operation is prohibited under this Act.

31. Section 39.5(5)(n) of the Act, 415 ILCS 39.5(5)(n) (2022), provides as follows:

- (n) For purposes of permit renewal, a timely application is one that is submitted no less than 9 months prior to the date of permit expiration.

32. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022), provides, in pertinent part, as follows:

- (6) Prohibitions.

* * *

- (b) After the applicable CAAPP permit or renewal application submittal date, as specified in subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency.

33. Pursuant to Sections 39.5(3)(c), (5)(n), and (5)(u) of the Act, 415 ILCS 5/39.5(3)(c), (5)(n), and (5)(u) (2022), Respondent did not submit a renewal application for FESOP 10080030 or an application for a CAAPP permit nine months prior to FESOP 10080030's expiration date on October 11, 2022. Accordingly, as of that date, Respondent was no longer excluded from the requirement to obtain a CAAPP permit under Section 39.5(1.1) of the Act, 415 ILCS 39.5(1.1) (2022).

34. From October 11, 2022, until the issuance of a renewal permit on September 8, 2023, Respondent operated a CAAPP source without timely applying for and obtaining a renewal of FESOP 10080030 or a CAAPP Permit. By operating a CAAPP source without a valid operating permit, Respondent violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, MENASHA PACKAGING COMPANY, LLC, a Wisconsin limited liability company, 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 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022);
3. Ordering Respondent to cease and desist from any future violations of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022);
4. Assessing against Respondent pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022);
5. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in its pursuit of this action; and
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
Assistant Attorney General

Of Counsel:
Justin Bertsche
Assistant Attorney General
Environmental Bureau
69 West Washington Street, 18th Floor
Chicago, Illinois 60602
(773) 505-5308
Justin.Bertsche@ilag.gov

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) (2022).

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) (2022).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL
Attorney General
State of Illinois

BY: /s/ Justin Bertsche

Justin Bertsche
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(773) 505-5308
Primary e-mail: justin.bertsche@ilag.gov
Secondary e-mail: maria.cacaccio@ilag.gov

Dated: February 5, 2025

motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2022), against 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 (2022).

3. At all times relevant to the Complaint, Respondent was and is a Wisconsin limited liability company in good standing with authority to operate in Illinois.

4. At all times relevant to the Complaint, Respondent owned and operated a folding paper carton manufacturing plant located at 4545 West Palmer Street, Chicago, Cook County, Illinois ("Facility").

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

6. Respondent's emission units at the Facility included: five (5) flexographic printing presses with two (2) dryers; one (1) corrugator; one (1) cardboard baler cyclone; one (1) natural gas-fired boiler; one (1) storage silo with bin vent filter; one (1) weigh hopper with flexible sock boot filter; one (1) auger conveying system; seven (7) die cutters; one (1) primary mixer; one (1) high shear mixer; one (1) adhesive storage tank; and two (2) digital presses (collectively "Emission Units").

7. The Facility's operations emitted or were capable of emitting particulate matter ("PM"), carbon monoxide ("CO"), volatile organic material ("VOM"), nitrogen oxides ("NOx"), and sulfur dioxide ("SO2") into the environment.

8. At all times relevant to the Complaint, Respondent's Facility had the potential to emit approximately 166 tons per year of VOM.

9. The Facility's operations emitted or were capable of emitting into the environment

1,4-dioxane, acrylic acid, ethylene glycol, ethyl acrylate, formaldehyde, glycol ethers, methyl methacrylate, and styrene which are each listed pursuant to Section 112(b) of the Clean Air Act, 42 U.S.C. §7412(b)(1), as a hazardous air pollutant (“HAP”).

10. On October 9, 2020, the Illinois EPA issued Federally Enforceable State Operating Permit (“FESOP”) 10080030 to Respondent. The FESOP contained an express expiration date of October 11, 2022.

11. Respondent did not timely seek a renewal of FESOP 10080030 prior to its expiration date on October 11, 2022, and Respondent did not apply for and obtain a Clean Air Act Permit Program (“CAAPP”) permit.

12. On February 3, 2023, Respondent submitted to the Illinois EPA a FESOP renewal application for the Facility, approximately 116 days after the permit expired.

13. On September 8, 2023, the Illinois EPA issued the renewal of FESOP 10080030.

14. From the expiration of FESOP 10080030 on October 11, 2022, until the renewal of FESOP 10080030 on September 8, 2023, Respondent operated the Emission Units at the Facility without a valid operating permit.

15. On October 31, 2023, Respondent permanently ceased operations at the Facility.

B. Allegation of Non-Compliance

Complainant contends that Respondent has violated the following provision of the Act:

Count I: Failure to Timely Obtain a Clean Air Act Permit Program Permit or Federally Enforceable State Operating Permit, in violation of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2022).

C. Admission of Violations

Respondent admits to the violation alleged in the Complaint filed in this matter and referenced within Section I.B herein.

D. Compliance Activities to Date

1. On February 3, 2023, Respondent submitted to the Illinois EPA a FESOP renewal application for the Facility, approximately 116 days after the permit expired.
2. On September 8, 2023, the Illinois EPA issued the renewal of FESOP 10080030.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. 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 Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act 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 (2022).

No change in ownership, corporate status or operator of the Facility shall in any way alter the responsibilities of Respondent under this Stipulation. This provision does not relieve Respondent from compliance with any regulatory requirement regarding notice and transfer of applicable Facility permits.

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2022), provides as follows:

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

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;

3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

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

1. Human health and the environment were threatened and the Illinois EPA's information gathering responsibilities hindered by Respondent's violations.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Obtaining a permit and compliance with its terms is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2022), 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. Respondent failed to timely renew FESOP 10080030 prior to its expiration date on October 11, 2022, and Respondent did not timely apply for or obtain a CAAPP permit. The violation began on October 12, 2022, and was resolved on September 8, 2023, when the Illinois EPA issued the renewal of FESOP 10080030.
2. Respondent was diligent in attempting to come back into compliance with the Act and applicable federal regulations, once it became aware of its noncompliance.
3. The civil penalty takes into account any economic benefit realized by 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 Thirty-Seven Thousand and Five Hundred Dollars (\$37,500.00) will serve to deter further violations and aid in future voluntary compliance with the Act.
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

Respondent shall pay a civil penalty in the sum of Thirty-Seven Thousand and Five Hundred Dollars (\$37,500.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Stipulated Penalties, Interest, and Default

1. If Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, 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, 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 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 Complainant and shall be in addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Stipulation.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund (“EPTF”). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
2520 W. Iles Ave.
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:

Justin Bertsche
Assistant Attorney General
Environmental Bureau
Illinois Attorney General’s Office
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

D. Future Compliance

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

2. Respondent shall cease and desist from future violations of the Act that were the subject matter of the Complaint.

E. Release from Liability

In consideration of Respondent’s payment of the \$37,500.00 penalty, its commitment to cease and desist as contained in Section V.D.2 above, completion of all activities required

hereunder, and upon the Board's approval of this Stipulation, Complainant releases, waives and discharges Respondent from any further liability or penalties for the violations of the Act 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 concurrently with this Stipulation. Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against 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 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 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

JAMES JENNINGS, Acting Director
Illinois Environmental Protection Agency

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

BY: *Andrew Armstrong*
ANDREW ARMSTRONG
Chief Legal Counsel

DATE: January 31, 2025

DATE: 01/31/2025

RESPONDENT
MENASHA PACKAGING COMPANY,
LLC

BY: _____
MIKE RIEGSECKER
ITS: President

DATE: _____

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PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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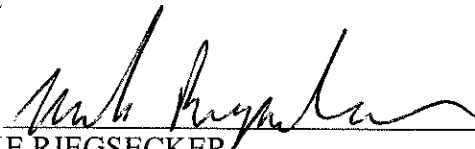
BY: _____
STEPHEN J. SYLVESTER, Chief
Environmental Bureau
Assistant Attorney General

BY: _____
ANDREW ARMSTRONG
Chief Legal Counsel

DATE: _____

DATE: _____

RESPONDENT
MENASHA PACKAGING COMPANY,
LLC

BY: 
MIKE RIEGSECKER
ITS: President

DATE: 1/23/25