

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by KWAME RAOUL, Attorney	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No.
	)	(Enforcement - Air)
DIAMOND CELLOPHANE PRODUCTS, LLC,	)	
an Illinois limited liability company, formerly	)	
known as DIAMOND CELLOPHANE	)	
PRODUCTS, INC., doing business as	)	
DIAMOND FLEXIBLE PACKAGING	)	
COMPANY,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

Please take notice that on Monday, December 5, 2022, Complainant filed the Complaint, Stipulation and Proposal for Settlement and Motion to Waive the Requirement of a Hearing, copies of which are attached hereto and served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* KWAME RAOUL,  
Attorney General of the  
State of Illinois

/s Christopher Grant  
CHRISTOPHER GRANT  
Senior Assistant Attorney General  
Environmental Bureau  
69 West Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-5388  
(312) 814-8567  
Primary email: [Christopher.Grant@ilag.gov](mailto:Christopher.Grant@ilag.gov)  
Secondary email: [Maria.Cacaccio@ilag.gov](mailto:Maria.Cacaccio@ilag.gov)

**CERTIFICATE OF SERVICE**

I, CHRISTOPHER GRANT, an attorney, do certify that I caused the Complaint, Stipulation and Proposal for Settlement, and Motion to Waive the Requirement of a Hearing to be served upon the persons listed below by electronic mail on December 5, 2022.

/S/ Christopher Grant

**SERVICE LIST:**

Ms. Margaret Anne Hill  
Blankrome  
One Logan Square  
130 North 18<sup>th</sup> Street  
Philadelphia PA 19103  
[Margaret.hill@blankrome.com](mailto:Margaret.hill@blankrome.com)

Mr. Don Brown  
Clerk of the Illinois Pollution Control Board  
(by electronic filing)



business in the State of Illinois. Respondent, formerly known as Diamond Cellophane Products, Inc. (“Diamond Inc.”) was incorporated in the State of Illinois on May 6, 1944. On May 4, 2022, Diamond Inc. converted into an Illinois limited liability company (“the Conversion”). Following the Conversion and in accordance with 805 ILCS 415/206, Diamond Inc. remained the same entity without interruption and continued as Respondent. In accordance with 805 ILCS 415/206, Respondent assumed all assets and liabilities of Diamond Inc. At all times relevant to the Complaint, both Diamond Inc. and the Respondent did business under the assumed name of Diamond Flexible Products Company.

4. Respondent owns and operates a plastic film processing, printing, laminating, and converting facility located at 2783 Shermer Road, Northbrook, Cook County, Illinois (“Facility” or “Site”). Diamond’s operations include the flexographic printing of film made from various polymers, including polyethylene and cellophane,

5. At all times relevant to the Complaint, Respondent’s facility was, and is, located in the Chicago Ozone Nonattainment Area, which is classified as “marginal” non-attainment under the United States Environmental Protection Agency’s (“USEPA’s”) 2015 National Ambient Air Quality Standard for ozone.

6. At the Site, the Respondent operates equipment which is capable of emitting Volatile Organic Material (“VOM”) to the atmosphere (“Emission Units”). These Emission Units include including two flexographic printing lines, a regenerative thermal oxidizer, and drying ovens. In addition, the Site has the potential to emit fugitive VOM to the atmosphere.

7. The Site has the potential to emit (“PTE”) more than 100 tons per year of VOM to the atmosphere.

8. On April 3, 2018, Illinois EPA issued Construction Permit No. 17010014 to Diamond Flexible Packaging Company. The Construction Permit allowed operation of the Emission Units at the Site for one year from the date of issuance, or until April 3, 2019.

9. Diamond Flexible Packaging Company did not apply for or obtain a permit for continued operation of the Emission Sources after April 3, 2019, but continued to operate the emission sources after the expiration of the period of operation allowed under Construction Permit No. 17010014.

10. On September 24, 2021, Diamond Flexible Packaging Company submitted an application for a Federally Enforceable State Operating Permit (“FESOP”) to Illinois EPA. As of the date of filing this Complaint, the Respondent has not obtained coverage under either a FESOP or Clean Air Act Permit Program (“CAAPP”) permit covering operation of the Emission Units at the Site.

11. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2020), provides, in pertinent part, as follows:

6. Prohibitions.

\* \* \*

- b. ... 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.

12. 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.

13. The Respondent, a limited liability company, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

14. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2020), 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.

“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 material 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.

“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

15. Pursuant to Section 112(b) of the Clean Air Act, USEPA has designated VOM as a “regulated pollutant” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1).

Accordingly, Respondent owns and operates a “stationary source” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2020).

16. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2018), 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. Respondent’s Facility has the potential to emit 100 or more tons per year of VOM in the Chicago Ozone Nonattainment Area, which at all times relevant to the complaint was

classified as “marginal” nonattainment for ozone. Respondent’s Facility is a “CAAPP Source”, as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2020).

18. From at least April 3, 2019 to the date of filing this Complaint, Diamond Inc. and after May 4, 2022 Respondent, doing business as Diamond Flexible Packaging Company, operated the Facility, a CAAPP source, without having first obtained coverage under either a CAAPP Permit or a FESOP, or having timely applied for coverage under a CAAPP Permit or a FESOP.

19. By operating a CAAPP Source without a CAAPP permit, the Respondent violated, and continues to violate, Section 39.5(6) of the Act, 415 ILCS 5/39.6 (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, DIAMOND CELLOPHANE PRODUCTS, LLC with respect to Count I:

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

2. Finding that the Respondent has violated Section 39.5(6) of the Act, 415 ILCS 5/39.5(6) (2020);

3. Ordering the Respondent to cease and desist from any future violations of Section 39.5(6) of the Act, 415 ILCS 5/39.5(6) (2020);

4. Ordering the Respondent to take all required actions and fully cooperate with Illinois EPA to obtain an operating permit for its facility in compliance with the requirements of the Act;



5. Assessing against the Respondent a civil penalty of Ten Thousand Dollars (\$10,000.00) for each and every day of violation of Section 39.5(6) of the Act, 415 ILCS 5/39.5(6) (2020);
6. Ordering the Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
7. Granting such other relief as the Board deems appropriate and just.

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:  
Christopher Grant  
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Environmental Bureau  
69 W. Washington Street, 18th Floor  
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(312) 814-5388  
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proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

\* \* \*

3. No hearing is now scheduled in this matter.
4. The Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2020).

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

STEPHEN SYLVESTER, Chief  
Environmental Bureau North

BY: /s Christopher Grant  
CHRISTOPHER GRANT  
Senior Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., #1800  
Chicago, Illinois 60602  
(312) 814-5388  
Christopher.grant@ilag.gov

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DIAMOND CELLOPHANE PRODUCTS, LLC,	)	
an Illinois limited liability company, formerly	)	
known as DIAMOND CELLOPHANE	)	
PRODUCTS INC., doing business as	)	
DIAMOND FLEXIBLE PACKAGING	)	
COMPANY,	)	
	)	
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 DIAMOND CELLOPHANE PRODUCTS, LLC (“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 December 5, 2022, 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).

3. Respondent is an Illinois limited liability company that is authorized to transact business in the State of Illinois. Respondent, formerly known as Diamond Cellophane Products, Inc. ("Diamond Inc."), was incorporated in the State of Illinois on May 6, 1944. On May 4, 2022, Diamond Inc. converted into an Illinois limited liability company ("the Conversion"). Following the Conversion and in accordance with 805 ILCS 415/206, Diamond Inc. remained the same entity without interruption and continued as Respondent. In accordance with 805 ILCS 415/206, Respondent assumed all assets and liabilities of Diamond Inc. At all times relevant to the Complaint, both Diamond Inc. and the Respondent did business under the assumed name of Diamond Flexible Products Company.

4. Respondent owns and operates a plastic film processing, printing, laminating, and converting facility located at 2783 Shermer Road, Northbrook, Cook County, Illinois ("Facility" or "Site"). Respondent's operations include the flexographic printing of film made from various polymers, including polyethylene and cellophane.

5. At all times relevant to the Complaint, Respondent's Facility was, and is, located in the Chicago Ozone Nonattainment Area, which is classified as "marginal" non-attainment under

the United States Environmental Protection Agency's ("USEPA's") 2015 National Ambient Air Quality Standard for ozone.

6. At the Site, the Respondent operates equipment, which is capable of emitting Volatile Organic Material ("VOM") to the atmosphere ("Emission Units"). These Emission Units include including two flexographic printing lines, a regenerative thermal oxidizer, and drying ovens. In addition, the Site has the potential to emit fugitive VOM to the atmosphere.

7. The Site has the potential to emit ("PTE") more than 100 tons per year of VOM to the atmosphere.

8. On April 3, 2018, Illinois EPA issued Construction Permit No. 17010014 to Diamond Flexible Products Co. The Construction Permit allowed operation of the Emission Units at the Site for one year from the date of issuance, or until April 3, 2019.

9. Diamond Flexible Products Co. did not apply for or obtain a permit for continued operation of the Emission Units after April 3, 2019, but continued to operate the Emission Units after the expiration of the period of operation allowed under Construction Permit No. 17010014.

10. On September 24, 2021, Illinois EPA received an application, dated September 15, 2021, from Diamond Flexible Products Co. for a Federally Enforceable State Operating Permit ("FESOP") to Illinois EPA. As of the date of filing this Stipulation and Proposal for Settlement, Illinois EPA has not yet issued either a FESOP or Clean Air Act Permit Program ("CAAPP") permit, and accordingly, the Respondent does not yet have an operating permit.

**B. Allegations of Non-Compliance**

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

Count I: OPERATING A CAAPP SOURCE WITHOUT A PERMIT, in violation of Section 39.5(6) of the Act, 415 ILCS 5/39.5(6) (2020)

**C. Non-Admission of Violations**

The Respondent neither admits nor denies the violation alleged in the Complaint filed in this matter and referenced herein.

**D. Compliance Activities to Date**

On September 24, 2021, Diamond Flexible Products Co. submitted an application for a Federally Enforceable State Operating Permit ("FESOP") to Illinois EPA.

**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).

No change in ownership, corporate status or operator of the facility shall in any way alter the responsibilities of the Respondent under this Stipulation. In the event that the Respondent proposes to sell or transfer any real property or operations subject to this Stipulation, the Respondent shall notify the Complainant thirty (30) calendar days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. The Respondent shall make as a condition of any such sale or transfer, that the purchaser or successor provide to Respondent site access and all cooperation necessary for Respondent to perform to completion any compliance obligation(s) required by this Stipulation. The

Respondent shall provide a copy of this Stipulation to any such successor in interest and the Respondent shall continue to be bound by and remain liable for performance of all obligations under this Stipulation. In appropriate circumstances, however, the Respondent and a proposed purchaser or operator of the facility may jointly request, and the Complainant, in its discretion, may consider modification of this Stipulation to obligate the proposed purchaser or operator to carry out future requirements of this Stipulation in place of, or in addition to, the Respondent. This provision does not relieve the 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) (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 acknowledge the following:

1. Complainant contends that human health and the environment were threatened and the Illinois EPA's information gathering responsibilities and its statutory permitting



authority were hindered by the 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 prior for operations of the emission units at the Site and

compliance with permit terms is both technically practicable and economically reasonable.

5. Respondent has now sought coverage under a FESOP for its operations at the Site.

#### **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. The Respondent failed to obtain a permit for its operations at the Site after July 3, 2019, the last day of operation allowed under Construction Permit No. 17010014. The violations began on or around July 3, 2019 and will continue until a CAAPP Permit or FESOP is issued to Respondent.

2. Respondent was not diligent in applying for an appropriate operating permit for its site prior to the expiration of the operating period allowed under Construction Permit No. 17010014.

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 Twenty-Five Thousand Dollars (\$25,000.00) 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**

1. The Respondent shall pay a civil penalty in the sum of Twenty-Five Thousand Dollars (\$25,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

**B. 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, 415 ILCS 4/42(g) (2020), 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.

**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:

Christopher Grant  
Senior Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

**D. Future Compliance**

1. The Respondent shall provide Illinois EPA all requested information, cooperate with the Illinois EPA, and take all steps necessary to obtain the FESOP Permit applied for on September 24, 2021.

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 \$25,000.00 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 December 5, 2022. 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 (2020), 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.

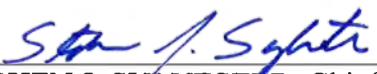
PEOPLE OF THE STATE OF ILLINOIS


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

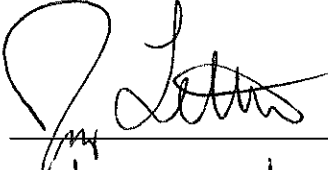
BY:   
STEPHEN J. SYLVESTER, Chief  
Environmental Bureau  
Assistant Attorney General

BY:   
CHARLES W. GUNNARSON  
Chief Legal Counsel

DATE: 10/19/22

DATE: 10/18/22

RESPONDENT DIAMOND  
CELLOPHANE PRODUCTS LLC

BY:  \_\_\_\_\_

Its Jeremy Letterman - COO - Brook + Whittle

DATE: 12-1-2022

*People v. Diamond Cellophane Products LLC, PCB*