



**Service List**

Marshall Field's Chicago, Inc.  
c/o Corporate Creations Network, Inc.  
1320 Tower Road  
Schaumburg, IL 60173

**CERTIFICATE OF SERVICE**

I, Taylor Desgrosseilliers, an Assistant Attorney General, certify that on the 21st day of February, 2025, I caused to be served the foregoing Notice of Filing and Complaint on the parties named on the attached Service List, by depositing an envelope by certified mail with return receipt with the U.S. Post Office located at 115 S. LaSalle, Chicago, Illinois 60603.

/s/ Taylor Desgrosseilliers  
Taylor Desgrosseilliers  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street, 18<sup>th</sup> Floor  
Chicago, Illinois 60602  
(773) 505-5288  
[t.desgrosseilliers@ilag.gov](mailto:t.desgrosseilliers@ilag.gov)



3. At all times relevant to this Complaint, Respondent was and is a Delaware corporation qualified to transact business in the State of Illinois and registered with the Illinois Secretary of State's Office as a foreign company in good standing.

4. At all times relevant to this Complaint, Respondent has owned and operated a boiler plant located at 111 North State Street, Cook County, Illinois ("Facility").

5. At all times relevant to this Complaint, Respondent has operated emission units at the Facility consisting of five 10.5 metric million British thermal units per hour (mmBtu/hour) natural gas-fired boilers.

6. The Facility's emission units are capable of emitting carbon monoxide ("CO"), nitrogen oxides ("NOx"), particulate matter ("PM"), sulfur dioxide ("SO<sub>2</sub>"), and volatile organic material ("VOM").

7. On October 24, 2011, Illinois EPA issued Lifetime Operating Permit 750796 ("LOP 750796") to Respondent.

8. Pursuant to LOP 750796, emissions of CO from the Facility shall not exceed 19.32 tons/year.

9. Pursuant to LOP 750796, emissions of NOx from the Facility shall not exceed 23.00 tons/year.

10. Pursuant to LOP 750796, emissions of PM from the Facility shall not exceed 1.75 tons/year.

11. Pursuant to LOP 750796, emissions of SO<sub>2</sub> from the Facility shall not exceed 0.14 tons/year.

12. Pursuant to LOP 750796, emissions of VOMs from the Facility shall not exceed 1.27 tons/year.

13. On May 13, 2024, Respondent submitted its annual emissions report (“AER”) for the Facility for calendar year 2022.

14. 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.

15. 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.

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

17. 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.

18. CO, NO<sub>x</sub>, PM, SO<sub>2</sub>, and VOMs are each a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

19. Section 201.302(a) of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides, in pertinent part, 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.

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 as the owner and operator of the Facility 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 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.”

23. 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.

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 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.

25. CO, NO<sub>x</sub>, PM, SO<sub>2</sub>, and VOMs are each an “air pollutant” as that term is defined by Section 211.370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.370.

26. The Facility is a “stationary source” comprised of “emission units” that emit “air pollutants” 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. Section 254.102(a)(1) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a)(1), provides, in pertinent part, as follows:

a) Subpart B of this Part applies to:

- 1) Owners or operators of any source required to have an operating permit in accordance with 35 Ill. Adm. Code 201 that is permitted to emit 25 tons per year or more of any combination of regulated air pollutants, excluding greenhouse gases;

28. Respondent has an operating permit, issued in accordance with Section 201 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201, and is permitted to emit more than 25 tons per year of a combination of regulated air pollutants. Respondent therefore meets the applicability criteria contained in Section 254.102(a)(1) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.102(a)(1).

29. Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), provides, in pertinent part, 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).

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

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

31. Section 254.103 of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.103, provides the following definition:

**“Annual Emissions Report”** means the information and certifications required by Subparts B and C of this Part, as applicable under Section 254.102(a) or (b) of this Subpart, and any additional requirements for submission with the Annual Emissions Report specifically imposed by the source’s permit.

22. Respondent, as the owner or operator of emissions units, is 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 AERs to the Illinois EPA each year by May 1 for the following calendar year.

23. Respondent’s AER for the Facility for calendar year 2022 was due by May 1, 2023.

24. Respondent submitted its calendar year 2022 AER on May 13, 2024, 378 days after it was due.

25. By failing to timely submit to Illinois EPA a complete and accurate AER for the Facility for calendar year 2022, Respondent violated 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), 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, MARSHALL FIELD’S CHICAGO, INC. d/b/a MACY’S BRUNSKWICK SQUARE:

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 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);

3. Ordering the Respondent to cease and desist from any further 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 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);

4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation 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 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); 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

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:

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