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. 26- (Enforcement - Air)
UNITED STATES GENERAL SERVICES ADMINISTRATION, a government entity,	)	
Respondent.	)	

NOTICE OF FILING

To: Persons on Attached Service List

(VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, true and correct copies of which are attached hereto and hereby served upon you.

KWAME RAOUL
Attorney General
State of Illinois

BY: /s/ *Caitlin Kelly*

Caitlin Kelly
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
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Date: November 6, 2026

SERVICE LIST

U.S. General Services Administration
c/o Joel D. Malkin
230 S. Dearborn Street, Suite 3786
Chicago, IL 60604-1506
joeldavidmalkin@gmail.com

CERTIFICATE OF SERVICE

I, Caitlin Kelly, an Assistant Attorney General, certify that on the 6th day of November 2026, I caused to be served the attached Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement upon the persons listed on the foregoing Service List via electronic mail.

BY: /s/ *Caitlin Kelly*

Caitlin Kelly
Assistant Attorney General
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Respondent.	)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois ("Complainant"), complains of Respondent, the UNITED STATES GENERAL SERVICES ADMINISTRATION, as follows:

COUNT I
FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE 2023 ANNUAL EMISSIONS REPORT

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, on his own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), against Respondent, UNITED STATES GENERAL SERVICES ADMINISTRATION ("Respondent"), a government entity, pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2024).

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 (2024), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent was and is an agency of the United States and is therefore a government entity.

4. At all times relevant to this Complaint, Respondent has owned and operated five natural gas boilers located at 219 South Dearborn Street, Chicago, Illinois ("Facility").

5. The Facility is located in an area of Environmental Justice ("EJ") concern according to the Illinois EPA EJ Start map.

6. At all times relevant to this Complaint, Respondent has operated emission units at the Facility consisting of five (5) 24 metric million British thermal units per hour (mmBtu/hour) natural gas-fired boilers.

7. The Facility's emission units are capable of emitting carbon monoxide ("CO"), nitrogen oxides ("NOx"), particulate matter ("PM"), sulfur dioxide ("SO_2"), and volatile organic material ("VOM").

8. On September 25, 2015, Illinois EPA issued Lifetime Operating Permit no. 78040057 ("LOP 78040057") to Respondent.

9. Pursuant to LOP 78040057, emissions of CO from the Facility shall not exceed 38.36 tons/year.

10. Pursuant to LOP 78040057, emissions of NOx from the Facility shall not exceed 18.39 tons/year.

11. Pursuant to LOP 78040057, emissions of PM from the Facility shall not exceed 4.20 tons/year.

12. Pursuant to LOP 78040057, emissions of SO_2 from the Facility shall not exceed 3.15 tons/year.

13. Pursuant to LOP 78040057, emissions of VOM from the Facility shall not exceed 4.20 tons/year.

14. Respondent submitted its annual emissions report ("AER") for the Facility for calendar year 2023 on July 11, 2025.

15. Section 7602(g) of the Clean Air Act, 42 U.S.C. § 7692(g), provides the following definition:

> The term "air pollutant" means any 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 ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the Administrator has identified such precursor or precursors for the particular purpose for which the term "air pollutant" is used."

16. CO, NOx, PM, SO_2, and VOM are each an "air pollutant" as that term is defined by Section 7602(g) of the Clean Air Act, 42 U.S.C. § 7692(g).

17. Section 7418(a) of the Clean Air Act, 42 U.S.C. § 7418(a), provides as follows:

> Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge of air pollutants, and each officer, agent, or employee thereof, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of air pollution in the same manner, and to the same extent as any nongovernmental entity. The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement whatsoever), (B) to any requirement to pay a fee or charge imposed by any State or local agency to defray the costs of its air pollution regulatory program, (C) to the exercise of any Federal, State, or local administrative authority, and (D) to any process and sanction, whether enforced in Federal, State, or local courts, or in any other manner. This subsection shall apply notwithstanding any immunity of such agencies, officers, agents,

> or employees under any law or rule of law. No officer, agent, or employee of the United States shall be personally liable for any civil penalty for which he is not otherwise liable.

18. As a federal agency that engages in activities that emit air pollutants, Respondent is subject to all substantive and procedural requirements under Illinois state law regarding the control and abatement of air pollution pursuant to Section 7418(a) of the Clean Air Act, 42 U.S.C. § 7418(a).

19. Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), 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.

20. Section 3.315 of the Act, 415 ILCS 5/3.315 (2024), 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.

21. As a government entity, Respondent is a legal entity and therefore a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2024).

22. Section 3.165 of the Act, 415 ILCS 5/3.165 (2024), provides the following definition:

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

23. CO, NOx, PM, SO_2, and VOM are each a "contaminant" as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. CO, NOx, PM, SO_2, and VOM 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.

31. 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.

32. 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;

33. 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).

34. 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).

35. 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.

36. 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.

37. 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 by May 1 of the year following the calendar year in which the emissions took place.

38. Respondent's AER for the Facility for calendar year 2023 was due by May 1, 2024.

39. Respondent submitted its calendar year 2023 AER on July 11, 2025, approximately 436 days late.

40. By failing to timely submit to Illinois EPA a complete and accurate AER for the Facility for calendar year 2023, 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) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, UNITED STATES GENERAL SERVICES ADMINISTRATION:

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) (2024), 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 Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), 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 Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), 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) (2024), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), that occurred prior to June 16, 2025, and an additional civil penalty of Ten Thousand Dollars ($10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Assessing against Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a),[1] a civil penalty of One Hundred Thousand Dollars ($100,000.00) for each violation of

[1] On June 16, 2025, the State of Illinois enacted Public Act 104-006, which amended Section 42(a) of the Act, 415 ILCS 5/42(a), to change the maximum penalty amounts under that section to $100,000 per violation and $25,000 per day each violation continues. Pub. Act 104-006 (eff. June 16, 2025), § 5-35. The

Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), that occurred on and after June 16, 2025, and an additional Twenty-Five Thousand Dollars ($25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);

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

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

COUNT II
FAILURE TO TIMELY SUBMIT COMPLETE AND ACCURATE 2024 ANNUAL EMISSIONS REPORT

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, on his own motion against Respondent, UNITED STATES GENERAL SERVICES ADMINISTRATION ("Respondent"), a government entity, pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2024).

2-35. Complainant re-alleges and incorporates by reference herein paragraphs 2 through 13 and paragraphs 15 through 35 of Count I as paragraphs 2 through 34 of this count.

35. Respondent's AER for the Facility for calendar year 2024 was due by May 1, 2025.

36. Respondent the Facility's calendar year 2024 AER on July 11, 2025, approximately 71 days late.

37. By failing to timely submit to Illinois EPA a complete and accurate AER for the Facility for calendar year 2024, Respondent violated Section 201.302(a) of the Board Air Pollution

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amendment provides for these amounts to be increased annually based on the consumer price index. *Id.* The amendment took effect immediately. Pub. Act 104-006, § 99-99.

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) (2024).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, UNITED STATES GENERAL SERVICES ADMINISTRATION:

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) (2024), 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 Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), 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 Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2024), 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) (2024), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), that occurred prior to June 16, 2025, and an additional civil penalty of Ten Thousand Dollars ($10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Assessing against Respondent, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a), a civil penalty of One Hundred Thousand Dollars ($100,000.00) for each violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), that occurred on and after June 16, 2025, and an additional Twenty-Five Thousand Dollars ($25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);

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

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2024), moves the Illinois Pollution Control Board ("Board") to grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2024). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), 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) for calendar year 2023 in Count I, and for calendar year 2024 in Count II.

2. The parties have reached agreement on all outstanding issues in this matter.

3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not 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) (2024).

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) (2024).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

KWAME RAOUL
Attorney General
State of Illinois

BY: /s/ *Caitlin Kelly*
Caitlin Kelly
Assistant Attorney General
Environmental Bureau
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Date: November 6, 2026

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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 UNITED STATES GENERAL SERVICES ADMINISTRATION, ("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. (2024), 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 November 6, 2026, 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 at the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2024), 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 (2024).

3. At all times relevant to this Complaint, Respondent was and is an independent federal agency.

4. At all times relevant to this Complaint, Respondent has managed government buildings and real estate, including the Dirksen Federal Building located at 219 South Dearborn Street, Chicago, Illinois ("Facility").

5. At all times relevant to the Complaint, Respondent has owned and operated emission units at the Facility consisting of five 24 metric million British thermal units per hour (mmBtu/hour) natural gas-fired boilers located at the Facility.

B. Allegations of Non-Compliance

Complainant contends that Respondent has violated the following provisions of the Act and Board and Illinois EPA Air Pollution Regulations:

Count I: Failure to timely submit a complete and accurate 2023 Annual Emissions Report ("AER"), in violation of Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), 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 Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

Count II: Failure to timely submit a complete and accurate 2024 AER, in violation of Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), 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 Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

C. Non-Admission of Violations

Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

Respondent does not concede that Congress has waived the United States sovereign immunity from state and local penalties under the Clean Air Act. By entering into this settlement, and paying the agreed upon settlement payment amount, Respondent does not waive, and specifically reserves the defense that Congress has not waived the United States' sovereign immunity from state and local penalties under the Clean Air Act.

D. Compliance Activities to Date

On July 11, 2025, Respondent submitted its AERs for calendar years 2023 and 2024 to the Illinois EPA.

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 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 (2024).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2024), 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. The Illinois EPA's information gathering responsibilities were hindered by Respondent's violations, thereby threatening human health and the environment.

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. Timely submitting annual emissions reports to the Illinois EPA is both technically practicable and economically responsible.

5. Respondent has subsequently complied with the Act and the Board and Illinois EPA regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2024), 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 submit a complete and accurate AER for calendar year 2023. This violation began on May 2, 2024 and was resolved on July 11, 2025, more than a year later. Respondent also failed to timely submit a complete and accurate AER for calendar year 2024. This violation began on May 2, 2025 and was resolved on July 11, 2025, more than two months later.

2. Respondent was diligent in attempting to come back into compliance with the Act, Board and Illinois EPA Regulations and applicable federal regulations after Complainant notified Respondent 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. The Complainant has determined, based upon the specific facts of this matter, that a penalty of $15,000 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 or Board regulations

6. There was no self-disclosure of the violations contained in the Complaint.

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 fifteen thousand dollars ($15,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

The parties to this Stipulation recognize and acknowledge that such payment can only be made from appropriated funds legally available for such a purpose, and nothing in this Stipulation shall be interpreted or construed as a commitment or requirement that Respondent is obligated to pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any applicable provision of law.

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 and 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. Respondent shall pay the civil penalty of fifteen thousand dollars ($15,000) via electronic funds transfer, in accordance with instructions that the Complainant shall provide to the Respondent after the Board's acceptance of this Stipulation in a written Order and Opinion, to the Environmental Protection Trust Fund ("EPTF"). The payment transfer shall reference the case name and case number.

D. Future Compliance

1. Immediately upon the Board's approval of this Stipulation, Respondent shall commit to timely submission of future Annual Emissions Reports to the Illinois EPA in

compliance with the terms and conditions of Lifetime Operating Permit 78040057 and applicable regulations.

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

F. Release from Liability

In consideration of Respondent's payment of the fifteen thousand dollars ($15,000.00) penalty, its commitment to cease and desist as contained in Section V.D.4 above, 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 and Board and Illinois EPA 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 November 6, 2026. 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.

G. Enforcement 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.

H. 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

KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

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

DATE: 10/30/26

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

JAMES JENNINGS, Director
Illinois Environmental Protection Agency

BY: _____
~~ANDREW ARMSTRONG~~
~~Chief Legal Counsel~~
ANWAR JOHNSON
Acting Chief Legal
Counsel

DATE: 10/30/2026

UNITED STATES GENERAL
SERVICES ADMINISTRATION

BY (print): COURTNEY HATCHEL

ITS: ASSISTANT COMMISSIONER (ACTING) OFFICE OF FACILITIES MANAGEMENT

SIGNATURE: _____

DATE: 10/16/2026