

SERVICE LIST

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Illinois Pollution Control Board
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(by electronic filing)

Sterigenics U.S., LLC
c/o Byron F. Taylor
SIDLEY AUSTIN LLP
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(via email)

DuPage County State's Attorney
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DuPage County State's Attorney Office
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(via email)

CERTIFICATE OF SERVICE

I, Kathryn A. Pamenter, a Senior Assistant Attorney General, certify that I have caused to be served on the date of October 12, 2022, 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 filing or email, as indicated.

/s/ Kathryn A. Pamenter

Kathryn A. Pamenter

Senior Assistant Attorney General

Environmental Bureau

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois, and)	
by ROBERT BERLIN, State’s Attorney)	
for DuPage County, Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 23-
)	(Enforcement – Land)
)	
STERIGENICS U.S., LLC,)	
a Delaware limited liability company,)	
)	
Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), on his own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, and by ROBERT BERLIN, State’s Attorney of DuPage County, Illinois, on his own motion, complains of Respondent, STERIGENICS U.S., LLC, a Delaware limited liability company, as follows:

COUNT I

WATER POLLUTION

1. This Complaint is brought on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”), and by Robert Berlin, State’s Attorney of DuPage County, on his own motion, against Sterigenics U.S., LLC, a Delaware limited liability company (“Respondent”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

2. The Illinois EPA is an administrative agency of the State of Illinois, established by Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent has been and is a Delaware limited liability company, duly authorized to transact business in the State of Illinois.

4. At all times relevant to this Complaint, Respondent conducted commercial sterilization operations at 7775 South Quincy Street, Willowbrook, DuPage County, Illinois (the “Facility”).

5. The Facility was located within an industrial/commercial development.

6. Additional industrial/commercial buildings are located immediately north, south, and east of the Facility.

7. At all times relevant to this Complaint, Respondent operated at least fourteen commercial sterilization chambers at the Facility.

8. Each commercial sterilization chamber was steam-heated and contained a recirculating vacuum pump chamber evacuation system, a backvent valve and a fugitive emissions exhaust hood.

9. During the sterilization process, Respondent placed medical equipment and other products (together, “Products”) into individual chambers, and ethylene oxide (“EtO”) was introduced. During this process, the chambers were sealed. After a certain residence time, Respondent evacuated EtO from the chambers.

10. Upon completion of a sterilization cycle, EtO and other gases evacuated from the chambers were pumped to a Chemrox DEOXX packed tower chemical scrubber (“Acid Water Scrubber #1”). Products were then removed from the commercial sterilization chamber and placed

in one of the three aeration rooms at the Facility, where EtO continued to volatilize, or off-gas, from the sterilized Products. Emissions from the aeration rooms at the Facility were captured and treated by a two-stage Advanced Air Technologies Safe Cell emission-control system (“Acid Water Scrubber #2”) and dry bed reactor.

11. Once inside Acid Water Scrubber #1 and Acid Water Scrubber #2 (“Scrubber System”), EtO was converted into a mixture of water, ethylene glycol, and sulfuric acid (“Scrubber Solution”). The resulting Scrubber Solution was transferred between the Scrubber System and two 11,850-gallon tanks through a system of pumps and piping. Respondent periodically sent the Scrubber Solution off-site for disposal.

12. The two tanks containing Scrubber Solution were inside a secondary containment area (“SCA”) located inside the Facility.

13. On or about August 23, 2018, Respondent discovered a crack in a flange from a test port pipe, which it used to analyze Scrubber Solution in the tanks. The flange was located directly above the SCA. The crack caused Scrubber Solution to leak and accumulate in the SCA.

14. A sump pit pump within the SCA started to collect the leaking Scrubber Solution. The sump pit pump subsequently failed, allowing approximately 1,700 gallons of Scrubber Solution to accumulate in the SCA.

15. On or about August 28, 2018, Respondent’s workers discovered a section of distressed grass outside the Facility at the northeast corner of the exterior wall. Further review showed the SCA had an area where protective coating was not completely applied.

16. On September 1, 2018, the Village of Willowbrook Building Department reported to the Illinois Emergency Management Agency a release of seven to twenty-seven (7-27) gallons

of Scrubber Solution (63 to 243 pounds) from the Facility. It was assigned incident number H-2020-0819.

17. On September 5, 2018, Illinois EPA inspected the Facility. Respondent confirmed that Scrubber Solution had migrated from the SCA outside through an exterior wall resulting in dead grass at the northeast corner of the building.

18. Approximately 40% of the Scrubber Solution was ethylene glycol. Ethylene glycol is an industrial chemical that is harmful to humans if swallowed. Ingestion of large quantities of ethylene glycol may lead to coma and/or kidney damage.

19. Section 12(a) of the Act, 415 ILCS 5/12(a) (2020), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

20. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides as follows:

“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. 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).

22. Section 3.165 of the Act, 415 ILCS 5/3.165 (2020), provides as follows:

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

23. Scrubber Solution is a “contaminant”, as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2020).

24. Section 3.550 of the Act, 415 ILCS 5/3.550 (2020), provides as follows:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

25. The groundwater at and beneath the Facility constitutes “waters” of the State, as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2020).

26. Section 3.545 of the Act, 415 ILCS 5/3.545 (2020), provides as follows:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

27. Respondent’s discharge of the Scrubber Solution, a contaminant, into the soils beneath the Facility, is likely to render the groundwater at and beneath the Facility harmful or detrimental or injurious to public health, safety or welfare, or commercial, industrial, or other legitimate uses. Respondent’s discharge of the Scrubber Solution at and near the Facility thereby constitutes “water pollution”, as that term is defined in Section 3.545 of the Act, 415 ILCS 5/3.545 (2020).

28. By causing, threatening or allowing the discharge of the Scrubber Solution, a contaminant likely to be harmful and injurious to public health, into the environment so as to cause water pollution, Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Illinois Pollution Control Board (“Board”) enter an Order against Respondent, Sterigenics U.S., LLC, 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 violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
3. Ordering Respondent to cease and desist from any future violations of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT II

CREATING A WATER POLLUTION HAZARD

1-26. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 18 and 20 through 27 of Count I as paragraphs 1 through 26 of this Count II.

27. Section 12(d) of the Act, 415 ILCS 5/12(d) (2020), provides as follows:

No person shall:

* * *

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

28. By allowing Scrubber Solution to be deposited onto the ground at the Facility, thereby threatening the groundwater beneath the Facility, Respondent created a water pollution hazard in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, Sterigenics U.S., LLC, with respect to Count II:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);
3. Ordering Respondent to cease and desist from any future violations of Section 12(d) of the Act, 415 ILCS 5/12(d) (2020);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT III

OPEN DUMPING OF WASTE

1-20. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 18 and 20 through 21 of Count I as paragraphs 1 through 20 of this Count III.

21. Section 21(a) of the Act, 415 ILCS 5/21(a) (2020), provides as follows:

No person shall:

- (a) Cause or allow the open dumping of any waste.

22. Section 3.535 of the Act, 415 ILCS 5/3.535 (2020), provides, in pertinent part, as follows:

“Waste” means any garbage . . . or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities

23. Section 3.385 of the Act, 415 ILCS 5/3.385 (2020), provides as follows:

“Refuse” means waste.

24. Respondent discarded the Scrubber Solution described in paragraphs 11 and 18 of Count I, which therefore is “waste”, as that term is defined in Section 3.535 of the Act, 415 ILCS 5/3.535 (2020), and “refuse”, as that term is defined in Section 3.385 of the Act, 415 ILCS 5/3.385 (2020).

25. Section 3.185 of the Act, 415 ILCS 5/3.185 (2020), provides as follows:

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

26. Section 3.460 of the Act, 415 ILCS 5/3.460 (2020), provides as follows:

“Site” means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.

27. Respondent caused and/or allowed the discharge, deposit, spilling, leaking and/or placing of waste on the land at the Facility that migrated into the subsurface soils and at least threatened to enter the groundwater, which thereby constituted “disposal”, as that term is defined in Section 3.185 of the Act, 415 ILCS 5/3.185 (2020).

28. The Facility is a “site”, as that term is defined in Section 3.460 of the Act, 415 ILCS 5/3.460 (2020).

29. The Facility is therefore a “disposal site”, as defined in Sections 3.185 and 3.460 of the Act, 415 ILCS 5/3.185 and 3.460 (2020).

30. Section 3.305 of the Act, 415 ILCS 5/3.305 (2020), provides as follows:

“Open dumping” means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

31. Section 3.445 of the Act, 415 ILCS 5/3.445 (2020), provides, in pertinent part, as follows:

“Sanitary landfill” means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580...

32. At all times relevant to this Complaint, the Facility was not permitted by the Illinois EPA for the disposal of waste on land, and thus did not fulfill the requirements of a sanitary landfill as defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2020).

33. By causing and/or allowing the discharge, deposit, spilling, leaking and/or placing of waste on the land at the Facility, which was controlled by Respondent and was not permitted by the Illinois EPA for the disposal of waste, Respondent caused or allowed the open dumping of waste and thereby violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, Sterigenics U.S., LLC, with respect to Count III:

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

2. Finding that Respondent violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2020);

3. Ordering Respondent to cease and desist from any future violations of Section 21(a) of the Act, 415 ILCS 5/21(a) (2020);

4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

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

COUNT IV

WASTE DISPOSAL AT AN UNPERMITTED SITE

1-28. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 18 and 20 through 21 of Count I and paragraphs 22 through 29 of Count III as paragraphs 1 through 28 of this Count IV.

29. Section 21(e) of the Act, 415 ILCS 5/21(e) (2020), provides, in pertinent part, as follows:

No person shall:

* * *

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

30. At all times relevant to this Complaint, the Facility was not permitted for waste disposal by the Illinois EPA.

31. At all times relevant to this Complaint, Respondent disposed and abandoned waste at the Facility that was not permitted for waste disposal by the Illinois EPA, and therefore did not

meet the requirements of the Act. Respondent thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, Sterigenics U.S., LLC, with respect to Count IV:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2020);
3. Ordering Respondent to cease and desist from any future violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2020);
4. Assessing against Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

6. Granting such other 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

PEOPLE OF THE STATE OF ILLINOIS
by ROBERT B. BERLIN, State's Attorney
for DuPage County, Illinois

BY: Lisa A. Smith
LISA A. SMITH
Chief, Civil Bureau
DuPage County State's Attorney's Office

Of Counsel:

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the Act, 415 ILCS 5/21(e) (2020).

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

3. The 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) (2020).

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) (2020).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
KWAME RAOUL
Attorney General, State of Illinois

BY: /s/ Kathryn A. Pamenter
Kathryn A. Pamenter
Senior Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(773) 590-7824
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ROBERT BERLIN
State's Attorney for DuPage County

BY: Lisa A Smith
LISA A. SMITH, Chief
DuPage County State's Attorneys' Office
Chief, Civil Bureau
DuPage County State's Attorney's Office
503 N. County Farm Road
Wheaton, Illinois 60187
lisa.smith@dupageco.org

I. STATEMENT OF FACTS

A. Parties

1. On October 12, 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, and by Robert Berlin, State's Attorney of DuPage County, on his own motion, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2020), 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 (2020).

3. At all times relevant to this Complaint, Respondent has been and is a Delaware limited liability company, duly authorized to transact business in the State of Illinois.

4. At all times relevant to this Complaint, Respondent conducted commercial sterilization operations at 7775 South Quincy Street, Willowbrook, DuPage County, Illinois (the "Facility").

5. On September 1, 2018, the Village of Willowbrook Building Department reported to the Illinois Emergency Management Agency a release of seven to twenty-seven (7-27) gallons of a mixture of water, ethylene glycol, and sulfuric acid ("Scrubber Solution") (63 to 243 pounds) from the Facility. It was assigned incident number H-2020-0819.

B. Allegations of Non-Compliance

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

- Count I: Causing, threatening, or allowing water pollution in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2020).
- Count II: Creating a water pollution hazard in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2020).
- Count III: Causing or allowing open dumping of waste in violation of Section 21(a) of the Act, 415 ILCS 5/21(a) (2020).

Count IV: Disposing of waste at a facility that was not permitted for waste disposal by the Illinois EPA in violation of Section 21(e) of the Act, 415 ILCS 5/21(e) (2020).

C. Non-Admission of Violations

Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

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 (2020).

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 state the following:

1. Complainant contends that human health and the environment were threatened by Respondent's alleged violations.
2. There was social and economic benefit to the Facility.
3. As of November 4, 2020, the Facility's buildings were vacant, and no business was being conducted. As such, this factor is not applicable.
4. Eliminating the discharges from the Facility at issue in this case was both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and obtained a No Further Remediation letter dated May 20, 2022, from Illinois EPA.

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 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 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 Respondent and to otherwise aid in enhancing voluntary compliance with this Act by 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 Respondent;
6. whether Respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether 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 Respondent is not otherwise legally required to perform; and
8. whether 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:

1. Complainant contends that Respondent discharged seven to twenty-seven (7-27) gallons of Scrubber Solution (63 to 243 pounds), a contaminant, into the soils beneath the Facility, thereby violating the Act, and the violations occurred in or about August 2018. Respondent contends that the quantity of ethylene glycol released to soil was less than a reportable quantity, and therefore, no reporting requirements were violated. The Parties to the Stipulation state that Respondent conducted soil and groundwater remediation activities and obtained a No Further Remediation letter from the Illinois EPA on May 20, 2022.

2. Complainant states that Respondent was diligent in attempting to come back into compliance with the Act. Respondent states that it voluntarily entered the Facility into Illinois EPA’s Site Remediation Program.

3. Complainant states that 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 Sixty-Five Thousand Dollars (\$65,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act.

5. Respondent was the subject of a September 18, 2015 consent order in *People v. Sterigenics U.S., LLC*, 2015-CH-651 (DuPage County Circuit Court). The case addressed an October 7, 2013 release of ethylene glycol into both on- and off-site soil and groundwater. The case also concerned an October 21, 2013 uncontrolled release of approximately 12 pounds of ethylene oxide gas to the atmosphere. Sterigenics obtained No Further Remediation Letters for the on-and off-site impacts of the ethylene glycol and was ordered to comply with the terms and conditions of its Clean Air Act Permit Program. Permit. A \$50,000.00 penalty was assessed.

In addition, on October 30, 2018, a Complaint was filed in DuPage County Circuit Court (Case No. 2018CH1329), alleging air pollution related to the Defendant's emissions of ethylene oxide, a known human carcinogen. On September 6, 2019, the Court entered a Consent Order which set forth specific requirements for its ethylene oxide operations, and provided for Respondent's completion of a beneficial project in the amount of \$300,000.00.

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 Sixty-Five Thousand Dollars

(\$65,000.00) 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, the 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.

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:

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

Lisa A. Smith
Chief, Civil Bureau
DuPage County State's Attorney's Office
503 N. County Farm Road
Wheaton, Illinois 60187

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.

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 \$65,000.00 penalty, and its commitment to cease and desist as contained in Section V.D.2 above, and upon the Board's approval of this Stipulation, the 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 the Complainant's Complaint filed on October 12, 2022. The 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 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.

[Remainder of Page Blank; Text Continues on Page 10]

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: 8/26/22

DATE: 8/26/22

ROBERT BERLIN
State's Attorney for DuPage County

BY: _____
LISA A. SMITH, Chief
DuPage County State's Attorneys'
Office

RESPONDENT

STERIGENICS U.S., LLC

BY: _____

DATE: _____

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ROBERT BERLIN
State's Attorney for DuPage County

BY: *Lisa A. Smith*
LISA A. SMITH, Chief
DuPage County State's Attorneys'
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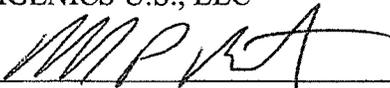
DATE: _____

ROBERT BERLIN
State's Attorney for DuPage County

BY: _____
LISA A. SMITH, Chief
DuPage County State's Attorneys'
Office

RESPONDENT

STERIGENICS U.S., LLC

BY: 
Michael Rutz, President, Sterigenics

DATE: 30-AUG-2022