

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

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

Plaintiff,)

v.)

KOPPERS, INC., a Pennsylvania)
corporation, and KOPPERS)
CARBON MATERIALS LLC,)
a Pennsylvania limited liability company,)

Defendants.)

No. 2026CH05802

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6/17/2026 8:34 AM
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COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* 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”), complains of Defendants, KOPPERS, INC., a Pennsylvania corporation (“Koppers”), and KOPPERS CARBON MATERIALS LLC, a Pennsylvania limited liability company (“KCM”), as follows:

COUNT I

FAILURE TO OPERATE THERMAL OXIDIZER AT REQUIRED TIMES AND TEMPERATURE AND TO ACHIEVE REQUIRED DESTRUCTION EFFICIENCY AT NAPHTHALENE DISTILLATION PLANT BY KOPPERS

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, the Attorney General of the State of Illinois, on his own motion and at the request of Illinois EPA, against KOPPERS, INC., a Pennsylvania corporation, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2024).

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2. 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, Koppers was and is a Pennsylvania corporation authorized to transact business in the State of Illinois and registered with the Illinois Secretary of State's Office as a foreign corporation in good standing.

4. From at least July 14, 2000 to December 31, 2024, Koppers owned and operated a facility located at 3900 South Laramie Avenue, Cicero, Cook County, Illinois ("Facility") that produces chemical oil, coal tar distillates, creosotes, coal tar pitches, and phthalic anhydrides.

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

6. On January 1, 2025, Koppers transferred ownership and operation of the Facility to KCM, a direct, wholly owned subsidiary of Koppers.

7. At all times relevant to this Complaint, KCM was and is a Pennsylvania limited liability company in good standing and authorized to do business in the State of Illinois.

8. From January 1, 2025 to the date of filing of this Complaint, KCM owned and operated and owns and operates the Facility.

9. Phthalic anhydride is a chemical compound that is used as an intermediate in the production of plastics, solvents, and various resins.

10. Naphthalene is a hydrocarbon in the form of crystals usually obtained from coal tar and used in chemical manufacturing, mothballs, and insect repellents.

11. At all times relevant to this Complaint, Koppers has operated and KCM operates emission units at the Facility, including among others:

- (a) four phthalic anhydride reactor trains controlled by a regenerative thermal oxidizer (“TO”) and scrubber system;
- (b) five pitch tanks controlled by a TO;
- (c) naphthalene distillation plant controlled by a TO;
- (d) tar distillation plant controlled by a TO;
- and (e) storage vessels controlled by a TO.

12. A phthalic anhydride reactor train combines either o-xylene or naphthalene with a catalyst to create crude phthalic anhydride.

13. A pitch tank is a container that holds the tar pitch.

14. The naphthalene distillation plant produces naphthalene from refined chemical oil transferred from the facility’s tar distillation plant, where the chemical oil and other refined products are produced from crude tar.

15. Storage vessels at the Facility hold various chemicals from the naphthalene distillation plant and tar plant.

16. Emissions from each emission unit at the Facility flow through a process vent prior to entering a control device, and subsequently, flow into the environment.

17. Operations at the Facility emit or are capable of emitting carbon monoxide (“CO”), nitrogen oxide (“NOx”), particulate matter (“PM”), sulfur dioxide (“SO2”), volatile organic material (“VOM”), and benzene, xylenes, toluene, naphthalene, phenol, styrene, ethylbenzene, cresols, quinoline, biphenyl, dibenzofurans, and polycyclic aromatic hydrocarbons (“PAHs”), which are (collectively hazardous air pollutants (“HAPs”).

18. 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.

19. Koppers, a corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2024).

20. KCM, a limited liability company, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2024).

21. 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.

22. CO, NO_x, PM, SO₂, VOM, and HAPs are each a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

23. The emission of VOM into the atmosphere, when combined with NO_x, heat, and sunlight creates a chemical reaction that generates ground-level ozone, which is harmful to human health and the environment.

24. On July 14, 2000, Illinois EPA issued Clean Air Act Permit Program (“CAAPP”) Permit No. 96030134 to Koppers (the “Operating Permit”).

25. In January 2025, Koppers transferred its Operating Permit to KCM.

26. On November 5, 2013, Illinois EPA issued Construction Permit No. 11100041 to Koppers for a new tube heater for tar distillation system #2.

27. On March 14, 2019, Illinois EPA issued revised Construction Permit No. 14100012 to Koppers for construction at the naphthalene distillation plant, including new emission units, control equipment, and other ancillary operations at the Facility.

28. Construction Permit No. 14100012 includes conditions governing the operation of the TO controlling the emissions from the Facility’s process vents (“Process vent TO”).

29. 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.

30. Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), provides as follows:

No person shall:

* * *

- (b) Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations, (1) without a permit granted by the Agency unless otherwise exempt by this Act or Board regulations or (2) in violation of any conditions imposed by such permit.

31. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), provides as follows:

(d) No person shall:

- (1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto....

32. Section 112(d)(1) of the Clean Air Act, 42 U.S.C. § 7412(d)(1), provides in pertinent part as follows:

The Administrator shall promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants listed for regulation.

33. Pursuant to Section 112(d)(1) of the Clean Air Act, the United States Environmental Protection Agency (“USEPA”) promulgated National Emission Standards for

Hazardous Air Pollutants (“NESHAP”) for Source Categories, which are found in Chapter 40, Part 63 of the Code of Federal Regulations (“C.F.R.”), 40 C.F.R. Part 63. Illinois EPA administers NESHAP for subject sources in Illinois pursuant to a delegation agreement with the USEPA.

34. Subpart G of Title 40, Part 63 of the C.F.R. was adopted pursuant to Section 112 of the Clean Air Act as part of the NESHAP regulations. Subpart G contains the NESHAP for the synthetic organic chemical manufacturing industry for process vents, storage vessels, transfer operations, and wastewater. The standards of 40 C.F.R. 63, Subpart G are enforceable in the State of Illinois pursuant to Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

35. Section 112(a) of the Clean Air Act, 42 U.S.C. § 7412(a), provides the following definitions:

Major source. The term “major source” means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The Administrator may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source than that specified in the previous sentence, on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

Stationary source. The term “stationary source” shall have the same meaning as such term has under section 7411(a) of this title.

Hazardous air pollutant. The term “hazardous air pollutant” means any air pollutant listed pursuant to subsection (b) of this section.

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

36. Section 111(a) of the Clean Air Act, 42 U.S.C. § 7411(a), provides the following definition:

The term “stationary source” means any building, structure, facility, or installation which emits or may emit any air pollutant. Nothing in subchapter II of this chapter

relating to nonroad engines shall be construed to apply to stationary internal combustion engines.

37. At all times relevant to the Complaint, the Facility has been and continues to be a building, structure, facility, or installation which emits or may emit air pollutants, and therefore was and continues to be a “stationary source,” as that term is defined by Sections 111(a) and 112(a) of the Clean Air Act, 42 U.S.C. §§ 7411(a) and 7412(a).

38. From at least July 14, 2000 to December 31, 2024, Koppers, who owned and operated the Facility, which is a stationary source, was the “owner or operator” as that term is defined by Section 112(a) of the Clean Air Act, 42 U.S.C. § 7412(a).

39. Section 112(b) of the Clean Air Act, 42 U.S.C. § 7412(b), lists benzene, xylenes, toluene, naphthalene, phenol, styrene, ethylbenzene, cresols, quinoline, biphenyl, dibenzofurans, and PAHs as HAPs.

40. At all times relevant to the Complaint, the Facility has emitted or has the potential to emit 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAPs, and is therefore a “major source” as that term is defined by Section 112(a) of the Clean Air Act, 42 U.S.C. § 7412(a).

41. Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), provides as follows:

- (a) The owner or operator of a Group 1 process vent as defined in this subpart shall comply with the requirements of paragraph (a)(1), (2), or (3) of this section. . .
- (2) Reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen, and compliance can be determined by measuring either organic hazardous air pollutants or total organic carbon using the procedures in §63.116 of this subpart.

42. Section 63.111 of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.111, provides the following definitions:

Group 1 process vent means a process vent for which the vent stream flow rate is greater than or equal to 0.005 standard cubic meter per minute, the total organic HAP concentration is greater than or equal to 50 parts per million by volume, and the total resource effectiveness index value, calculated according to § 63.115, is less than or equal to 1.0.

Organic hazardous air pollutant or organic HAP means any of the chemicals listed in table 2 of subpart F of this part.

43. The Facility's naphthalene distillation plant process vents each have a vent stream flow rate that is greater than or equal to 0.005 standard cubic meter per minute, a total organic HAP concentration that is greater than or equal to 50 parts per million by volume, and a total resource effectiveness index value, calculated according to § 63.115, is less than or equal to 1.0, and emit benzene, xylenes, toluene, naphthalene, phenol, styrene, ethylbenzene, cresols, and biphenyl.

44. Because the Facility's naphthalene distillation plant process vents each have a vent stream flow rate that is greater than or equal to 0.005 standard cubic meter per minute, a total organic HAP concentration that is greater than or equal to 50 parts per million by volume, and a total resource effectiveness index value, calculated according to § 63.115, is less than or equal to 1.0, and emit benzene, xylenes, toluene, naphthalene, phenol, styrene, ethylbenzene, cresols, and biphenyl, the process vents are each a "Group 1 process vent", as that term is defined in Section 63.111 of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.111.

45. Because the Facility's naphthalene distillation plant process vents emit benzene, xylenes, toluene, naphthalene, phenol, styrene, ethylbenzene, cresols, and biphenyl, they emit

“Organic hazardous air pollutants or organic HAPs” as that term is defined in Section 63.111 of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.111.

46. Condition 2.1.2-1(a) of Construction Permit No. 14100012 provides:

- (a) Each affected process vent is subject to the requirement of the NESHAP for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, 40 CFR 63 Subpart G. For the affected process vents, the emissions of total organic HAPs shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen, and compliance can be determined by measuring either organic HAPs or total organic carbon using the procedures in 40 CFR 63.116. [40 C.F.R. § 63.113(a)(2)]

47. Condition 2.1.4(a)(ii) and (iii) of Construction Permit No. 14100012 provides, in pertinent part, as follows:

- (ii) The oxidizer shall be operated to achieve a minimum of 98 percent destruction efficiency for organic material.
- (iii) During periods when an affected process vent is in operation, the combustion chamber temperature of the oxidizer shall be maintained above 1400°F or at a temperature that is consistent with the manufacturer’s recommended minimum operating temperature or, once testing has been conducted demonstrating compliance with applicable requirements, the minimum operating temperature during emission testing.

48. Section 218.301 of the Board Air Pollution Regulations, 35 Ill Adm. Code 218.301, provides the following:

No person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission unit, except as provided in Sections 218.302, 218.303, 218.304 of this Part and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material.

49. Condition 2.1.2-2(a) and (b) of Construction Permit No. 14100012 provides:

- (a) The affected process vents are subject to 35 IAC 218.301, which provides that no person shall cause or allow the discharge of more than 8 lbs/hr of organic material into the atmosphere from an emission source, unless emissions are controlled by at least 85 percent, as provided in 35 IAC 218.302, or the emissions do not qualify as photochemically reactive material, as defined by 35 IAC 211.4690 and do not contribute to an odor nuisance.
- (b) The affected process vents are subject to 35 IAC 218.986(a), which requires that every owner or operator of emission units that are subject to 35 IAC 218 Subpart TT, Other Emission Units, other than a cooling tower or leaking components, shall control VOM emissions of each such emission unit using emission capture and control techniques that achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent.

50. Pursuant to Condition 2.1.4(a)(iii) of Construction Permit No. 14100012, the naphthalene distillation plant's Process Vent TO must be operated at or above 1436 °F, the minimum operating temperature in which compliance was demonstrated in its most recent compliance test, to achieve 98% reduction of total organic HAPS from the emissions unit.

51. On June 3, 2020 and August 26, 2020, Koppers submitted compliance reports demonstrating the following instances from October 10, 2019 to March 6, 2020, where it failed to operate the naphthalene distillation plant's Process Vent TO at or above the required minimum operating temperature of 1436 °F:

Date	Temperature (°F)
10/10/2019	1419 °F
10/21/2019	1396 °F
11/03/2019	1425 °F
11/07/2019	1326 °F
11/09/2019	1422 °F
11/23/2019	1108 °F
11/24/2019	1116 °F
11/25/2019	1303 °F

11/26/2019	1126 °F
11/27/2019	1323 °F
12/02/2019	1371 °F
12/11/2019	1416 °F
12/13/2019	1170 °F
1/02/2020	1299 °F
1/03/2020	1422 °F
1/07/2020	1429 °F
1/11/2020	1047 °F
1/23/2020	1243 °F
2/06/2020	1382 °F
2/08/2020	1305 °F
2/10/2020	1418 °F
2/14/2020	1413 °F
3/06/2020	1405 °F

52. Beginning on October 10, 2019 and continuing until at least March 6, 2020, or on a date or dates better known to Koppers, Koppers operated its Process Vent TO below the required minimum operating temperature of 1436°F, and thereby failed to reduce total organic HAPS from process vents in the naphthalene plant by 98 weight-percent, as required by Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2).

53. By failing to reduce total organic HAPS from process vents in the naphthalene plant by 98 weight-percent while operating its Process Vent TO below the required minimum operating temperature of 1436 °F, Koppers violated Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), and thereby also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

54. On September 29, 2020, Koppers submitted a deviation report to Illinois EPA demonstrating that Koppers failed to operate the naphthalene distillation plant's Process Vent TO for a period of 7 hours and 27 minutes on September 2, 2020 and 9 hours 30 minutes on September 3, 2020.

55. On September 2 and 3, 2020, by failing to operate the Process Vent TO at the naphthalene distillation plant during all periods when the process was in operation and failing to achieve the required 98% destruction efficiency for organic material, Koppers therefore caused or allowed the emission of VOM in excess of 8 lbs/hour.

56. By failing to operate the Process Vent TO at the naphthalene distillation plant during all periods on September 2 and 3, 2020, when the process was in operation and by failing to achieve the required 98% destruction efficiency for organic material, Koppers violated Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), and thereby also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

57. By failing to operate the Process Vent TO at the naphthalene distillation plant during all periods on September 2 and 3, 2020, when the process was in operation and by failing to achieve the required 98% destruction efficiency for organic material, Koppers violated Conditions 2.1.2-1(a) and 2.1.4(a)(ii) and (iii) of Construction Permit No. 14100012, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

58. The naphthalene distillation plant at the Facility is capable of causing or contributing to "air pollution" as that term is defined by Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), because it emits or is capable of emitting VOM, into the atmosphere in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

59. By causing or allowing the emission of VOM in excess of 8 lbs/hr as a result of the Koppers' failure to operate the Process Vent TO at the naphthalene distillation plant during all periods on September 2 and 3, 2020, Koppers violated Condition 2.1.2-2(a) and (b) of Construction Permit No. 14100012, and thereby also violated Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301 and Section 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024).

60. Condition 2.1.4(a)(v) of Construction Permit No. 14100012 provides, in pertinent part, as follows:

The Permittee shall operate and maintain the oxidizer in accordance with written procedures developed and maintained by the Permittee. These procedures shall provide for good air pollution control practices to minimize emissions and shall include the Permittee's standard operating procedures for startup, normal operation, and shutdown of the emission units venting to the oxidizer.

61. On September 2, 2020 and September 3, 2020, by failing to operate the TO at the naphthalene distillation plant at the Facility, Koppers failed to operate its TO in accordance with good air pollution control practices to minimize emissions.

62. By failing to operate its naphthalene distillation plant Process Vent TO in accordance with good air pollution control practices to minimize emissions at the Facility, Koppers violated Condition 2.1.4(a)(v) of Construction Permit No. 14100012, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

63. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count I:

1. Finding that Koppers has violated Sections 9(a), 9(b), and 9.1(d)(1) of the Act, 415 ILCS 5/9(a), 9(b), and 9.1(d)(1) (2024), Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Conditions 2.1.2-1(a), 2.1.2-2(a) and (b), 2.1.4(a)(ii) and (iii), and 2.1.4(a)(v) of Construction Permit No. 14100012;

2. Enjoining Koppers from any further violations of Sections 9(a), 9(b), and 9.1(d)(1) of the Act, 415 ILCS 5/9(a), 9(b), and 9.1(d)(1) (2024), Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Conditions 2.1.2-1(a), 2.1.2-2(a) and (b), 2.1.4(a)(ii) and (iii), and 2.1.4(a)(v) of Construction Permit No. 14100012;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Sections 9(a), 9(b), and 9.1(d)(1) of the Act, 415 ILCS 5/9(a), 9(b), and 9.1(d)(1) (2024), Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Conditions 2.1.2-1(a), 2.1.2-2(a) and (b), 2.1.4(a)(ii) and (iii), and 2.1.4(a)(v) of Construction Permit No. 14100012;

4. Assessing against Koppers, 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 and every violation of Sections 9(a), 9(b), and 9.1(d)(1) of the Act, 415 ILCS 5/9(a), 9(b), and 9.1(d)(1) (2024), Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), Section 218.301

of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Conditions 2.1.2-1(a), 2.1.2-2(a) and (b), 2.1.4(a)(ii) and (iii), and 2.1.4(a)(v) of Construction Permit No. 14100012, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT II

FAILURE TO COMPLY WITH EMISSION LIMITATIONS FOR PITCH TANKS BY KOPPERS

1-33. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 22 and 30 through 40 of Count I, as paragraphs 1 through 33 of this Count II.

34. On April 1, 2008, Illinois EPA issued Construction Permit No. 0804005 to Koppers for the construction of a thermal oxidizer to control emissions from the existing pitch tanks (“Pitch Tank TO”) and other equipment served by fume system #5.

35. The pitch tanks at the Facility emit into the atmosphere HAPs and VOM, which are each a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

36. Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), provides the following definition:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

37. The pitch tanks at the Facility are capable of causing or contributing to “air pollution” as that term is defined by Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), because

they emit or are capable of emitting HAPs and VOM, into the atmosphere in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

38. Condition 8 of Construction Permit No. 08040005 provides:

The Permittee shall conduct timely performance tests for the thermal oxidizer to demonstrate compliance with 40 CFR 63, Subpart FFFF. This testing shall be conducted using the applicable methods and procedures specified by 40 CFR 63, subparts A and FFFF.

39. Pursuant to Condition 8 of Construction Permit No. 08040005, on April 28, 2009 and April 29, 2009, Koppers conducted stack testing at the Facility, which demonstrated that the Pitch Tank TO was to be operated at or above a minimal operating temperature of 1400 °F, to achieve compliance with applicable requirements, including 98% destruction efficiency for VOM.

40. On February 27, 2020, Koppers submitted a semi-annual compliance report pursuant to 40 C.F.R. 63, Subpart FFFF to Illinois EPA. The report demonstrated that the Pitch Tank TO malfunctioned and as a result, was operated below the required minimum operating temperature of 1400 °F on July 1, 2019, July 3, 2019, August 18, 2019, August 22, 2019, September 24, 2019, September 29, 2019, September 30, 2019, October 12, 2019, October 13, 2019, October 16, 2019, October 31, 2019, November 1, 2019, November 5, 2019, December 4, 2019, December 17, 2019, and December 19, 2019.

41. On March 1, 2021, Koppers submitted a semi-annual compliance report pursuant to 40 C.F.R. 63, Subpart FFFF to Illinois EPA. The report demonstrated that the Pitch Tank TO malfunctioned, and as a result, was operated below the required minimum operating temperature of 1400 °F on July 14, 2020, August 18, 2020, October 6, 2020, October 12, 2020, October 13, 2020, November 10, 2020, and November 15, 2020.

42. On February 28, 2022, Koppers submitted a semi-annual compliance report pursuant to 40 C.F.R. 63, Subpart FFFF to Illinois EPA. The report demonstrated that the Pitch Tank TO malfunctioned, and as a result, was operated below the required minimum operating temperature of 1400 °F on July 27, 2021, August 17, 2021, August 24, 2021, August 25, 2021, September 5, 2021, November 3, 2021, and November 12, 2021.

43. On February 28, 2023, Koppers submitted a semi-annual compliance report pursuant to 40 C.F.R. 63, Subpart FFFF to Illinois EPA. The report demonstrated that the Pitch Tank TO malfunctioned, and as a result, was operated below the required minimum operating temperature of 1400 °F on the following dates:

Date	Start Time	End Time	Duration (Hr)
7/17/2022	8:00 a.m.	11:30 a.m.	3.50
8/04/2022	12:00 a.m.	1:45 a.m.	4.50
8/11/2022	12:15 a.m.	8:45 a.m.	8.50
8/13/2022	12:00 a.m.	9:45 a.m.	9.75
8/29/2022	8:15 a.m.	7:15 p.m.	3.00
10/07/2022	9:30 a.m.	4:30 p.m.	3.75
10/27/2022	8:45 a.m.	11:00 a.m.	2.25

44. On August 30, 2023, Koppers submitted its semi-annual compliance report pursuant to 40 C.F.R. 63, Subpart FFFF to Illinois EPA. The report demonstrated that the Pitch Tank TO malfunctioned, and as a result, was operated below the required minimum operating temperature of 1400 °F on the following dates:

Date	Start Time	End Time	Duration (Hr)
1/10/2023	2:12 p.m.	3:39 p.m.	1.5
1/20/2023	12:49 p.m.	3:56 p.m.	3.1
1/20/2023	4:04 p.m.	4:06 p.m.	0.0
1/20/2023	4:10 p.m.	4:11 p.m.	0.0
1/20/2023	4:12 p.m.	4:13 p.m.	0.0
2/01/2023	9:29 a.m.	11:33 a.m.	2.1
3/01/2023	8:15 a.m.	8:56 a.m.	0.7
3/01/2023	3:24 p.m.	5:14 p.m.	1.8

3/02/2023	9:12 a.m.	10:37 a.m.	1.4
3/13/2023	11:55 a.m.	1:51 p.m.	1.9
3/25/2023	7:27 a.m.	9:34 a.m.	2.1
3/27/2023	5:51 p.m.	7:02 p.m.	1.2
5/03/2023	9:47 a.m.	11:04 a.m.	1.3
5/03/2023	11:08 a.m.	6:19 p.m.	5.2
5/03/2023	4:32 p.m.	5:21 p.m.	0.8
5/03/2023	5:30 p.m.	7:10 p.m.	1.7
5/08/2023	9:28 a.m.	10:03 a.m.	0.6
5/08/2023	6:56 a.m.	8:17 a.m.	1.4
6/19/2023	7:06 p.m.	7:37 p.m.	0.5

45. On May 22, 2024, Koppers submitted a deviation report to Illinois EPA, including the following instances on May 1, 2024 and May 8, 2024 where Koppers failed to operate the Pitch Tank TO, and as a result, operated the Pitch Tank TO under the required minimum operating temperature of 1400 °F:

Date	Start Time	End Time	Duration (Mins)
5/01/2024	1:35 p.m.	1:37 p.m.	2
5/08/2024	7:41 a.m.	7:44 a.m.	3

46. On June 3, 2024, Koppers submitted to Illinois EPA its periodic report, demonstrating the following instances between November 4, 2023 and December 24, 2023 where Defendant failed to operate the Pitch Tank TO, and as a result, operated the Pitch Tank TO under the required minimum operating temperature of 1400 °F:

Date	Duration (Mins)
11/04/2023	28
11/04/2023	19
11/05/2023	69
11/07/2023	229
11/08/2023	6
11/09/2023	2
11/10/2023	4
11/10/2023	4
11/10/2023	5
11/11/2023	2

11/13/2023	2
11/13/2023	12
11/13/2023	3
11/14/2023	4
11/16/2023	31
11/16/2023	2
11/17/2023	15
11/22/2023	10
11/30/2023	3
12/24/2023	84

47. On August 8, 2024, Koppers submitted a deviation report to Illinois EPA, including the following instances on July 16, 2024 where Koppers failed to operate the Pitch Tank TO, and as a result, operated the Pitch Tank TO under the required minimum operating temperature of 1400 °F:

Date	Start Time	End Time	Duration (Mins)
7/16/2024	1:50 p.m.	1:51 p.m.	1
7/16/2024	7:30 a.m.	9:23 a.m.	113

48. On August 22, 2024, Koppers submitted a semi-annual compliance report to Illinois EPA, including the following instances between February 28, 2024 and March 30, 2024, where Koppers failed to operate the Pitch Tank TO, and as a result, operated the Pitch Tank TO under the required minimum operating temperature of 1400 °F:

Date	Start Time	End Time	Duration (Mins)
2/28/2024	7:10 a.m.	7:27 a.m.	17
3/30/2024	2:49 a.m.	3:28 a.m.	39

49. On September 10, 2024, Koppers submitted a deviation report to Illinois EPA, including the following instances between August 12, 2024 and September 3, 2024 where Koppers failed to operate the Pitch Tank TO, and as a result, operated the Pitch Tank TO under the required minimum operating temperature of 1400 °F:

Date	Start Time	End Time	Duration (Mins)
8/12/2024	5:19 a.m.	5:26 a.m.	7.60
8/12/2024	12:32 p.m.	12:33 p.m.	1
8/12/2024	12:39 p.m.	12:40 p.m.	0.67
8/12/2024	12:44 p.m.	12:44 p.m.	0.65
8/23/2024	5:14 a.m.	5:14 a.m.	0.67
8/24/2024	4:24 p.m.	4:26 p.m.	1.63
8/24/2024	10:19 p.m.	10:21 p.m.	2.47
9/01/2024	7:24 p.m.	7:25 p.m.	1
9/03/2024	12:27 p.m.	12:30 p.m.	3

50. On October 8, 2024, Koppers submitted a deviation report to Illinois EPA, including the following instances between September 13, 2024 and September 26, 2024 where Koppers failed to operate the Pitch Tank TO, and as a result, operated the Pitch Tank TO under the required minimum operating temperature of 1400 °F:

Date	Start Time	End Time	Duration (Mins)
9/13/2024	7:27 a.m.	7:28 a.m.	1
9/13/2024	11:36 a.m.	11:38 a.m.	2
9/19/2024	3:18 a.m.	3:19 a.m.	1
9/25/2024	10:25 a.m.	10:29 a.m.	4
9/26/2024	2:39 a.m.	2:41 a.m.	2
9/26/2024	7:48 p.m.	7:49 p.m.	1

51. On November 4, 2024, Koppers submitted a deviation report to Illinois EPA, including the following instances between October 7, 2024 and October 15, 2024, where Koppers failed to operate the Pitch Tank TO, and as a result, operated the Pitch Tank TO under the required minimum operating temperature of 1400 °F:

Date	Start Time	End Time	Duration (Mins)
10/7/2024	10:28 p.m.	10:29 p.m.	1
10/8/2024	2:55 a.m.	2:56 a.m.	1
10/10/2024	9:53 a.m.	9:55 a.m.	2
10/10/2024	12:08 p.m.	12:44 p.m.	36
10/15/2024	7:00 a.m.	7:02 a.m.	2

52. Subpart FFFF of Title 40, Part 63 of the C.F.R. was adopted pursuant to Section 112 of the Clean Air Act as part of the NESHAP Regulations. Subpart FFFF contains the NESHAP for miscellaneous organic chemical manufacturing. The standards of 40 C.F.R. 63, Subpart FFFF are enforceable in the State of Illinois pursuant to Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

53. Section 63.2470(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2470(a), provides as follows:

You must meet each emission limit in Table 4 to this subpart that applies to your storage tanks, and except as specified in paragraph (b) of this section, you must also meet each applicable requirement specified in paragraphs (c) through (f) of this section and §§63.2492 and 63.2493(a) through (c).

54. Table 4 of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63, provides in pertinent part as follows:

Table 4 to Subpart FFFF of Part 63—Emission Limits for Storage Tanks

As required in § 63.2470, you must meet each emission limit in the following table that applies to your storage tanks:

For each . . .	For which . . .	Then you must . . .
1. Group 1 storage tank	a. The maximum true vapor pressure of total HAP at the storage temperature is ≥ 76.6 kilopascals	i. Reduce total HAP emissions by ≥ 95 percent by weight or to ≤ 20 ppmv of TOC or organic HAP and ≤ 20 ppmv of hydrogen halide and halogen HAP by venting emissions through a closed vent system to any combination of control devices (excluding a flare); or
		ii. Reduce total organic HAP emissions by venting emissions through a closed vent system to a flare; or
		iii. Comply with the

		requirements in § 63.2450(e)(4), as applicable; and reduce total HAP emissions by venting emissions to a fuel gas system or process in accordance with § 63.982(d) and the requirements referenced therein.
	b. The maximum true vapor pressure of total HAP at the storage temperature is <76.6 kilopascals	i. Comply with the requirements of subpart WW of this part, except as specified in § 63.2470; or
		ii. Reduce total HAP emissions by ≥ 95 percent by weight or to ≤ 20 ppmv of TOC or organic HAP and ≤ 20 ppmv of hydrogen halide and halogen HAP by venting emissions through a closed vent system to any combination of control devices (excluding a flare); or
		iii. Reduce total organic HAP emissions by venting emissions through a closed vent system to a flare; or
		iv. Comply with the requirements in § 63.2450(e)(4), as applicable; and reduce total HAP emissions by venting emissions to a fuel gas system or process in accordance with § 63.982(d) and the requirements referenced therein.

55. Section 63.2550 of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2550, provides the following definitions:

Storage tank means a tank or other vessel that is used to store liquids that contain organic HAP and/or hydrogen halide and halogen HAP and that has been assigned to an MCPU according to the procedures in § 63.2435(d). The following

are not considered storage tanks for the purposes of this subpart:

- (1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;
- (2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;
- (3) Vessels storing organic liquids that contain HAP only as impurities;
- (4) Wastewater storage tanks;
- (5) Bottoms receivers;
- (6) Surge control vessels; and
- (7) Process tanks.

Group 1 storage tank means a storage tank with a capacity greater than or equal to 10,000 gal storing material that has a maximum true vapor pressure of total HAP greater than or equal to 6.9 kilopascals at an existing source or greater than or equal to 0.69 kilopascals at a new source.

56. The Facility's pitch tanks are each used to store liquids containing organic HAPs, including benzene, xylenes, toluene, naphthalene, phenol, styrene, ethylbenzene, cresols, and biphenyl, and have been assigned to a miscellaneous organic chemical manufacturing process unit ("MCPU") according to the procedures in 40 C.F.R. § 63.2435(d).

57. Because the Facility's pitch tanks are each used to store liquids containing organic HAPs, including benzene, xylenes, toluene, naphthalene, phenol, styrene, ethylbenzene, cresols, and biphenyl, and have been assigned to an MCPU according to the procedures in 40 C.F.R. § 63.2435(d), they are each a "Storage tank" as that term is defined in Section 63.2550 of Subpart FFFF of the NESHAP regulations, 40 C.F.R. § 63.2550.

58. The Facility's pitch tanks each have a capacity greater than or equal to 10,000 gal storing material that has a maximum true vapor pressure of total HAP greater than or equal to 6.9 kilopascals.

59. Because the Facility's pitch tanks each have a capacity greater than or equal to 10,000 gal storing material that has a maximum true vapor pressure of total HAP greater than or equal to 6.9 kilopascals, they are each a "Group 1 storage tank" as that term is defined in Section 63.2550 of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2550.

60. Condition 3 of Construction Permit No. 08040005 provides:

The Permittee shall install, maintain, and operate the thermal oxidizer and the emission units controlled by the thermal oxidizer in compliance with all applicable emission limits, work practice, monitoring, notification, and recordkeeping of 40 CFR 63, Subpart FFFF and applicable provisions in Subpart A, General Provisions, by May 10, 2009, i.e. the final compliance date set by the Compliance Extension.

61. From July 1, 2019 to at least October 15, 2024, on dates better known to Koppers, by failing to achieve the required minimum operating temperature of 1400 °F for its Pitch Tank TO, Koppers failed to comply with the emissions limitations contained in Section 63.2470(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2470(a), therefore violating Section 63.2470(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2470(a).

62. By violating Section 63.2470(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2470(a), Koppers also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

63. From July 1, 2019 to at least October 15, 2024, on dates better known to Koppers, by failing to achieve the required minimum operating temperature of 1400 °F for its Pitch Tank TO and failing to comply with the emissions limitations contained in Section 63.2470(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2470(a), Koppers failed to install, maintain, and operate the Pitch Tank TO in compliance with all applicable emission limits, work practice, monitoring, notification, and recordkeeping of 40 C.F.R. 63, Subpart FFFF.

64. By failing to install, maintain, and operate the Pitch Tank TO in compliance with

all applicable emission limits, work practice, monitoring, notification, and recordkeeping of 40 C.F.R. 63, Subpart FFFF, Koppers violated Condition 3 of Construction Permit No. 08040005, and therefore also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

65. Condition 4(b) of Construction Permit No. 08040005 provides:

The thermal oxidizer shall be operated to achieve at least 98% destruction efficiency for VOM, consistent with representation in the application.

66. Condition 2(d) of Construction Permit No. 00040051 provides:

At all times, the Permittee shall to the extent practicable, maintain and operate the thermal oxidizer, in a manner consistent with good air pollution control practice for minimizing emissions. For this purpose destruction efficiency for VOM shall be at least 98%.

67. From July 1, 2019 to at least October 15, 2024, on dates better known to Koppers, by failing to achieve the required minimum operating temperature of 1400 °F for its Pitch Tank TO and failing to comply with the emissions limitations contained in Section 63.2470(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2470(a), Koppers failed to operate the Pitch Tank TO at a 98% destruction efficiency for VOM, violating Condition 4(b) of Construction Permit No. 08040005 and Condition 2(d) of Construction Permit No. 00040051, and therefore also violating Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

68. On November 2, 2023, Koppers submitted a deviation report to Illinois EPA. The report demonstrated that the Pitch Tank TO malfunctioned, and as a result, was operated below the required minimum operating temperature of 1400 °F on the following date:

Date	Start Time	End Time	Duration (Mins)
10/06/2023	9:36 a.m.	1:14 p.m.	162

69. On February 28, 2024, Koppers submitted its semi-annual compliance report pursuant to 40 C.F.R. 63, Subpart FFFF to Illinois EPA. The report demonstrated that the Pitch

Tank TO malfunctioned on (17) instances between July 5, 2023 and October 16, 2023, and as a result, was operated below the required minimum operating temperature of 1400 °F. A true and correct copy of table 9 of Koppers' February 28, 2024 semi-annual compliance report including such exceedances is attached hereto as Exhibit 1.

70. On March 19, 2024, Koppers submitted a deviation report to Illinois EPA. The report demonstrated that the Pitch Tank TO malfunctioned, and as a result, was operated below the required minimum operating temperature of 1400 °F on the following date:

Date	Start Time	End Time	Duration (Mins)
2/28/2024	7:10 a.m.	7:27 a.m.	17

71. On April 25, 2024, Koppers submitted a deviation report to Illinois EPA. The report demonstrated that the Pitch Tank TO malfunctioned, and as a result, was operated below the required minimum operating temperature of 1400 °F on the following date:

Date	Start Time	End Time	Duration (Mins)
3/30/2024	2:49 a.m.	3:28 a.m.	39

72. Section 63.2455(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2455(a), provides as follows:

You must meet each emission limit in Table 1 to this subpart that applies to your continuous process vents, and you must meet each applicable requirement specified in paragraphs (b) through (c) of this section and §§ 63.2492 and 63.2493(a) through (c).

73. Table 1 of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63, provides in pertinent part as follows:

Table 1 to Subpart FFFF of Part 63—Emission Limits and Work Practice Standards for Continuous Process Vents

As required in § 63.2455, you must meet each emission limit and work practice standard in the following table that applies to your continuous process vents:

For each . . .	For which . . .	Then you must . . .
Group 1 continuous process vent	a. Not applicable	<p>i. Reduce emissions of total organic HAP by ≥ 95 percent by weight or to an outlet process concentration ≤ 20 ppmv as organic HAP or TOC by venting emissions through a closed-vent system to any combination of control devices (except a flare); or</p> <p>ii. Reduce emissions of total organic HAP by venting emissions through a closed vent system to a flare; or</p> <p>iii. Use a recovery device to maintain the TRE above 1.9 for an existing source or above 5.0 for a new source.</p>

74. Section 63.2550 of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2550, provides the following definition:

Group 1 continuous process vent means a continuous process vent for which the flow rate is greater than or equal to 0.005 standard cubic meter per minute, and the total resource effectiveness index value, calculated according to § 63.2455(b), is less than or equal to 1.9 at an existing source and less than or equal to 5.0 at a new source.

75. Koppers' pitch tanks utilize a continuous process vent for which the flow rate is greater than or equal to 0.005 standard cubic meter per minute, and the total resource effectiveness index value, calculated according to § 63.2455(b), is less than or equal to 1.9.

76. Because Koppers' pitch tanks utilize a continuous process vent for which the flow rate is greater than or equal to 0.005 standard cubic meter per minute, and the total resource effectiveness index value, calculated according to § 63.2455(b), is less than or equal to 1.9, it is a

“Group 1 continuous process vent” as that term is defined in Section 63.2550 of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2550.

77. Section 63.2460(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2460(a), provides as follows:

You must meet each emission limit in Table 2 to this subpart that applies to you, and you must meet each applicable requirement specified in paragraphs (b) and (c) of this section and §§ 63.2492 and 63.2493(a) through (c).

78. Table 2 of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63, provides in pertinent part as follows:

Table 2 to Subpart FFFF of Part 63—Emission Limits and Work Practice Standards for Batch Process Vents

As required in § 63.2460, you must meet each emission limit and work practice standard in the following table that applies to your batch process vents:

For each . . .	Then you must . . .	And you must . . .
Process with Group 1 batch process vents	a. Reduce collective uncontrolled organic HAP emissions from the sum of all batch process vents within the process by ≥ 98 percent by weight by venting emissions from a sufficient number of the vents through one or more closed-vent systems to any combination of control devices (except a flare); or	Not applicable.
	b. Reduce collective uncontrolled organic HAP emissions from the sum of all batch process vents within the process by ≥ 95 percent by weight by	Not applicable.

	<p>venting emissions from a sufficient number of the vents through one or more closed-vent systems to any combination of recovery devices or a biofilter, except you may elect to comply with the requirements of subpart WW of this part for any process tank; or</p> <p>c. Reduce uncontrolled organic HAP emissions from one or more batch process vents within the process by venting through a closed-vent system to a flare or by venting through one or more closed-vent systems to any combination of control devices (excluding a flare) that reduce organic HAP to an outlet concentration ≤ 20 ppmv as TOC or total organic HAP.</p>	<p>For all other batch process vents within the process, reduce collective organic HAP emissions as specified in item 1.a and/or item 1.b of this Table.</p>
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79. Section 63.2550 of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2550, provides the following definition:

Group 1 batch process vent means each of the batch process vents in a process for which the collective uncontrolled organic HAP emissions from all of the batch process vents are greater than or equal to 10,000 lb/yr at an existing source or greater than or equal to 3,000 lb/yr at a new source.

80. Koppers' pitch tanks utilize batch process vents for which the collective uncontrolled organic HAP emissions from all of the batch process vents are greater than or equal to 10,000 lb/yr.

81. Because Koppers' pitch tanks utilize batch process vents for which the collective uncontrolled organic HAP emissions from all of the batch process vents are greater than or equal to 10,000 lb/yr, they are each a "Group 1 batch process vent" as that term is defined in Section 63.2550 of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. § 63.2550.

82. On July 30, 2001, Illinois EPA issued Construction Permit No. 00040051 to Koppers for the construction and operation of a new TO to control emissions from the fume system #1 and #2, and to serve as the principal control for the distillation units.

83. Condition 2(d) of Construction Permit No. 00040051 provides:

At all times, the Permittee shall to the extent practicable, maintain and operate the thermal oxidizer, in a manner consistent with good air pollution control practice for minimizing emissions. For this purpose destruction efficiency for VOM shall be at least 98%.

84. From July 5, 2023 to at least March 30, 2024, or on a date better known to Koppers, by failing to achieve the required minimum operating temperature of 1400 °F for its Pitch Tank TO, Koppers failed to comply with the emissions limitations contained in Sections 63.2455(a) and 63.2460(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. §§ 63.2455(a) and 63.2460(a), therefore violating Sections 63.2455(a) and 63.2460(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. §§ 63.2455(a) and 63.2460(a).

85. By violating Sections 63.2455(a) and 63.2460(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. §§ 63.2455(a) and 63.2460(a), Koppers also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

86. From July 5, 2023 to at least March 30, 2024, or on a date better known to Koppers, by failing to achieve the required minimum operating temperature of 1400 °F for its Pitch Tank TO and failing to comply with the emissions limitations contained in Sections 63.2455(a) and 63.2460(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. §§ 63.2455(a) and 63.2460(a), Koppers failed to install, maintain, and operate the Pitch Tank TO in compliance with all applicable emission limits, work practice, monitoring, notification, and recordkeeping of 40 C.F.R. 63, Subpart FFFF.

87. By failing to install, maintain, and operate the Pitch Tank TO in compliance with all applicable emission limits, work practice, monitoring, notification, and recordkeeping of 40 C.F.R. 63, Subpart FFFF, Koppers violated Condition 3 of Construction Permit No. 08040005, and therefore also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

88. From July 5, 2023 to at least March 30, 2024, or on a date better known to Defendants, by failing to achieve the required minimum operating temperature of 1400 °F for its Pitch Tank TO and failing to comply with the emissions limitations contained in Sections 63.2455(a) and 63.2460(a) of Subpart FFFF of the NESHAP Regulations, 40 C.F.R. §§ 63.2455(a) and 63.2460(a), Koppers failed to operate the Pitch Tank TO at a 98% destruction efficiency for VOM, violating Condition 4(b) of Construction Permit No. 08040005 and Condition 2(d) of Construction Permit No. 00040051, and therefore also violating Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

89. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count II:

1. Finding that Koppers violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Sections 63.2470(a), 63.2455(a), and 63.2460(a) of Subpart FFFF of the NESHAP regulations, 40 C.F.R. §§ 63.2470(a), 63.2455(a), and 63.2460(a), Conditions 3 and 4(b) of Construction Permit No. 08040005, and Condition 2(d) of Construction Permit No. 00040051;

2. Enjoining Koppers from any further violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Sections 63.2470(a), 63.2455(a), and 63.2460(a) of Subpart FFFF of the NESHAP regulations, 40 C.F.R. §§ 63.2470(a), 63.2455(a), and 63.2460(a), Conditions 3 and 4(b) of Construction Permit No. 08040005, and Condition 2(d) of Construction Permit No. 00040051;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Sections 63.2470(a), 63.2455(a), and 63.2460(a) of Subpart FFFF of the NESHAP regulations, 40 C.F.R. §§ 63.2470(a), 63.2455(a), and 63.2460(a), Conditions 3 and 4(b) of Construction Permit No. 08040005, and Condition 2(d) of Construction Permit No. 00040051;

4. Assessing against Koppers, 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 Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Sections 63.2470(a), 63.2455(a), and 63.2460(a) of Subpart FFFF of the NESHAP regulations, 40 C.F.R. §§ 63.2470(a), 63.2455(a),

and 63.2460(a), Conditions 3 and 4(b) of Construction Permit No. 08040005, and Condition 2(d) of Construction Permit No. 00040051, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT III

FAILURE TO CONDUCT EMISSIONS TESTING FOR NAPHTHALENE PLANT REBOILER BY KOPPERS

1-34. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 22, 27 through 28, 30 through 33, and 35 through 40 of Count I, as paragraphs 1 through 34 of this Count III.

35. In 2019, Koppers constructed reboiler RB-1, the process heater for the naphthalene distillation column (“Reboiler RB-1”), pursuant to Construction Permit No. 14100012.

36. At all times relevant to this Complaint, Koppers owned and operated Reboiler RB-1.

37. Reboiler RB-1 at the Facility emits into the atmosphere CO, NO_x, PM, SO₂, and VOM, which are each a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

38. Reboiler RB-1 at the Facility is capable of causing or contributing to “air pollution” as that term is defined by Section 3.115 of the Act, 415 ILCS 5/3.115 (2022), because it emits, or is capable of emitting, contaminants into the atmosphere in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to

property, or to unreasonably interfere with the enjoyment of life or property .

39. Subpart DDDDD of Title 40, Part 63 of the C.F.R. was adopted pursuant to Section 112 of the Clean Air Act as part of the NESHAP Regulations. Subpart DDDDD contains the NESHAP for industrial, commercial, and institutional boilers and process heaters. The standards of 40 C.F.R. 63, Subpart DDDDD are enforceable in the State of Illinois pursuant to Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

40. Section 63.7495(a) of Subpart DDDDD of the NESHAP Regulations, 40 C.F.R. § 63.7495(a), provides as follows:

- (a) If you have a new or reconstructed boiler or process heater, you must comply with this subpart by April 1, 2013, or upon startup of your boiler or process heater, whichever is later.

41. Section 63.7520(a)-(c) of Subpart DDDDD of the NESHAP Regulations, 40 C.F.R. § 63.7520(a)-(c), provides as follows:

- (a) You must conduct all performance tests according to § 63.7(c), (d), (f), and (h). You must also develop a site-specific stack test plan according to the requirements in § 63.7(c). You shall conduct all performance tests under such conditions as the Administrator specifies to you based on the representative performance of each boiler or process heater for the period being tested. Upon request, you shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests.
- (b) You must conduct each performance test according to the requirements in Table 5 to this subpart.
- (c) You must conduct each performance test under the specific conditions listed in Tables 5 and 7 to this subpart. You must conduct performance tests at representative operating load conditions while burning the type of fuel or mixture of fuels that has the highest content of chlorine and mercury, and TSM if you are opting to comply with the TSM alternative standard and you must demonstrate initial compliance and establish your operating limits based on these performance tests. These requirements could result in the need to conduct more than one performance test. Following each performance test and until the next performance test, you must comply with

the operating limit for operating load conditions specified in Table 4 to this subpart.

42. Section 63.7575 of Subpart DDDDD of the NESHAP Regulations, 40 C.F.R. § 63.7575, provides the following definition:

Boiler means an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water. Controlled flame combustion refers to a steady-state, or near steady-state, process wherein fuel and/or oxidizer feed rates are controlled. A device combusting solid waste, as defined in § 241.3 of this chapter, is not a boiler unless the device is exempt from the definition of a solid waste incineration unit as provided in section 129(g)(1) of the Clean Air Act. Waste heat boilers are excluded from this definition.

43. Koppers' Reboiler RB-1 is an enclosed device using controlled flame combustion and has the primary purpose of recovering thermal energy in the form of steam or hot water.

44. Because Koppers' Reboiler RB-1 is an enclosed device using controlled flame combustion and has the primary purpose of recovering thermal energy in the form of steam or hot water, it is a "Boiler" as that term is defined in Section 63.7575 of Subpart DDDDD of the NESHAP Regulations, 40 C.F.R. § 63.7575; and thus, it must comply with the emissions testing requirements in Section 63.7520(a)-(c) of Subpart DDDDD of the NESHAP Regulations, 40 C.F.R. § 63.7520(a)-(c), as a new reboiler pursuant to Section 63.7495(a) of Subpart DDDDD of the NESHAP Regulations, 40 C.F.R. § 63.7495(a).

45. Condition 3.1(a)(i)(A) of Construction Permit No. 14100012 provides:

By May 31, 2019, the Permittee shall have the emissions of VOM, NO_x, CO, SO₂, PM and PM_{10/2.5} of the emission units at the affected plant that vent through the main stack (i.e. the process units that are controlled by the oxidizer and the SO₂ scrubber and the affected heater) measured while the affected heater is operating in both Configuration 1 and Configuration 2 as specified below. This testing shall be conducted during operating conditions that are representative of maximum emissions. This testing may be combined with emission testing required by the NESHAP.

46. On information and belief, Koppers failed to conduct emissions testing of Reboiler RB-1 while burning light liquid fuel by May 19, 2019.

47. On information and belief, by failing to conduct emissions testing of Reboiler RB-1 while burning light liquid fuel by May 19, 2019, Koppers did not conduct emissions testing of all fuel burning configurations for Reboiler RB-1 by May 19, 2019, as required by Sections 63.7495(a) and 63.7520(a)-(c) of Subpart DDDDD of the NESHAP Regulations, 40 C.F.R. §§ 63.7495(a) and 63.7520(a)-(c).

48. On information and belief, by failing to conduct emissions testing of all fuel burning configurations for Reboiler RB-1 by May 19, 2019, Koppers did not measure the emissions of VOM, NO_x, CO, PM₁₀, and PM_{2.5} of the process units that are controlled by the oxidizer, SO₂ scrubber, and the affected heater, as required by Condition 3.1(a)(i)(A) of Construction Permit No. 14100012.

49. On information and belief, by failing to conduct emissions testing of all fuel burning configurations for Reboiler RB-1 by May 19, 2019, Koppers violated Sections 63.7495(a) and 63.7520(a)-(c) of Subpart DDDDD of the NESHAP Regulations, 40 C.F.R. §§ 63.7495(a) and 63.7520(a)-(c), and Condition 3.1(a)(i)(A) of Construction Permit No. 14100012, and therefore also violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024).

50. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count III:

1. Finding that Koppers violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9.1(b) and (d)(1) (2024), Sections 63.7495(a) and 63.7520(a)-(c) of Subpart DDDDD of the NESHAP regulations, 40 C.F.R. §§ 63.7495(a) and 63.7520(a)-(c), and Condition 3.1(a)(i)(A) of Construction Permit No. 14100012;

2. Enjoining Koppers from any further violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Sections 63.7495(a) and 63.7520(a)-(c) of Subpart DDDDD of the NESHAP regulations, 40 C.F.R. §§ 63.7495(a) and 63.7520(a)-(c), and Condition 3.1(a)(i)(A) of Construction Permit No. 14100012;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Sections 63.7495(a) and 63.7520(a)-(c) of Subpart DDDDD of the NESHAP regulations, 40 C.F.R. §§ 63.7495(a) and 63.7520(a)-(c), and Condition 3.1(a)(i)(A) of Construction Permit No. 14100012;

4. Assessing against Koppers, 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 Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Sections 63.7495(a) and 63.7520(a)-(c) of Subpart DDDDD of the NESHAP regulations, 40 C.F.R. §§ 63.7495(a) and 63.7520(a)-(c), and Condition 3.1(a)(i)(A) of Construction Permit No. 14100012, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT IV

FAILURE TO CONTROL ORGANIC HAZARDOUS AIR POLLUTANTS AT CREOSOTE BLEND TANKS BY KOPPERS

1-32. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 22, 30 through 33, and 35 through 40 of Count I, as paragraphs 1 through 32 of this Count IV.

33. From at least July 14, 2000 to December 31, 2024, Koppers owned and operated, three creosote blend tanks at the Facility (“Tank 301”, “Tank 302” and “Tank 303”, collectively “Creosote Tanks”).

34. From January 1, 2025 to present, KCM owned and operated and continues to own and operate the Creosote Tanks at the Facility.

35. The Creosote Tanks are used for blending materials, including creosote, which is a pesticide active ingredient.

36. On November 5, 2020, Illinois EPA issued revised Construction Permit No. 02020104 to Koppers for the construction of a closed vent system and control device for the Creosote Tanks. The Creosote Tanks at the Facility emit PAHs, creosols, and phenol, which are each a “contaminant, as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2024), into the atmosphere.

37. The Creosote Tanks at the Facility are capable of causing or contributing to “air pollution” as that term is defined by Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), because they emit, or are capable of emitting, contaminants into the atmosphere in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

38. Emissions from the Facility’s Creosote Tanks are controlled by a TO (“Creosote

Tank TO”).

39. Subpart MMM of Title 40, Part 63 of C.F.R. was adopted pursuant to Section 112 of the Clean Air Act as part of the NESHAP Regulations. Subpart MMM contains the NESHAP for pesticide active ingredient production. The standards of 40 C.F.R. 63, Subpart MMM are enforceable in the State of Illinois pursuant to Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

40. Section 63.1362(b)(2)(ii)(A) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(b)(2)(ii)(A), provides as follows:

(b)

* * *

(2) Organic HAP emissions from existing sources. The owner or operator of an existing affected source must comply with the requirements in either paragraph (b)(2)(i) of this section or with the requirements in paragraphs (b)(2)(ii) through (iv) of this section.

* * *

(ii)

(A) Except as provided in paragraph (b)(2)(ii)(B) of this section, uncontrolled organic HAP emissions from a process vent shall be reduced by 98 percent by weight or greater if the flow-weighted average flowrate for the vent as calculated using Equation 1 of this subpart is less than or equal to the flowrate calculated using Equation 2 of this subpart.

$$FR_a = \frac{\sum_{i=1}^n (D_i)(FR_i)}{\sum_{i=1}^n D_i} \quad (\text{Eq. 1})$$

$$FR = 0.02 * (\text{HL}) - 1,000 \quad (\text{Eq. 2})$$

Where:

FRa = flow-weighted average flowrate for the vent, scfm

Di = duration of each emission event, min

FRi = flowrate of each emission event, scfm

n = number of emission events

FR = flowrate, scfm

HL = annual uncontrolled organic HAP emissions, lb/yr, as defined in § 63.1361

- (B) If the owner or operator can demonstrate that a control device, installed on or before November 10, 1997 on a process vent otherwise subject to the requirements of paragraph (b)(2)(ii)(A) of this section, reduces inlet emissions of total organic HAP by greater than or equal to 90 percent by weight but less than 98 percent by weight, then the control device must be operated to reduce inlet emissions of total organic HAP by 90 percent by weight or greater.
- (iii) Excluding process vents that are subject to the requirements in paragraph (b)(2)(ii) of this section, uncontrolled organic HAP emissions from the sum of all process vents within a process shall be reduced by 90 percent or greater by weight.
- (iv) As an alternative to the requirements in paragraphs (b)(2)(ii) and (iii) of this section, uncontrolled organic HAP emissions from any process vent may be reduced in accordance with any of the provisions in paragraphs (b)(2)(iv)(A) through (D) of this section. All remaining process vents within a process must be controlled in accordance with paragraphs (b)(2)(ii) and (iii) of this section.
 - (A) To outlet concentrations less than or equal to 20 ppmv;
 - or
 - (B) By a flare that meets the requirements of § 63.11(b); or
 - (C) By a control device specified in § 63.1365(a)(4); or
 - (D) In accordance with the alternative standard specified in paragraph (b)(6) of this section.

41. Section 63.1361 of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1361, provides the following definitions:

Organic HAP means those HAP listed in section 112(b) of the CAA that are measured according to the procedures or Method 18 or Method 25A, 40 CFR part 60, appendix A.

Process tank means a tank that is used within a process to collect material discharged from a feedstock storage vessel or equipment within the process before the material is transferred to other equipment within the process or a product storage vessel. In many process tanks, unit operations such as reactions and blending are conducted. Other process tanks, such as surge control vessels and bottom receivers, however, may not involve unit operations.

Process vent means a point of emission from processing equipment to the atmosphere or a control device. The vent may be the release point for an emission stream associated with an individual unit operation, or it may be the release point for emission streams from multiple unit operations that have been manifolded together into a common header. Examples of process vents include, but are not limited to, vents on condensers used for product recovery, bottom receivers, surge control vessels, reactors, filters, centrifuges, process tanks, and product dryers. A vent is not considered to be a process vent for a given emission episode if the undiluted and uncontrolled emission stream that is released through the vent contains less than 50 ppmv HAP, as determined through process knowledge that no HAP are present in the emission stream; using an engineering assessment as discussed in § 63.1365(c)(2)(ii); from test data collected using Method 18 of 40 CFR part 60, appendix A; or from test data collected using any other test method that has been validated according to the procedures in Method 301 of appendix A of this part. Process vents do not include vents on storage vessels regulated under § 63.1362(c), vents on wastewater emission sources regulated under § 63.1362(d), or pieces of equipment regulated under § 63.1363.

42. The Creosote Tanks at the Facility emit PAHs, creosols, and phenol.
43. Because the Creosote Tanks at the Facility emit PAHs, creosols, and phenol, they emit “Organic HAPs,” as that term is defined in Section 63.1361 of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1361.
44. The Creosote Tanks at the Facility are used to blend creosote with other materials and to collect material discharged from a feedstock storage vessel or equipment within the process before the material is transferred to other equipment within the process or a product storage vessel.
45. Because the Creosote Tanks at the Facility are used to blend creosote with other materials and to collect material discharged from a feedstock storage vessel or equipment within

the process before the material is transferred to other equipment within the process or a product storage vessel, they are each a “Process tank” as that term is defined in Section 63.1361 of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1361.

46. The Creosote Tanks at the Facility emit organic HAP emissions from processing equipment to the Creosote Tank TO.

47. Because the Creosote Tanks emit organic HAP emissions from processing equipment to the Creosote Tank TO, they contain a “Process vent,” as that term is defined in Section 63.1361 of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1361.

48. Condition 1.1.3-1(b)(i)(A) of Construction Permit No. 02020104 provides:

(b) Each affected process tank is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pesticide Active Ingredients (PAI), 40 CFR 63 Subpart MMM. This is because the affected tank is a “process tank” at a “pesticide active ingredient manufacturing process unit (PAI Process Unit)” as defined in the NESHAP 40 CFR 63.1361. In particular, the tank is used for blending materials, including creosote, to make product(s); creosote is a pesticide active ingredient; and the tank is located at a plant site that is a major source for hazardous air pollutants (HAPs).

(i)

(A) This permit is issued based on each affected process tank being subject to 40 CFR 63.1362(b)(2), standard for existing process vents, which requires that the control system for the affected tanks must comply with the requirements in 40 CFR 63.1362(b)(2)(ii) through (iv).

49. Condition 1.1.5(b) of Construction Permit No. 02020104 provides as follows:

(b) The Permittee shall follow good operating practices for the affected tanks and associated closed vent system with the thermal oxidizer, including periodic inspection, routine maintenance and prompt repair of defects.

50. On August 30, 2021 and September 27, 2021, Koppers submitted to Illinois EPA its periodic report for reporting period January 2021 through June 2021 and a deviation report, respectively, including the following instances between February 1, 2021 and June 12, 2021, where

Koppers failed to operate its Creosote Tank TO:

Date	Start Time	End Time	Duration (Hr)	Source	VOM Emissions (lbs)
2/01/2021	10:00 a.m.	1:15 p.m.	3.25	T-302	14.21
2/13/2021	3:30 a.m.	7:00 a.m.	3.5	T-302	15.30
3/12/2021	10:30 a.m.	11:30 a.m.	1	T-302	4.37
5/12/2021	1:15 a.m.	3:25 a.m.	2.17	T-302	9.47
5/26/2021	12:00 p.m.	1:30 p.m.	1.5	T-302	6.56
6/10/2021	10:50 a.m.	3:05 p.m.	4.25	T-302	18.58
6/12/2021	11:30 a.m.	2:00 p.m.	2.5	T-302	10.93

51. Beginning on February 1, 2021 and continuing to at least June 12, 2021, or on a date or dates better known to Koppers, by failing to operate the Creosote Tank TO, Koppers failed to control emissions of organic HAPs from its Creosote Tanks in violation of Section 63.1362(b)(2)(ii)(A) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(b)(2)(ii)(A), and Condition 1.1.3-1(b)(i)(A) of Construction Permit No. 02020104, and therefore also violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024).

52. On February 24, 2023 and April 25, 2023, Koppers submitted to Illinois EPA its deviation reports, including the following instances between July 15, 2022 and February 2, 2023, where Defendant failed to operate its Creosote Tank TO:

Date	Start Time	End Time	Duration (Hr)
7/15/2022	5:04 a.m.	5:35 a.m.	0.51
9/24/2022	6:27 p.m.	6:50 p.m.	0.38
2/02/2023	3:50 p.m.	7:30 a.m.	3.6

53. On August 30, 2023, Koppers submitted to Illinois EPA its periodic report for January 1, 2023 to June 30, 2023, including the following instances between January 27, 2023 and June 21, 2023, where Koppers failed to operate its Creosote Tank TO:

Date	Start Time	End Time	Duration (Hr)	VOM Emissions (lbs)
1/27/2023	9:02 a.m.	9:11 a.m.	0.15	0.66
1/27/2023	9:28 a.m.	10:24 a.m.	0.93	4.08
2/02/2023	3:50 p.m.	4:59 p.m.	1.15	5.03
2/02/2023	5:01 p.m.	6:19 p.m.	1.30	5.68
2/03/2023	1:26 p.m.	1:43 p.m.	0.28	1.24
2/08/2023	11:12 p.m.	11:17 p.m.	0.08	0.36
2/16/2023	9:37 a.m.	9:42 a.m.	0.08	0.36
2/16/2023	12:27 p.m.	12:23 p.m.	0.10	0.44
2/17/2023	8:37 p.m.	8:41 p.m.	0.07	0.29
2/23/2023	5:00 p.m.	6:21 p.m.	1.35	5.90
2/23/2023	6:21 p.m.	7:15 p.m.	0.90	3.93
2/24/2023	11:13 a.m.	11:24 a.m.	0.18	0.80
2/24/2023	11:24 a.m.	11:28 a.m.	0.07	0.29
2/24/2023	11:28 a.m.	12:58 p.m.	1.50	6.56
3/07/2023	9:23 p.m.	9:41 p.m.	0.30	1.31
3/20/2023	12:16 a.m.	12:27 a.m.	0.18	0.80
3/23/2023	8:30 a.m.	8:35 a.m.	0.08	0.36
4/16/2023	12:20 p.m.	1:29 p.m.	1.15	5.03
4/16/2023	1:15 p.m.	1:17 p.m.	0.03	0.15
4/16/2023	1:17 p.m.	1:25 p.m.	0.13	0.58
4/16/2023	1:25 p.m.	2:25 p.m.	1.00	4.37
4/27/2023	6:25 p.m.	6:49 p.m.	0.40	1.75
4/27/2023	7:23 p.m.	7:26 p.m.	0.05	0.22
4/28/2023	9:03 a.m.	9:08 a.m.	0.08	0.36
4/28/2023	9:22 a.m.	9:28 a.m.	0.10	0.44
5/02/2023	7:25 a.m.	7:55 a.m.	0.50	2.19
5/09/2023	1:01 p.m.	1:07 p.m.	0.10	0.44
5/22/2023	10:54 p.m.	10:50 p.m.	0.08	0.36
5/23/2023	4:39 p.m.	4:53 p.m.	0.23	1.02
5/28/2023	12:06 p.m.	12:26 p.m.	0.33	1.46
5/28/2023	12:33 p.m.	1:05 p.m.	0.53	2.33
6/05/2023	2:38 p.m.	2:46 p.m.	0.13	0.58
6/08/2023	9:20 a.m.	9:43 a.m.	0.38	1.68
6/08/2023	9:43 a.m.	9:55 a.m.	0.20	0.87
6/08/2023	9:55 a.m.	10:11 a.m.	0.27	1.17
6/08/2023	10:11 a.m.	10:31 a.m.	0.33	1.46
6/08/2023	10:31 a.m.	12:43 p.m.	2.20	9.62
6/08/2023	12:43 p.m.	12:52 p.m.	0.15	0.66
6/08/2023	12:52 p.m.	1:02 p.m.	0.17	0.73
6/08/2023	1:02 p.m.	1:47 p.m.	0.75	3.28
6/08/2023	1:47 p.m.	2:30 p.m.	0.72	3.13
6/08/2023	2:30 p.m.	2:42 p.m.	0.20	0.87

6/08/2023	5:20 p.m.	5:57 p.m.	0.62	2.70
6/08/2023	5:57 p.m.	6:00 p.m.	0.05	0.22
6/15/2023	11:50 a.m.	11:55 a.m.	0.08	0.36
6/15/2023	12:07 p.m.	12:39 p.m.	0.53	2.33
6/15/2023	2:09 p.m.	2:10 p.m.	0.02	0.07
6/19/2023	5:59 p.m.	7:07 p.m.	1.13	4.95
6/19/2023	7:22 p.m.	7:59 p.m.	0.62	2.70
6/19/2023	8:17 p.m.	8:29 p.m.	0.20	0.87
6/19/2023	8:29 p.m.	9:29 p.m.	1.00	4.37
6/21/2023	1:58 a.m.	2:10 a.m.	0.20	0.87
6/21/2023	2:11 a.m.	2:23 a.m.	0.20	0.87
6/21/2023	2:40 a.m.	2:45 a.m.	0.08	0.36

54. Beginning on at least July 15, 2022 and continuing until at least June 21, 2023, or on a date or dates better known to Koppers, by failing to operate the Creosote Tank TO, Defendant failed to control emissions of organic HAPs from its Creosote Tanks in violation of Section 63.1362(b)(2)(ii)(A) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(b)(2)(ii)(A), and Condition 1.1.3-1(b)(i)(A) of Construction Permit No. 02020104, and therefore also violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024).

55. On February 28, 2024, Koppers submitted to Illinois EPA its periodic report for July 1, 2023 to December 31, 2023, including the following instances between July 3, 2023 and September 24, 2023, where Koppers failed to operate its Creosote Tank TO:

Date	Start Time	End Time	Duration (Hr)	VOM Emissions (lbs)
7/03/2023	10:45 p.m.	10:50 p.m.	0.08	0.36
7/07/2023	12:58 a.m.	1:03 a.m.	0.08	0.36
7/07/2023	11:00 a.m.	11:55 a.m.	0.92	4.01
7/07/2023	6:12 p.m.	6:17 p.m.	0.08	0.36
7/08/2023	11:38 p.m.	11:54 p.m.	0.27	1.17
7/09/2023	12:23 a.m.	12:30 a.m.	0.12	0.51
7/09/2023	1:08 a.m.	1:29 a.m.	0.35	1.53
7/16/2023	7:24 p.m.	8:39 p.m.	1.25	5.46
7/16/2023	8:39 p.m.	8:49 p.m.	0.17	0.73

7/16/2024	8:49 p.m.	8:50 p.m.	0.02	0.07
7/18/2023	4:14 a.m.	4:24 a.m.	0.17	0.73
7/24/2023	9:30 a.m.	10:06 a.m.	0.60	2.62
7/24/2023	11:48 a.m.	12:00 p.m.	0.20	0.87
7/25/2023	9:55 a.m.	10:15 a.m.	0.33	1.46
8/16/2023	6:09 a.m.	6:36 a.m.	0.45	1.97
8/18/2023	3:20 p.m.	3:23 p.m.	0.05	0.22
8/29/2023	5:20 p.m.	5:23 p.m.	0.05	0.22
8/29/2023	5:39 p.m.	5:45 p.m.	0.10	0.44
8/29/2023	5:50 p.m.	5:52 p.m.	0.03	0.15
8/29/2023	6:19 p.m.	6:28 p.m.	0.15	0.66
9/15/2023	7:59 a.m.	8:07 a.m.	0.13	0.58
9/16/2023	12:28 a.m.	12:33 a.m.	0.08	0.36
9/16/2023	1:33 a.m.	1:44 a.m.	0.18	0.8
9/24/2023	4:33 p.m.	4:45 p.m.	0.20	0.87

56. Beginning on at least July 3, 2023 and continuing until at least September 24, 2023, or on a date or dates better known to Koppers, by failing to operate the Creosote Tank TO, Koppers failed to control emissions of organic HAPs from its Creosote Tanks in violation of Section 63.1362(b)(2)(ii)(A) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(b)(2)(ii)(A), and Condition 1.1.3-1(b)(i)(A) of Construction Permit No. 02020104, and therefore also violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024).

57. Beginning on at least July 3, 2023 and continuing until at least September 24, 2023, or on a date or dates better known to Koppers, by failing to control emissions of organic HAPs from its Creosote Tanks in accordance with Section 63.1362(b)(2)(ii)(A) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(b)(2)(ii)(A), Koppers failed to follow good operating practices, including periodic inspection, routine maintenance, and prompt repair of defects for the Creosote Tanks and associated closed vent system, and therefore violated Condition 1.1.5(b) of Construction Permit No. 02020104, and thus, also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

58. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count IV:

1. Finding that Koppers violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1362(b)(2)(ii)(A) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(b)(2)(ii)(A), and Conditions 1.1.3-1(b)(i)(A) and 1.1.5(b) of Construction Permit No. 02020104;

2. Enjoining Koppers from any further violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1362(b)(2)(ii)(A) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(b)(2)(ii)(A), Conditions 1.1.3-1(b)(i)(A) and 1.1.5(b) of Construction Permit No. 02020104;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1362(b)(2)(ii)(A) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(b)(2)(ii)(A), and Conditions 1.1.3-1(b)(i)(A) and 1.1.5(b) of Construction Permit No. 02020104;

4. Assessing against Koppers, 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 Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1362(b)(2)(ii)(A) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(b)(2)(ii)(A), and Conditions

1.1.3-1(b)(i)(A) and 1.1.5(b) of Construction Permit No. 02020104, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT V

FAILURE TO COMPLY WITH EMISSIONS STANDARDS FOR CREOSOTE BLEND TANKS BY KOPPERS

1-42. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 24, 31 through 33, and 35 through 40 of Count I and paragraphs 33 through 39 and 41 through 43, and 48 of Count IV, as paragraphs 1 through 42 of this Count V.

43. Section 63.1362(c)(2)(iv) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(c)(2)(iv), provides as follows:

(c)

(2) Standard for existing sources.

Except as specified in paragraphs (c)(4), (5), and (6) of this section, the owner or operator of a Group 1 storage vessel at an existing affected source, as defined in § 63.1361, shall equip the affected storage vessel with one of the following:

- (i) A fixed roof and internal floating roof, or
- (ii) An external floating roof, or
- (iii) An external floating roof converted to an internal floating roof, or
- (iv) A closed vent system meeting the conditions of paragraph (j) of this section and a control device that meets any of the following conditions:
 - (A) Reduces organic HAP emissions by 95 percent by weight or greater; or

- (B) Reduces organic HAP emissions to outlet concentrations of 20 ppmv or less; or
- (C) Is a flare that meets the requirements of § 63.11(b); or
- (D) Is a control device specified in § 63.1365(a)(4).

44. 63.1361 of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1361, provides the following definitions:

Closed-vent system means a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission point to a control device.

Group 1 storage vessel means a storage vessel at an existing affected source with a capacity equal to or greater than 75 m³ and storing material with a maximum true vapor pressure greater than or equal to 3.45 kPa, a storage vessel at a new affected source with a capacity equal to or greater than 40 m³ and storing material with a maximum true vapor pressure greater than or equal to 16.5 kPa, or a storage vessel at a new affected source with a capacity greater than or equal to 75 m³ and storing material with a maximum true vapor pressure greater than or equal to 3.45 kPa.

Storage vessel means a tank or other vessel that is used to store organic liquids that contain one or more HAP and that has been assigned, according to the procedures in § 63.1360(f) or (g), to a PAI process unit that is subject to this subpart MMM. The following are not considered storage vessels for the purposes of this subpart:

- (1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;
- (2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;
- (3) Vessels storing material that contains no organic HAP or contains organic HAP only as impurities;
- (4) Wastewater storage tanks;
- (5) Process tanks; and
- (6) Nonwastewater waste tanks.

45. The Creosote Tanks at the Facility each store organic liquids including one or more HAP, including PAHs, creosols, and phenol, and was assigned according to the procedures in 40 C.F.R. § 63.1360(f) or (g), to a process unit that is subject to subpart MMM of the NESHAP

Regulations.

46. Because the Creosote Tanks at the Facility each store organic liquids including one or more HAP, including PAHs, creosols, and phenol, and was assigned according to the procedures in 40 C.F.R. § 63.1360(f) or (g), to a process unit that is subject to subpart MMM of the NESHAP Regulations, they are each a “Storage vessel” as that term is defined in Section 63.1361 of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1361.

47. Each of the Creosote Tanks at the Facility is an existing affected source with a capacity equal to or greater than 75 cubic meters (“m³”) and storing material with a maximum true vapor pressure greater than or equal to 3.45 kilopascals (“kPa”).

48. Because the Creosote Tanks at the Facility are each an existing affected source with a capacity equal to or greater than 75 m³ and storing material with a maximum true vapor pressure greater than or equal to 3.45 kPa, they are each a “Group 1 storage vessel” as that term is defined in Section 63.1361 of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1361.

49. The Creosote Tanks at the Facility use a closed vent system which is not open to the atmosphere and is composed of piping, ductwork, connections, and flow inducing devices that transport gas or vapor from an emission point to the Creosote Tank TO.

50. Because the Creosote Tanks at the Facility use a closed vent system which is not open to the atmosphere and is composed of piping, ductwork, connections, and flow inducing devices that transport gas or vapor from an emission point to the Creosote Tank TO, it is a “Closed vent system” as that term is defined in Section 63.1361 of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1361.

51. Pursuant to Condition 1.1.3-1(b)(i)(A) of Construction Permit No. 02020104, Koppers was and KCM is required to conduct timely performance tests for the Creosote Tank TO

using applicable methods and procedures to demonstrate compliance with 40 C.F.R. § 63, Subpart MMM.

52. On April 28, 2009 and April 29, 2009, Koppers conducted stack testing at the Facility pursuant to Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63, which demonstrated that the Creosote Tank TO was to be operated at or above a minimal operating temperature of 1350 °F, to achieve compliance with applicable requirements including reducing organic HAP emissions by 95 percent by weight or greater as set forth in Section 63.1362(c)(2)(iv) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(c)(2)(iv).

53. On March 1, 2021, Koppers submitted a periodic report to Illinois EPA for the July 2020 through December 2020 reporting period demonstrating that on December 21, 2020, it operated the Creosote Tank TO at 1330 °F, under the required minimum operating temperature of 1350 °F from 4:40 p.m. to 6:30 p.m., and as a result, Tank 301 operated over the emissions limit.

54. On December 21, 2020, by operating the Creosote Tank TO at 1330 °F, under the required temperature of 1350 °F from 4:40 p.m. to 6:30 p.m., thereby operating over the emissions limit, Koppers failed to comply with emissions standards for its Creosote Tanks, including reducing organic HAP emissions by 95 percent by weight or greater, in accordance with Section 63.1362(c)(2)(iv) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(c)(2)(iv).

55. On December 21, 2020, by failing to comply with the emissions standards, Koppers violated Section 63.1362(c)(2)(iv) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(c)(2)(iv), and thereby violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

56. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count V:

1. Finding that Koppers violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.1362(c)(2)(iv) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(c)(2)(iv);

2. Enjoining Koppers from any further violations of Sections 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.1362(c)(2)(iv) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(c)(2)(iv);

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.1362(c)(2)(iv) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(c)(2)(iv);

4. Assessing against Koppers, 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 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.1362(c)(2)(iv) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(c)(2)(iv), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT VI

**FAILURE TO COMPLY WITH VOM EMISSION LIMIT
FOR CREOSOTE BLEND TANKS BY KOPPERS**

1-36. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 29 through 30, and 48 of Count I and paragraphs 33 through 38 and 52 through 53 of Count IV, as paragraphs 1 through 36 of this Count VI.

37. Condition 1.1.3-1(a) of Construction Permit No. 02020104 provides as follows:

- (a) Each affected process tank is subject to 35 IAC 218.301, which provides that the Permittee shall [*sic*]¹ cause or allow the discharge of more than 3.6 kg/hr (8 lb/hr) of organic material into the atmosphere from any emission unit, except as provided in 35 IAC 218.302, 218.303, 218.304 and the following exception: If no odor nuisance exists the limitation of 35 IAC 218 Subpart G shall apply only to photochemically reactive material [35 IAC 218.301].

38. Beginning on at least July 15, 2022 and continuing until at least June 21, 2023, or on a date or dates better known to Koppers, by failing to operate the Creosote Tank TO during all periods when the process was in operation, Koppers caused or allowed the emission of VOM in excess of 8 lbs/hour into the atmosphere from its Creosote Tanks.

39. Beginning on at least July 15, 2022 and continuing until at least June 21, 2023, or on a date or dates better known to Koppers, by causing or allowing the emission of VOM in excess of 8 lbs/hr as a result of the Koppers' failure to operate the Creosote Tank TO at Creosote Tanks, Koppers violated Condition 1.1.3-1(a) of Construction Permit No. 02020104, and thereby also violated Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301 and Section 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024).

¹ Condition 1.1.3-1(a) of Construction Permit No. 02020104 includes a scrivener's error erroneously omitting the word "Not" from the sentence.

40. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count VI:

1. Finding that Koppers has violated Section 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 1.1.3-1(a) of Construction Permit No. 02020104;

2. Enjoining Koppers from any further violations of Section 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 1.1.3-1(a) of Construction Permit No. 02020104;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 1.1.3-1(a) of Construction Permit No. 02020104;

4. Assessing against Koppers, 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 Sections 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 1.1.3-1(a) of Construction Permit No. 02020104, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT VII

FAILURE TO COMPLY WITH MONITORING REQUIREMENTS FOR CREOSOTE BLEND TANKS BY KOPPERS

1-45. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 30 through 33, and 35 through 40 of Count I, paragraphs 33 through 39 of Count IV, and paragraphs 44 and 49 through 50 of Count V as paragraphs 1 through 45 of this Count VII.

46. Section 63.1362(j) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(j), provides as follows:

- (j) Closed-vent systems. The owner or operator of a closed-vent system that contains bypass lines that could divert a vent stream away from a control device used to comply with the requirements in paragraphs (b) through (d) of this section shall comply with the requirements of Table 3 of this subpart and paragraph (j)(1) or (2) of this section. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, rupture disks and pressure relief valves needed for safety purposes are not subject to this paragraph.

47. Table 3 to Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63, provides in pertinent part as follows:

Table 3 to Subpart MMM of Part 63—Monitoring Requirements for Control Devices

Control Device	Monitoring equipment required	Parameters to be monitored	Frequency
All control devices	1. Flow indicator installed at all bypass lines to the atmosphere or	1. Presence of flow diverted from the control device to the atmosphere or	Hourly records of whether the flow indicator was operating and whether a diversion

			was detected at any time during each hour.
	2. Valves sealed closed with car-seal or lock-and-key configuration	2. Monthly inspections of sealed valves	Monthly.
Thermal Incinerator	Temperature monitoring device installed in firebox or in ductwork immediately downstream of firebox	Firebox temperature	Every 15 minutes.

48. Condition 1.1.3-1(b)(i)(C) of Construction Permit No. 02020104 provides:

(b) Each affected process tank is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pesticide Active Ingredients (PAI), 40 CFR 63 Subpart MMM. This is because the affected tank is a “process tank” at a “pesticide active ingredient manufacturing process unit (PAI Process Unit)” as defined in the NESHAP 40 CFR 63.1361. In particular, the tank is used for blending materials, including creosote, to make product(s); creosote is a pesticide active ingredient; and the tank is located at a plant site that is a major source for hazardous air pollutants (HAPs).

(i)

* * *

(C) If the closed vent system has a bypass line, the system must comply with 40 CFR 63.1362(j).

49. On September 28, 2021, Illinois EPA received an updated deviation report from Koppers demonstrating that on April 6, 2021, it did not operate its Creosote Tank continuous emissions monitoring system (“CEMS”) from 1:00 p.m. through 3:59 p.m.

50. On July 7, 2021, Illinois EPA received a deviation report from Koppers demonstrating that from June 7, 2021 at 10:42 p.m. to June 8, 2021 at 9:46 a.m., it did not operate its Creosote Tank TO.

51. By failing to operate its Creosote Tank CEMS on April 6, 2021 and Creosote Tank

TO from June 7, 2021 to June 8, 2021, Koppers failed to comply with monitoring requirements for its Creosote Tanks' closed vent system with bypass line for "all control devices" and "thermal oxidizers", as required in Table 3 in Section 63.1362(j) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(j).

52. From at least April 2021 and continuing through at least June 2021, or on a date or dates better known to Koppers, by failing to comply with monitoring requirements for its Creosote Tanks' closed vent system with bypass line, Koppers violated Section 63.1362(j) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(j) and Condition 1.1.3-1(b)(i)(C) of Construction Permit No. 02020104, and therefore also violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024).

53. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count VII:

1. Finding that Koppers violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9.1(b) and (d)(1) (2024), Section 63.1362(j) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(j) and Condition 1.1.3-1(b)(i)(C) of Construction Permit No. 02020104;

2. Enjoining Koppers from any further violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1362(j) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(j) and Condition 1.1.3-1(b)(i)(C) of Construction Permit No. 02020104;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1362(j) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(j) and Condition 1.1.3-1(b)(i)(C) of Construction Permit No. 02020104;

4. Assessing against Koppers, 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 Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1362(j) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1362(j) and Condition 1.1.3-1(b)(i)(C) of Construction Permit No. 02020104, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT VIII

FAILURE TO CONDUCT CLOSED-VENT SYSTEM VISUAL INSPECTIONS FOR CREOSOTE BLEND TANKS BY KOPPERS AND KCM

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, the Attorney General of the State of Illinois, on his own motion and at the request of Illinois EPA, against KOPPERS, INC., a Pennsylvania corporation, and KOPPERS CARBON MATERIALS LLC, a Pennsylvania limited liability company, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2024).

2-46. Plaintiff re-alleges and incorporates herein by reference paragraphs 2 through 25,

30 through 33, and 35 through 40 of Count I, paragraphs 33 through 39 of Count IV, and paragraphs 44 and 49 through 52 of Count V, as paragraphs 2 through 46 of this Count VIII.

47. Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii), provides as follows:

- (xiii) Closed-vent system visual inspections. The owner or operator shall comply with the requirements in either paragraph (b)(1)(xiii)(A) or (B) of this section:
 - (A) Set the flow indicator at the entrance to any bypass line that could divert the stream away from the control device to the atmosphere to take a reading at least once every 15 minutes; or
 - (B) If the bypass device valve installed at the inlet to the bypass device is secured in the closed position with a car-seal or lock-and-key type configuration, visually inspect the seal or closure mechanism at least once every month to verify that the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.

48. Condition 1.1.8(b) of Construction Permit No. 02020104 provides:

- (b) Pursuant to 40 CFR 63.1366(b)(1)(xiii), the Permittee shall perform monitoring for the closed vent system in accordance with 40 CFR 63.1366(b)(1)(xiii)(A) or (B). For example, if there are bypass device valve(s) in the closed-vent system that are secured in the closed position, conduct monthly visual inspections of such valves to verify that they are maintained in the closed position, as required by 40 CFR 63.1362(j), and the vent stream is not diverted through the bypass line.

49. At no time did Koppers and KCM provide records to Illinois EPA demonstrating that each conducted monthly visual inspections of the Creosote Tanks' closed vent stream to ensure that it was not diverted through the bypass line.

50. Beginning on a date best known to Koppers and continuing to December 31, 2024, Koppers failed to conduct visual inspections of the Creosote Tanks' closed vent stream to ensure that it was not diverted through the bypass line, in accordance with Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii) and Condition

1.1.8(b) of Construction Permit No. 02020104.

51. From January 1, 2025 to the date of filing of this Complaint, KCM failed to conduct visual inspections of the Creosote Tanks' closed vent stream to ensure that it was not diverted through the bypass line, in accordance with Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii) and Condition 1.1.8(b) of Construction Permit No. 02020104.

52. From a date best known to Koppers and continuing to December 31, 2024, by failing to conduct visual inspections for its creosote blend tanks' closed vent stream, Koppers violated Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii) and Condition 1.1.8(b) of Construction Permit No. 02020104, and therefore also violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024).

53. From January 1, 2025 to the date of filing of this Complaint, by failing to conduct visual inspections for its creosote blend tanks' closed vent stream, KCM violated Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii) and Condition 1.1.8(b) of Construction Permit No. 02020104, and therefore also violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024).

54. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendants, KOPPERS INC., a Pennsylvania corporation, and KOPPERS CARBON MATERIALS LLC, a Pennsylvania limited liability company, with respect to Count VIII:

1. Finding that Koppers and KCM each violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9.1(b) and (d)(1) (2024), Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii), and Condition 1.1.8(b) of Construction Permit No. 02020104;

2. Enjoining Koppers and KCM each from any further violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii), and Condition 1.1.8(b) of Construction Permit No. 02020104;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii), and Condition 1.1.8(b) of Construction Permit No. 02020104;

4. Assessing against Koppers, 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 Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii), and Condition 1.1.8(b) of Construction Permit No. 02020104, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Assessing against KCM, 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 Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii), and Condition

1.1.8(b) of Construction Permit No. 02020104 that occurred prior to June 16, 2025, and an additional Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

6. Assessing against KCM, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a),² a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each violation of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.1366(b)(1)(xiii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1366(b)(1)(xiii), and Condition 1.1.8(b) of Construction Permit No. 02020104 that occurred after June 16, 2025, and an additional Twenty-Five Thousand Dollars (\$25,000.00) for each day during which the violations continued 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)

7. Ordering Koppers and KCM each, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

8. Granting such other relief as this Court deems appropriate and just.

COUNT IX

FAILURE TO REDUCE TOTAL ORGANIC HAP EMISSIONS FROM STORAGE VESSELS BY KOPPERS

1-35. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, and 31 through 40 of Count I, as paragraphs 1 through 35 of this Count IX.

² 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 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.

36. The storage vessels at the Facility are capable of causing or contributing to “air pollution” as that term is defined by Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), because they emit, or are capable of emitting, organic HAPs and other contaminants into the atmosphere in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

37. Section 63.119(e) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.119(e), provides as follows:

- (e) The owner or operator who elects to use a closed vent system and control device, as defined in § 63.111 of this subpart, to comply with the requirements of paragraph (a)(1) or (a)(2) of this section shall comply with the requirements specified in paragraphs (e)(1) through (e)(5) of this section.
 - (1) Except as provided in paragraph (e)(2) of this section, the control device shall be designed and operated to reduce inlet emissions of total organic HAP by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements of § 63.11(b) of subpart A of this part.
 - (2) If the owner or operator can demonstrate that a control device installed on a storage vessel on or before December 31, 1992 is designed to reduce inlet emissions of total organic HAP by greater than or equal to 90 percent but less than 95 percent, then the control device is required to be operated to reduce inlet emissions of total organic HAP by 90 percent or greater.
 - (3) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of paragraph (e)(1) or (e)(2) of this section, as applicable, shall not exceed 240 hours per year.
 - (4) The specifications and requirements in paragraphs (e)(1) and (e)(2) of this section for control devices do not apply during periods of planned routine maintenance.

- (5) The specifications and requirements in paragraphs (e)(1) and (e)(2) of this section for control devices do not apply during a control system malfunction.

38. Section 63.111 of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.111, provides the following definitions:

Closed-vent system means a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission point to a control device.

Control device means any combustion device, recovery device, or recapture device. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For process vents, recapture devices are considered control devices but recovery devices are not considered control devices, and for a steam stripper, a primary condenser is not considered a control device.

39. The Facility's storage vessels utilize a closed-vent system, which is closed to the atmosphere and is composed of piping, ductwork, connections, and flow inducing devices that transport gas or vapor from an emission point to a TO.

40. Because the Facility's storage vessels utilize a closed-vent system, which is closed to the atmosphere and is composed of piping, ductwork, connections, and flow inducing devices that transport gas or vapor from an emission point to a TO, they utilize a "Closed-vent system" as that term is defined by Section 63.111 of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.111.

41. The Facility's TO, used in its storage vessel closed-vent system, is a heat recovery device.

42. Because the Facility's TO, used in its storage vessel closed-vent system, is a heat recovery device, it is a "Control device," as that term is defined in Section 63.111 of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.111.

43. Condition 2.2.2(a) of Construction Permit No. 14100012 provides:

Applicable Emission Standards

- (a) Each affected storage vessel is subject to the requirement of the NESHAP for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, 40 CFR 63, Subpart G. [40 C.F.R. § 63.119(a)]

44. Pursuant to Condition 2.2.2(a) of Construction Permit No. 14100012, on April 28, 2009 and April 29, 2009, Koppers conducted stack testing at the Facility, which demonstrated that the TO controlling the storage vessels (“Storage Tank TO”) was to be operated at or above a minimal operating temperature of 1400 °F, to achieve compliance with applicable requirements, including Section 63.119(e) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.119(e).

45. On June 3, 2020, Koppers submitted a compliance report to Illinois EPA pursuant to 40 C.F.R. 63, Subpart G. The report demonstrated numerous occasions from December 2, 2019 to January 13, 2020, when the Storage Vessel TO was operated below the required minimum operating temperature of 1400 °F, including the following:

Date	TO Temperature (°F) Limit 1400 °F
12/02/2019	1388
12/27/2019	1374
1/09/2020	1397
1/11/2020	479
1/12/2020	92
1/13/2020	955

46. On December 3, 2020, Koppers submitted a compliance report to Illinois EPA pursuant to 40 C.F.R. 63, Subpart G. The report demonstrated numerous occasions from May 5,

2020 to October 6, 2020, when the Storage Vessel TO was operated below the required minimum operating temperature of 1400 °F, including the following:

Date	TO Temperature (°F) Limit 1400 °F
5/05/2020	1389
5/12/2020	1347
5/24/2020	1359
5/25/2020	1386
5/27/2020	1330
5/29/2020	1383
6/09/2020	1371
6/10/2020	1386
6/16/2020	1269
6/17/2020	1364
6/19/2020	1389
6/25/2020	1377
6/30/2020	1378
7/02/2020	1338
7/03/2020	1389
7/13/2020	1006
7/14/2020	96
7/15/2020	0
7/16/2020	0
7/17/2020	0
7/18/2020	0
7/19/2020	0
7/20/2020	0
7/21/2020	0
7/22/2020	42
7/23/2020	680
7/24/2020	1146
8/18/2020	1370
9/23/2020	748
9/24/2020	1056
10/06/2020	1233

47. From December 2, 2019 until October 6, 2020, or on a date or dates better known to Koppers, Koppers operated its Storage Vessel TO below the required minimum operating temperature of 1400 °F.

48. From December 2, 2019 through October 6, 2020, or on dates better known to

Koppers, by operating below the required minimum operating temperature of 1400 °F, Koppers failed to reduce emissions of total organic HAPs by at least 95% for its storage vessels, in accordance with Section 63.119(e) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.119(e).

49. By failing to reduce organic HAP emissions by at least 95% for its storage vessels, Koppers violated Section 63.119(e) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.119(e), and therefore also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

50. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count IX:

1. Finding that Koppers violated Section 9.1(d)(1) of the Act, 415 ILCS 5/ 9.1(d)(1) (2024), and Section 63.119(e) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.119(e);
2. Enjoining Koppers from any further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.119(e) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.119(e);
3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.119(e) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.119(e);
4. Assessing against Koppers, 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

9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.119(e) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.119(e), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT X

FAILURE TO MONITOR HEAT EXCHANGE SYSTEM AT NAPHTHALENE DISTILLATION PLANT BY KOPPERS

1-31. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 22, 31 through 33, and 35 through 40 of Count I, as paragraphs 1 through 31 of this Count X.

32. The heat exchange system is part of the Facility's naphthalene distillation plant cooling tower CT-1 used at the Facility, which is capable of causing or contributing to "air pollution" as that term is defined by Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), because it emits, or is capable of emitting, VOM, a contaminant, into the atmosphere in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

33. Subpart F of Title 40, Part 63 of the C.F.R. was adopted pursuant to Section 112 of the Clean Air Act as part of the NESHAP Regulations. Subpart F contains the NESHAP for synthetic organic chemical manufacturing. The standards of 40 C.F.R. 63, Subpart F are enforceable in the State of Illinois pursuant to Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

34. Section 63.104(a) of Subpart F of the NESHAP Regulations, 40 C.F.R. § 63.104(a),

provides as follows:

- (a) Unless one or more of the conditions specified in paragraphs (a)(1) through (a)(6) of this section are met, owners and operators of sources subject to this subpart shall monitor each heat exchange system used to cool process equipment in a chemical manufacturing process unit meeting the conditions of § 63.100 (b)(1) through (b)(3) of this subpart, except for chemical manufacturing process units meeting the condition specified in § 63.100(c) of this subpart, according to the provisions in either paragraph (b) or (c) of this section. Whenever a leak is detected, the owner or operator shall comply with the requirements in paragraph (d) of this section.

35. Section 63.101 of Subpart F of the NESHAP Regulations, 40 C.F.R. § 63.101, provides the following definitions:

Heat exchange system means any cooling tower system or once-through cooling water system (e.g., river or pond water). A heat exchange system can include more than one heat exchanger and can include an entire recirculating or once-through cooling system.

Chemical manufacturing process unit means the equipment assembled and connected by pipes or ducts to process raw materials and to manufacture an intended product. A chemical manufacturing process unit consists of more than one unit operation. For the purpose of this subpart, chemical manufacturing process unit includes air oxidation reactors and their associated product separators and recovery devices; reactors and their associated product separators and recovery devices; distillation units and their associated distillate receivers and recovery devices; associated unit operations; associated recovery devices; and any feed, intermediate and product storage vessels, product transfer racks, and connected ducts and piping. A chemical manufacturing process unit includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, and control devices or systems. A chemical manufacturing process unit is identified by its primary product.

36. The heat exchange system for the Facility's naphthalene distillation plant cooling tower CT-1 contains a cooling tower system to conduct heat exchange at the Facility.

37. Because the heat exchange system for the Facility's naphthalene distillation plant cooling tower CT-1 contains a cooling tower system to conduct heat exchange at the Facility, it is a "Heat exchange system" as that term is defined in Section 63.101 of Subpart F of the NESHAP Regulations, 40 C.F.R. § 63.101.

38. The naphthalene distillation plant cooling tower CT-1 at the Facility contains equipment assembled and connected by pipes or ducts to process raw materials and to manufacture naphthalene and other materials at the Facility.

39. Because the naphthalene distillation plant cooling tower CT-1 at the Facility contains equipment assembled and connected by pipes or ducts to process raw materials and to manufacture naphthalene and other materials at the Facility, it is a “Chemical manufacturing process unit” as that term is defined in Section 63.101 of Subpart F of the NESHAP Regulations, 40 C.F.R. § 63.101.

40. On June 3, 2020, Koppers submitted to Illinois EPA its periodic report, which indicated that Koppers did not conduct monitoring of the heat exchange system for the naphthalene distillation plant cooling tower CT-1 at the Facility from at least August 2019 to March 2020.

41. From at least August 2019, or on a date better known to Koppers, through March 2020, Koppers failed to monitor the heat exchange system for its naphthalene distillation plant cooling tower CT-1 at the Facility in accordance with Section 63.104(a) of Subpart F of the NESHAP Regulations, 40 C.F.R. § 63.104(a).

42. From at least August 2019, or on a date better known to Koppers, through March 2020, by failing to monitor the heat exchange system for its naphthalene distillation plant cooling tower CT-1 at the Facility, Koppers violated Section 63.104(a) of Subpart F of the NESHAP Regulations, 40 C.F.R. § 63.104(a), and therefore also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/ 9.1(d)(1) (2024).

43. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count X:

1. Finding that Koppers violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.104(a) of Subpart F of the NESHAP Regulations, 40 C.F.R. § 63.104(a);
2. Enjoining Koppers from any further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.104(a) of Subpart F of the NESHAP Regulations, 40 C.F.R. § 63.104(a);
3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.104(a) of Subpart F of the NESHAP Regulations, 40 C.F.R. § 63.104(a);
4. Assessing against Koppers, 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 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.104(a) of Subpart F of the NESHAP Regulations, 40 C.F.R. § 63.104(a), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;
5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as this Court deems appropriate and just.

COUNT XI

VIOLATION OF CAAPP PERMIT CONDITIONS FOR PHTHALIC ANHYDRIDE REACTOR TRAINS BY KOPPERS

1-25. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25 of

Count I, as paragraphs 1 through 25 of this Count XI.

26. Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), provides as follows:

(6) Prohibitions:

(a) It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph (m) of subsection 7 of this Section.

27. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024), provides the following definitions:

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

“CAAPP Permit” or “permit” (unless the context suggests otherwise) 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.

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

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

“Regulated air pollutant” means the following:

- (1) Nitrogen oxide (NO_x) or any volatile organic compound.
- (2) Any pollutant for which a national ambient air quality standard has been promulgated.
- (3) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.

- (4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act.
- (5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).
 - (i) Any pollutant subject to requirements under Section 112(j) of the Clean Air Act. Any pollutant listed under Section 112(b) for which the subject source would be major shall be considered to be regulated 18 months after the date on which USEPA was required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.
 - (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.
- (6) Greenhouse gases.

“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, ...

28. From at least July 14, 2000 to December 31, 2024, Koppers was an operator of the Facility, and from January 1, 2025, KCM has been, and continues to be an operator of the Facility, which is a stationary source, thereby constituting an “owner or operator”, as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

29. At all times relevant to this Complaint, the Facility has been, and continues to be, a building, structure, facility, or installation which emits or may emit regulated air pollutants, thereby constituting a “stationary source” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

30. At all times relevant to this Complaint, the Facility has emitted, amongst others, Sulfur Dioxide (“SO₂”), which is a pollutant for which a national ambient air quality standard has

been promulgated and therefore is a “regulated air pollutant” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

31. At all times relevant to this Complaint, the Facility has been, and continues to be, a source for which the owner or operator is required to obtain a “CAAPP Permit”, thereby constituting a “CAAPP source”, as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

32. Condition 7.7.8(d)(i) – (ii) of CAAPP Permit No. 96030134 provides:

- (d) Pursuant to Section 39.5(7)(d) of the Act, Section 165 of the CAA, and Permits 72120652 and 82050034, the affected reactor trains shall be equipped with a continuous emissions monitoring system (CEMS) to monitor and record sulfur dioxide emissions.
 - (i) The CEMS shall be operated to provide permanent records of the hourly SO₂ emissions based upon three minute samples of air flows and SO₂ concentrations.
 - (ii) Upon sudden failure of the CEMS, the reactor feeds shall be maintained at previous feed rates. Within 24 hours of sudden CEMS failure, the feed stock shall be sampled and analyzed for sulfur content. Compliance with SO₂ emissions limits in Condition 7.7.6(a)(ii)(A), shall be determined by multiplying sulfur content with the feed rates until the CEMS is repaired.

33. On February 28, 2020, Koppers submitted a semi-annual monitoring report to Illinois EPA, which demonstrated that Koppers failed to operate its CEMS to monitor and record SO₂ emissions from its Facility’s phthalic anhydride reactor trains during at least 720 one-hour periods from July 1, 2019 through December 31, 2019. The report also demonstrated that during 267 of these one-hour periods, Koppers increased the phthalic anhydride reactor feed.

34. On August 28, 2020, Koppers submitted a semi-annual monitoring report to Illinois EPA, which demonstrated that Koppers failed to operate its CEMS to monitor and record SO₂ emissions from its Facility’s phthalic anhydride reactor trains during at least 139 one-hour periods

from January 1, 2020 through June 30, 2020. The report also demonstrated that during 10 of these one-hour periods, Koppers increased the phthalic anhydride reactor feed.

35. On March 1, 2021, Koppers submitted a compliance report to Illinois EPA, which demonstrated that Koppers failed to operate its CEMS to monitor and record SO₂ emissions from its Facility's phthalic anhydride reactor trains during at least 1 one-hour period from July 1, 2020 through December 31, 2020.

36. On February 28, 2023 and April 27, 2023, Koppers submitted a semi-annual monitoring report and annual compliance certification, respectively, to Illinois EPA, which demonstrated that Koppers failed to operate its CEMS to monitor and record SO₂ emissions from its Facility's phthalic anhydride reactor trains during at least 869 one-hour periods from August 1, 2022 through December 31, 2022. The report also demonstrated that during 26 of these one-hour periods, from December 8, 2022 through December 9, 2022, Koppers increased the phthalic anhydride reactor feed. Koppers' April 27, 2023 annual compliance certification included the following dates from August 1, 2022 through December 31, 2022, when it failed to operate its CEMS to monitor and record SO₂ emissions from the Facility's phthalic anhydride reactor trains:

Date
8/22/2022
8/23/2022
8/24/2022
8/25/2022
8/26/2022
9/14/2022
9/16/2022
10/27/2022
11/24/2022
11/25/2022
11/26/2022
11/27/2022
11/28/2022
11/29/2022

11/30/2022
12/01/2022
12/02/2022
12/03/2022
12/04/2022
12/05/2022
12/06/2022
12/07/2022
12/08/2022
12/09/2022
12/27/2022
12/28/2022

37. On August 30, 2023, Koppers submitted a semi-annual monitoring report to Illinois EPA, which demonstrated that Koppers failed to operate its CEMS to monitor and record SO₂ emissions from its Facility's phthalic anhydride reactor trains during at least 42 one-hour periods from January 1, 2023 through June 30, 2023.

38. From July 1, 2019 until at least June 30, 2023, or on dates better known to Koppers, Koppers failed to operate its CEMS to monitor and record SO₂ emissions from the phthalic anhydride reactor trains as to provide permanent records of the hourly average SO₂ emissions based on three-minute samples of air flows and SO₂ concentrations.

39. From July 1, 2019 until at least June 30, 2023, or on dates better known to Koppers, by failing to operate its CEMS to monitor and record SO₂ emissions in a manner to provide permanent records of the hourly SO₂ emissions from the phthalic anhydride reactor trains based on three minute samples of air flows and SO₂ concentrations, Koppers violated Condition 7.7.8(d)(i) of CAAPP Permit No. 96030134, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

40. From July 1, 2019 to at least December 31, 2022, or on dates better known to Koppers, by increasing the phthalic anhydride reactor feed upon failure of the CEMS, Koppers

failed to maintain the phthalic anhydride reactor feeds at previous feed rates during its CEMS failures.

41. From at least August 1, 2022 to at least December 31, 2022, or on dates better known to Koppers, Koppers failed to sample and analyze the feed stock for sulfur content during periods of CEMS failure.

42. From at least August 1, 2022 to at least December 31, 2022, or on dates better known to Koppers, by failing to maintain the phthalic anhydride reactor feeds at previous feed rates during the period of CEMS failures and failing to sample and analyze the feed stock for sulfur content during periods of CEMS failure, Koppers violated Condition 7.7.8(d)(ii) of CAAPP Permit No. 96030134, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

43. On January 15, 2024, Koppers submitted a deviation report to Illinois EPA, which demonstrated that on January 6, 2024 from 11:11 a.m. to 11:40 a.m., Koppers failed to operate its CEMS to monitor and record SO₂ emissions from its Facility's phthalic anhydride reactor trains. The report also demonstrated that during this time, Koppers increased the phthalic anhydride reactor feed.

44. On January 6, 2024, or on dates better known to Koppers, by increasing the phthalic anhydride reactor feed upon failure of the CEMS, Koppers failed to maintain the phthalic anhydride reactor feeds at previous feed rates during its CEMS failure.

45. On January 6, 2024, or on dates better known to Koppers, Koppers failed to sample and analyze the feed stock for sulfur content during periods of CEMS failure.

46. On January 6, 2024, by failing to maintain the phthalic anhydride reactor feeds at previous feed rates during the period of CEMS failure and failing to sample and analyze the feed stock for sulfur content during period of CEMS failure, Koppers violated Condition 7.7.8(d)(ii) of

CAAPP Permit No. 96030134, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

47. Condition 7.7.6(a)(i)(A) of CAAPP Permit No. 96030134 provides:

In addition to Condition 5.2.2 and the source wide emission limitations in Condition 5.5, the affected reactor trains are subject to the following:

(a) Emissions and operation of the affected reactor trains shall not exceed the following limits:

(i) Operation of reactor trains A, B, C, & D shall not exceed the following limits:

(A) Feed rates of raw material shall be limited such that emissions of sulfur dioxide do not exceed 260 lb/hr.

48. On information and belief, from at least August 1, 2022 to at least December 31, 2022, or on dates better known to Koppers, by failing to maintain the phthalic anhydride reactor feeds at previous feed rates during the period of CEMS failures, Koppers caused or allowed the emission of SO₂ in excess of 260 lb/hr.

49. On information and belief, from at least August 1, 2022 to at least December 31, 2022, or on dates better known to Koppers, by causing or allowing the emission of SO₂ in excess of 260 lb/hr, Koppers violated Condition 7.7.6(a)(i)(A) of CAAPP Permit No. 96030134, and thereby also violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

50. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count XI:

1. Finding that Koppers violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024) and Conditions 7.7.8(d)(i) and (ii) and 7.7.6(a)(i)(A) of CAAPP Permit No. 96030134;
2. Enjoining Koppers from any further violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 7.7.8(d)(i) and (ii) and 7.7.6(a)(i)(A) of CAAPP Permit No. 96030134;
3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 7.7.8(d)(i) and (ii) and 7.7.6(a)(i)(A) of CAAPP Permit No. 96030134;
4. Assessing against Koppers, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Conditions 7.7.8(d)(i) and (ii) and 7.7.6(a)(i)(A) of CAAPP Permit No. 96030134;
5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as this Court deems appropriate and just.

COUNT XII

FAILURE TO COMPLY WITH PARTICULATE MATTER OPACITY LIMITS BY KOPPERS

1-34. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 26 and 29 through 30 of Count I, and paragraphs 26 through 31 of Count XI, as paragraphs 1 through 34 of this Count XII.

35. Section 212.123(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.123(a), provides, in pertinent part, as follows:

No person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit other than those emission units subject to Section 212.122 of this Subpart.

36. Section 212.112 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 212.112, provides as follows:

The definitions of 35 Ill. Adm. Code 201 and 211 apply to this Part.

37. Section 211.4510 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.4510, provides the following definition:

“Particulate matter” means any solid or liquid material, other than water, which exists in finely divided form.

38. At all times relevant to this Complaint, the Facility has emitted “PM”, as that term is defined in Section 211.4510 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.4510.

39. At all times relevant to this Complaint, the Facility has emitted PM, which is a “regulated air pollutant” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

40. Condition 2(a) of Construction Permit No. 11100041 provides as follows:

(a) The affected unit is subject to 35 IAC 212.123(a), which generally provides that the emissions of smoke or other PM, from emission units shall not have an opacity greater than 30 percent into the atmosphere.

41. Condition 5.2.2(b) of CAAPP Permit No. 96030134 provides as follows:

(b) The emission of smoke or other particulate matter from any emission unit shall not exceed an opacity of greater than 30 percent, except that an opacity greater than 30 percent but less than 60 percent shall be allowed for a period or periods aggregating 8 minutes in any 60 minute period provided that such opaque emissions permitted during any 60 minute period shall occur from only on such emission unit located within the 305 meter (1,000 feet) radius from the center point of any other such emission unit owned or operated by the Permittee, and provided further that such opaque emissions permitted

from each such emission unit shall be limited to 3 times in any 24 hour period, pursuant to 35 IAC 212.123 and 212.124.

42. At all times relevant to this Complaint, Koppers operated and KCM operated and continues to operate a tube heater at the Facility's tar plant ("Tar Plant Tube Heater"), where heat exchange occurs between combustion gases and materials contained in process tubes. Under normal operation, the Tar Plant Tube Heater emits combustion gases, including, but not limited to, PM and VOM.

43. On January 22, 2021, Koppers submitted a deviation report to Illinois EPA demonstrating that a fire occurred in the Facility's Tar Plant Tube Heater on December 26, 2020, from 10:30 a.m. to 11:30 a.m., causing smoke and other PM to be released into the atmosphere ("December 2020 Fire"). In the deviation report, Koppers stated that "PM emissions likely exceeded the 30% opacity requirement in Permit No. 11100041 condition 2.a."

44. On March 10, 2021, Koppers submitted a letter to Illinois EPA explaining that the root cause of the December 2020 Fire was equipment failure and procedural error of personnel causing a tube rupture, resulting in the fire.

45. On April 19, 2021, Koppers submitted a deviation report to Illinois EPA demonstrating that a fire occurred at the Facility's Tar Plant Tube Heater on March 20, 2021, at 10:20 p.m., causing smoke and other PM to be released into the atmosphere.

46. On December 26, 2020 and March 20, 2021, Koppers caused the emission of PM from the Facility's Tar Plant Tube Heater into the atmosphere with an opacity greater than 30%.

47. On December 26, 2020 and March 20, 2021, by causing the emission of PM from the Facility's Tar Plant Tube Heater with an opacity greater than 30%, Koppers violated Section 212.123(a) of the Board Air Pollution Regulations, 35 Ill Adm. Code 212.123(a).

48. By violating Section 212.123(a) of the Board Air Pollution Regulations, 35 Ill Adm. Code 212.123(a), Koppers also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

49. On December 26, 2020 and March 20, 2021, by causing the emission of PM from the Facility's Tar Plant Tube Heater with an opacity greater than 30%, Koppers violated Condition 2(a) of Construction Permit No. 11100041, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

50. On December 26, 2020 and March 20, 2021, by causing the emission of PM from the Facility's Tar Plant Tube Heater with an opacity greater than 30%, Defendant violated Condition 5.2.2(b) of CAAPP Permit No. 96030134, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

51. Condition 4(c) of Construction Permit No. 11100041 provides, in pertinent part, as follows:

The Permittee shall operate and maintain the affected system in accordance with written procedures developed and maintained by the Permittee. These procedures shall provide for good air pollution control practices to minimize emissions and shall include the Permittee's standard operating procedures for startup, normal operation, and shutdown of the affected system and address likely malfunction and upsets events for the affected system.

52. Condition 7.4.5(b) of CAAPP Permit No. 96030134 provides, in pertinent part, as follows:

The Permittee shall follow good operating practices for the tube heaters, flare, and fume system associated with the affected stills, including periodic inspection routine maintenance and prompt repair of defects.

53. On December 26, 2020 and March 20, 2021, by improperly operating and maintaining the Tar Plant Tube Heater, thereby causing the emission of PM from the Facility's Tar Plant Tube Heater with an opacity greater than 30%, Koppers failed to operate and maintain the Tar Plant Tube Heater in accordance with good air pollution control and operating practices.

54. By failing to operate and maintain the Tar Plant Tube Heater on December 26, 2020 and March 20, 2021, in accordance with good air pollution control and operating practices at the Facility, Koppers violated Condition 4(c) of Construction Permit No. 11100041, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

55. By failing to operate and maintain the Tar Plant Tube Heater on December 26, 2020 and March 20, 2021, in accordance with good air pollution control and operating practices at the Facility, Koppers also violated Condition 7.4.5(b) of CAAPP Permit No. 96030134, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

56. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count XII:

1. Finding that Koppers violated Sections 9(a), 9(b), and 39.5(6)(a) of the Act, 415 ILCS 5/9(a), 9(b), and 39.5(6)(a) (2024), Conditions 2(a) and 4(c) of Construction Permit No. 11100041, and Conditions 5.2.2(b) and 7.4.5(b) of CAAPP Permit No. 96030134;

2. Enjoining Koppers from any further violations of Sections 9(a), 9(b), and 39.5(6)(a) of the Act, 415 ILCS 5/9(a), 9(b), and 39.5(6)(a) (2024), Conditions 2(a) and 4(c) of Construction Permit No. 11100041, and Conditions 5.2.2(b) and 7.4.5(b) of CAAPP Permit No. 96030134;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Sections 9(a), 9(b), and 39.5(6)(a) of the Act, 415

ILCS 5/9(a), 9(b), and 39.5(6)(a) (2024), Conditions 2(a) and 4(c) of Construction Permit No. 11100041, and Conditions 5.2.2(b) and 7.4.5(b) of CAAPP Permit No. 96030134;

4. Assessing against Koppers, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 5.2.2(b) and 7.4.5(b) of CAAPP Permit No. 96030134;

5. Assessing against Koppers, 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 Sections 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024), and Conditions 2(a) and 4(c) of Construction Permit No. 11100041, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

6. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, 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 this Court deems appropriate and just.

COUNT XIII

FAILURE TO COMPLY WITH CAAPP PERMIT VOM EMISSIONS LIMIT FOR PITCH TANKS BY KOPPERS

1-41. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 29, and 48 of Count I, paragraphs 34 through 37 and 40 through 44 of Count II, and paragraphs 26 through 29 and 31 of Count XI, as paragraphs 1 through 41 of this Count XIII.

42. At all times relevant to this Complaint, the Facility has emitted, amongst other air pollutants, VOCs, which are a “regulated air pollutant” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

43. Condition 7.2.3(b) of CAAPP Permit No. 96030134 provides:

- (b) No person shall cause or allow the discharge of more than 3.6 kg/hr (8 lb/hr) of organic material into the atmosphere from any emission unit, except as provided in 35 IAC 218.302, 218.303, 218.304 and the following exception: If no odor nuisance exists the limitation of 35 IAC 218 Subpart G shall apply only to photochemically reactive material [35 IAC 218.301].

44. On information and belief, from July 1, 2019 to at least November 12, 2021, by failing to operate the Pitch Tank TO during all periods when the process was in operation, Koppers caused or allowed the emission of VOM from its pitch tanks in excess of 8 lbs/hour.

45. From July 17, 2022 to at least June 19, 2023, by failing to operate the Pitch Tank TO during all periods when the process was in operation, Koppers caused or allowed the emission of VOM from its pitch tanks in excess of 8 lbs/hour.

46. From July 1, 2019 to at least November 12, 2021, and July 17, 2022 to at least June 19, 2023, by causing or allowing the emission of VOM from its pitch tanks in excess of 8 lbs/hour as a result of Koppers' failure to operate the Pitch Tank TO, Koppers violated Condition 7.2.3(b) of CAAPP Permit No. 96030134 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

47. By causing or allowing the emission of VOM from its pitch tanks in excess of 8 lbs/hour as a result of Koppers' failure to operate the Pitch Tank TO, Koppers violated Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

48. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count XIII:

1. Finding that Koppers violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 7.2.3(b) of CAAPP Permit No. 96030134;

2. Enjoining Koppers from any further violations of violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301; and Condition 7.2.3(b) of CAAPP Permit No. 96030134;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 7.2.3(b) of CAAPP Permit No. 96030134;

4. Assessing against Koppers, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Condition 7.2.3(b) of CAAPP Permit No. 96030134;

5. Assessing against Koppers, 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), and Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

6. Ordering Defendant, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, 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 this Court deems appropriate and just.

COUNT XIV

FAILURE TO OPERATE AND MAINTAIN CLOSED VENT SYSTEMS FOR CARBON PITCH TANK AND TAR DISTILLATION PLANT BY KOPPERS

1-38. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 31 through 33, and 35 through 40 of Count I, and paragraphs 46 through 49 of Count II, as paragraphs 1 through 38 of this Count XIV.

39. Subpart SS of Title 40, Part 63 of the C.F.R. was adopted pursuant to Section 112 of the Clean Air Act as part of the NESHAP Regulations. Subpart SS contains the NESHAP for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process. The standards of 40 C.F.R. 63, Subpart SS are enforceable in the State of Illinois pursuant to Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

40. Section 63.983(a) of Subpart SS of the NESHAP Regulations, 40 C.F.R. § 63.983(a), provides as follows, in pertinent part:

- (a) ***Closed vent system equipment and operating requirements.*** Except for closed vent systems operated and maintained under negative pressure, the provisions of this paragraph apply to closed vent systems collecting regulated material from a regulated source.
 - (1) ***Collection of emissions.*** Each closed vent system shall be designed and operated to collect the regulated material vapors from the emission point, and to route the collected vapors to a control device.
 - (2) ***Period of operation.*** Closed vent systems used to comply with the provisions of this subpart shall be operated at all times when emissions are vented to, or collected by, them.

41. Section 63.981 of Subpart SS of the NESHAP Regulations, 40 C.F.R. § 63.981, provides the following definitions:

Closed vent system means a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission point to a control device. Closed vent system does not include the vapor collection system that is part of any tank truck or railcar.

Regulated material, for purposes of this subpart, refers to vapors from volatile organic liquids (VOL), volatile organic compounds (VOC), or hazardous air pollutants (HAP), or other chemicals or groups of chemicals that are regulated by a referencing subpart.

Regulated source for the purposes of this subpart, means the stationary source, the group of stationary sources, or the portion of a stationary source that is regulated by a relevant standard or other requirement established pursuant to a referencing subpart.

42. The carbon pitch tanks and tar distillation plant at the Facility both utilize a closed-vent system, which is closed to the atmosphere and is composed of piping, ductwork, connections, and flow inducing devices that transport gas or vapor from an emission point to a TO.

43. Because the carbon pitch tanks and tar distillation plant at the Facility both utilize a closed-vent system, which is closed to the atmosphere and is composed of piping, ductwork, connections, and flow inducing devices that transport gas or vapor from an emission point to a TO, they each utilize a “Closed vent system” as that term is defined by Section 63.981 of Subpart SS of the NESHAP Regulations, 40 C.F.R. § 63.981.

44. The carbon pitch tanks and tar distillation plant at the Facility both use closed vent systems to collect VOCs and HAPs from a stationary source.

45. Because the carbon pitch tanks and tar distillation plant at the Facility both use closed vent systems to collect VOCs and HAPs from a stationary source, they emit “Regulated

material” from a “Regulated source,” as those terms are defined by Section 63.981 of Subpart SS of the NESHAP Regulations, 40 C.F.R. § 63.981.

46. On February 28, 2023, Koppers submitted to Illinois EPA its semi-annual compliance report, including seven instances between July 17, 2022 and October 27, 2022, where Koppers bypassed its carbon pitch tank closed vent system at times when emissions were vented to, or collected by the system and 212 instances between July 1, 2022 and December 31, 2022, where Koppers bypassed its tar distillation plant closed vent system at times when emissions were vented to, or collected by the system. A true and correct copy of table 9 of Koppers’ February 28, 2023 semi-annual compliance report including such exceedances is attached hereto as Exhibit 2.

47. On August 30, 2023, Koppers submitted to Illinois EPA its semi-annual compliance report, including twenty instances between January 10, 2023 and June 19, 2023, where Koppers bypassed its carbon pitch tank closed vent system at times when emissions were vented to, or collected by the system and 249 instances between January 2, 2023 and June 30, 2023 where Koppers bypassed its tar distillation plant closed vent system at times when emissions were vented to, or collected by the system. A true and correct copy of table 9 of Koppers’ August 30, 2023 semi-annual compliance report including such exceedances is attached hereto as Exhibit 3.

48. From July 17, 2022 to at least June 19, 2023, by bypassing its carbon pitch tank closed vent system on at least twenty-seven instances, Koppers failed to operate and maintain its carbon pitch tank closed vent system at all times when emissions were vented to, or collected by the system.

49. From July 1, 2022 to at least June 30, 2023, by bypassing its tar distillation plant closed vent system on at least 461 instances, Koppers failed to operate and maintain its tar distillation plant closed vent system at all times when emissions were vented to or collected by the

system.

50. On November 2, 2023, Koppers submitted to Illinois EPA a deviation report demonstrating that on October 6, 2023 from 9:36 a.m. to 1:14 p.m., Koppers bypassed its carbon pitch tank closed vent system when emissions were vented to or collected by the system and the following instances between October 6, 2023 and October 19, 2023, where Koppers bypassed its tar distillation plant closed vent system at times when emissions were vented to, or collected by the system:

Date	Start Time	End Time	Duration (Mins)
10/06/2023	9:59 a.m.	11:37 a.m.	98
10/10/2023	8:23 a.m.	9:20 a.m.	57
10/15/2023	8:24 p.m.	12:20 a.m.	236
10/16/2023	8:12 a.m.	8:14 a.m.	2
10/16/2023	11:24 a.m.	1:11 p.m.	107
10/17/2023	9:14 a.m.	9:16 a.m.	2
10/18/2023	9:19 a.m.	9:22 a.m.	3
10/19/2023	3:03 a.m.	3:27 a.m.	24

51. On November 30, 2023, Koppers submitted to Illinois EPA a deviation report demonstrating the following instances between November 4, 2023 and November 22, 2023, where Koppers bypassed its tar distillation plant closed vent system at times when emissions were vented to or collected by the system:

Date	Start Time	End Time	Duration (Mins)
11/04/2023	9:27 a.m.	10:00 a.m.	28
11/05/2023	7:42 a.m.	8:51 a.m.	69
11/07/2023	8:27 a.m.	12:16 p.m.	229
11/08/2023	5:12 p.m.	5:18 p.m.	6
11/09/2023	8:01 p.m.	8:03 p.m.	2
11/10/2023	12:17 p.m.	12:21 p.m.	4
11/10/2023	3:43 p.m.	3:47 p.m.	4
11/10/2023	5:52 p.m.	5:57 p.m.	5
11/11/2023	9:21 a.m.	9:23 a.m.	2

11/13/2023	8:48 a.m.	8:51 a.m.	3
11/13/2023	9:25 a.m.	9:27 a.m.	2
11/13/2023	9:28 a.m.	9:40 a.m.	12
11/14/2023	11:32 p.m.	11:36 p.m.	4
11/16/2023	11:41 a.m.	12:12 p.m.	31
11/16/2023	12:31 p.m.	12:33 p.m.	2
11/17/2023	1:41 a.m.	1:56 a.m.	15
11/22/2023	6:17 a.m.	6:27 a.m.	10

52. On December 28, 2023, Koppers submitted to Illinois EPA a deviation report demonstrating that on November 30, 2023 from 10:07 p.m. to 10:10 p.m., Koppers bypassed its tar distillation plant closed vent system at times when emissions were vented to or collected by the system.

53. On January 23, 2024, Koppers submitted to Illinois EPA a deviation report demonstrating the following instances between December 24, 2023 and January 12, 2024, where Koppers bypassed its tar distillation plant closed vent system at times when emissions were vented to or collected by the system:

Date	Start Time	End Time	Duration (Mins)
12/24/2023	7:18 a.m.	8:42 a.m.	84
1/07/2024	8:14 a.m.	8:49 a.m.	35
1/10/2024	11:58 a.m.	5:02 p.m.	304
1/10/2024	9:29 p.m.	10:14 p.m.	45
1/10/2024	11:00 p.m.	11:51 p.m.	51
1/12/2024	6:30 p.m.	6:32 p.m.	2

54. On February 28, 2024, Koppers submitted to Illinois EPA its semi-annual compliance report, demonstrating the following instances between July 5, 2023 and October 6, 2023 where Koppers bypassed its carbon pitch tank closed-vent system when emissions were vented to or collected by the system:

Date	Start Time	End Time	Duration (Mins)
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7/05/2023	1:45 p.m.	2:45 p.m.	60
7/07/2023	8:15 a.m.	9:00 a.m.	45
7/22/2023	12:30 a.m.	4:15 a.m.	225
7/23/2023	3:15 p.m.	4:15 p.m.	60
7/25/2023	9:17 a.m.	9:53 a.m.	36
8/08/2023	7:36 a.m.	8:00 a.m.	24
8/14/2023	11:23 a.m.	12:00 a.m.	37
8/18/2023	5:02 p.m.	5:34 p.m.	32
10/06/2023	8:45 a.m.	5:15 p.m.	510

55. On February 28, 2024, Koppers submitted to Illinois EPA its semi-annual compliance report, also including seventeen instances between July 25, 2023 and October 16, 2023, where Koppers bypassed its carbon pitch tank closed vent system at times when emissions were vented to, or collected by the system and one hundred eighty-three instances between July 1, 2023 and December 24, 2023 where Koppers bypassed its tar distillation plant closed vent system at times when emissions were vented to or collected by the system. A true and correct copy of table 9 of Koppers' February 28, 2024 semi-annual compliance report including such exceedances is attached hereto as Exhibit 1.

56. On March 19, 2024, Koppers submitted to Illinois EPA a deviation report, demonstrating that on February 28, 2024 from 7:10 a.m. to 7:27 a.m., Koppers bypassed its carbon pitch tank closed vent system when emissions were vented to, or collected by the system and from 5:44 p.m. to 6:52 p.m. Koppers bypassed its tar distillation plant closed vent system at times when emissions were vented to or collected by the system.

57. On April 25, 2024, Koppers submitted to Illinois EPA a deviation report, demonstrating that on March 30, 2024 from 2:49 a.m. to 3:28 a.m., Koppers bypassed its carbon pitch tank closed vent system when emissions were vented to or collected by the system and on March 30, 2024, from 1:09 a.m. to 2:09 a.m. and 3:34 a.m. to 4:43 a.m., Koppers bypassed its tar distillation plant closed vent system at times when emissions were vented to or collected by the

system.

58. On June 3, 2024, Koppers submitted to Illinois EPA its periodic report, demonstrating the following instances between December 1, 2023 and February 7, 2024 where Koppers bypassed its tar distillation plant closed vent system when emissions were vented to or collected by the system:

Date	Start Time	End Time	Duration (Mins)
12/01/2023	6:08 a.m.	7:33 a.m.	85
12/03/2023	1:56 p.m.	11:50 p.m.	220
12/09/2023	12:00 p.m.	1:20 p.m.	80
12/10/2023	11:26 p.m.	1:27 a.m.	121
12/15/2023	11:58 p.m.	3:42 a.m.	224
12/15/2023	12:34 a.m.	1:59 a.m.	85
1/04/2024	9:03 a.m.	9:24 a.m.	21
1/10/2024	10:41 a.m.	12:45 p.m.	124
1/12/2024	7:54 a.m.	10:08 a.m.	134
1/13/2024	1:12 p.m.	6:45 p.m.	333
1/15/2024	10:53 p.m.	2:19 a.m.	206
1/19/2024	4:38 p.m.	4:40 a.m.	722
2/07/2024	6:48 a.m.	7:48 a.m.	60

59. On August 28, 2024, Koppers submitted to Illinois EPA its semi-annual compliance report, demonstrating the following instances between March 30, 2024 and May 8, 2024 where Koppers bypassed its tar distillation plant closed vent system when emissions were vented to, or collected by the system:

Date	Start Time	End Time	Duration (Mins)
3/30/2024	1:09 a.m.	2:09 a.m.	60
5/01/2024	1:35 p.m.	1:37 p.m.	2
5/08/2024	7:41 a.m.	7:44 a.m.	3

60. From July 5, 2023 to at least September 3, 2024, by bypassing its carbon pitch tank closed vent system, Koppers failed to operate and maintain its carbon pitch tank closed vent system

at all times when emissions were vented to or collected by the system.

61. From July 1, 2023 to at least May 8, 2024, by bypassing its tar distillation plant closed vent system, Koppers failed to operate and maintain its tar distillation plant closed vent system at all times when emissions were vented to or collected by the system.

62. From July 5, 2023 to at least September 3, 2024, by failing to operate and maintain its carbon pitch tank closed vent system and from July 1, 2023 to at least May 8, 2024 by failing to operate and maintain its tar distillation plant closed vent system, at all times when emissions were vented to or collected by the systems, Koppers violated Section 63.983(a) of Subpart SS of the NESHAP Regulations, 40 C.F.R. § 63.983(a), and thereby violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

63. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count XIV:

1. Finding that Koppers violated Section 9.1(d)(1) of the Act, 415 ILCS 5/ 9.1(d)(1) (2024), and Section 63.983(a) of Subpart SS of the NESHAP Regulations, 40 C.F.R. § 63.983(a);
2. Enjoining Koppers from any further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.983(a) of Subpart SS of the NESHAP Regulations, 40 C.F.R. § 63.983(a);

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.983(a) of Subpart SS of the NESHAP Regulations, 40 C.F.R. § 63.983(a);

4. Assessing against Koppers, 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 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.983(a) of Subpart SS of the NESHAP Regulations, 40 C.F.R. § 63.983(a), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XV

FAILURE TO COMPLY WITH CAAPP PERMIT VOM EMISSIONS LIMIT FOR TAR DISTILLATION PLANT BY KOPPERS

1-44. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 29, and 48 of Count I, paragraph 36 of Count II, paragraphs 26 through 29 and 31 of Count XI, and paragraphs 46 through 47, 50 through 53, and 55 through 59 of Count XIV, as paragraphs 1 through 44 of this Count XV.

45. The tar distillation plant at the Facility emits into the atmosphere VOM, which is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

46. The tar distillation plant at the Facility is capable of causing or contributing to “air pollution” as that term is defined by Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), because it emits or is capable of emitting VOM into the atmosphere in sufficient quantities and of such

characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

47. At all times relevant to this Complaint, the Facility has emitted, amongst others, VOM, which is a “regulated air pollutant” as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2024).

48. Condition 7.4.3(e)(i) of CAAPP Permit No. 96030134 provides:

- (b) No person shall cause or allow the discharge of more than 3.6 kg/hr (8 lb/hr) of organic material into the atmosphere from any emission unit, except as provided in Condition 7.4.3(e)(ii) (see also 35 IAC 218.302) and the following exception: If no odor nuisance exists the limitation of 35 IAC 218 Subpart G shall apply only to photochemically reactive material [35 IAC 218.301].

49. From July 1, 2022 to at least June 30, 2023, by bypassing its tar distillation plant closed vent system on at least 461 instances, thereby failing to operate and maintain its tar distillation plant closed vent system at all times when emissions were vented to or collected by the system, Koppers caused or allowed the emission of VOM into the atmosphere from its tar distillation plant in excess of 8 lbs/hour.

50. On September 8, 2023, Koppers submitted to Illinois EPA its deviation report, including thirty instances between August 12, 2023 to September 5, 2023, where Koppers failed to operate its Tar Distillation Plant TO. A true and correct copy of table 1 of Koppers’ September 8, 2023 deviation report including such instances is attached hereto as Exhibit 4.

51. On October 6, 2023, Koppers submitted to Illinois EPA its deviation report, including thirty-one instances between September 8, 2023 to October 5, 2023, where Koppers failed to operate its tar distillation plant TO. A true and correct copy of table 1 of Koppers’ October 6, 2023 deviation report including such instances is attached hereto as Exhibit 5.

52. From August 12, 2023 to at least October 5, 2023, by failing to operate its tar

distillation plant TO, Koppers caused or allowed the emission of VOM into the atmosphere from its tar distillation plant in excess of 8 lbs/hour.

53. From July 1, 2023 to at least May 8, 2024, by failing to operate its tar distillation plant TO, Defendant caused or allowed the emission of VOM into the atmosphere from its tar distillation plant in excess of 8 lbs/hour.

54. From July 1, 2023 to at least May 8, 2024, by causing or allowing the emission of VOM into the atmosphere from its tar distillation plant in excess of 8 lbs/hour, Koppers violated Condition 7.4.3(e)(i) of CAAPP Permit No. 96030134, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

55. From July 1, 2023 to at least May 8, 2024, by causing or allowing the emission of VOM from its tar distillation plant in excess of 8 lbs/hour, Koppers violated Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

56. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count XV:

1. Finding that Koppers violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 7.4.3(e)(i) of CAAPP Permit No. 96030134;

2. Enjoining Koppers from any further violations of violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 7.4.3(e)(i) of CAAPP Permit No. 96030134;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 7.4.3(e)(i) of CAAPP Permit No. 96030134;

4. Assessing against Koppers, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 7.4.3(e)(i) of CAAPP Permit No. 96030134;

5. Assessing against Koppers, 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); and Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

6. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, 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 this Court deems appropriate and just.

COUNT XVI

FAILURE TO ACHIEVE 81% OVERALL REDUCTION OF VOM EMISSIONS FOR TAR DISTILLATION PLANT BY KOPPERS

1-46. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25 and 29 of Count I, paragraph 36 of Count II, paragraphs 26 through 29 and 31 of Count XI, paragraphs 46 through 47, 50 through 53, and 55 through 57 of Count XIV, and paragraphs 45 through 47 and 50 through 51 of Count XV, as paragraphs 1 through 46 of this Count XVI.

47. Condition 7.4.3(f)(i) of CAAPP Permit No. 96030134 provides:

- (f) The affected stills are subject to 35 IAC 218 Subpart RR, Miscellaneous Organic Chemical Manufacturing Processes, which provides that, pursuant to 35 IAC 218.966, every owner or operator of a miscellaneous organic chemical manufacturing process emission unit subject to 35 IAC 218 Subpart RR shall comply with the requirements of Conditions 7.4.3(f)(i), (ii), or (iii) (see also 35 IAC 218.966 (a), (b), or (c)):
 - (i) Emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent from each emission unit [35 IAC 218.966(a)]; or . . .

48. Section 218.966(a) of the Board Air Pollution Regulations, 35 Ill Adm. Code 218.966(a), provides the following:

Every owner or operator of a miscellaneous organic chemical manufacturing process emission unit subject to this Subpart shall comply with the requirements of subsection (a), (b), or (c) of this Section.

- (a) Emission capture and control techniques which achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent from each emission unit, or (Board Note: For the purpose of this provision, an emission unit is any part or activity at a source of a type that by itself is subject to control requirements in other Subparts of this Part or 40 CFR 60, incorporated by reference in Section 218.112, e.g., a coating line, a printing line, a process unit, a wastewater system, or other equipment, or is otherwise any part or activity at a source.)

49. From July 1, 2022 to at least June 30, 2023, by bypassing its tar distillation plant closed vent system on at least 461 instances, thereby failing to operate and maintain its tar distillation plant closed vent system at all times when emissions were vented to or collected by the system, Koppers failed to achieve an overall reduction of at least 81 percent of VOM emissions

from the coal tar distillation process.

50. From August 12, 2023 to at least October 5, 2023, by failing to operate its tar distillation plant TO, Koppers failed to achieve an overall reduction of at least 81 percent of VOM emissions from the coal tar distillation process.

51. From July 1, 2023 to at least March 30, 2024, by failing to operate its tar distillation plant TO, Koppers failed to achieve an overall reduction of at least 81 percent of VOM emissions from the coal tar distillation process.

52. From July 1, 2022 to at least March 30, 2024, by failing to achieve an overall reduction of at least 81 percent of VOM emissions from the coal tar distillation process, Koppers violated Condition 7.4.3(f)(i) of CAAPP Permit No. 96030134, and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

53. From July 1, 2022 to at least March 30, 2024, by failing to achieve an overall reduction of at least 81 percent of VOM emissions from the coal tar distillation process, Koppers violated Section 218.966(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.966(a), and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

54. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count XVI:

1. Finding that Koppers violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.966(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.966(a), and Condition 7.4.3(f)(i) of CAAPP Permit No. 96030134;
2. Enjoining Koppers from any further violations of violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.966(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.966(a), and Condition 7.4.3(f)(i) of CAAPP Permit No. 96030134;
3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.966(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.966(a), and Condition 7.4.3(f)(i) of CAAPP Permit No. 96030134;
4. Assessing against Koppers, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 7.4.3(f)(i) of CAAPP Permit No. 96030134;
5. Assessing against Koppers, 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); and Section 218.966(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.966(a), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;
6. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, 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 this Court deems appropriate and just.

COUNT XVII

FAILURE TO OPERATE NAPHTHALENE DISTILLATION THERMAL OXIDIZER AND CONTROL HAP AND VOM EMISSIONS BY KOPPERS

1-51. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 27 through 49, and 58 of Count I and paragraphs 58 through 59 of Count XIV, as paragraphs 1 through 51 of this Count XVII.

52. On May 30, 2023, Koppers submitted a deviation report to Illinois EPA demonstrating that on January 3, 2023, from 1:30 a.m. to 9:00 a.m. and March 23, 2023, from 2:50 a.m. to 7:40 a.m., Defendant did not operate its naphthalene distillation plant Process Vent TO when the process was in operation, due to a programming issue.

53. On January 23, 2024, Koppers submitted a deviation report to Illinois EPA. The report demonstrated that the Koppers did not operate the naphthalene distillation plant Process Vent TO when the process was in operation on the following dates:

Date	Start Time	End Time	Duration (Hr)
1/04/2024	9:03 a.m.	9:24 a.m.	0.35
1/10/2024	10:41 a.m.	12:45 p.m.	2.07
1/12/2024	7:54 a.m.	10:08 a.m.	2.23
1/13/2024	1:12 p.m.	6:45 p.m.	5.55
1/15/2024	10:53 p.m.	2:19 a.m.	3.43
1/19/2024	4:38 p.m.	4:40 a.m.	12.033

54. On December 13, 2023, December 20, 2023, December 28, 2023, January 23, 2024, and February 22, 2024, Koppers submitted to Illinois EPA deviation reports including the following instances between April 20, 2023 and February 7, 2024, where Koppers failed to operate its naphthalene distillation plant Process Vent TO while the process was in operation:

Date	Start Time	End Time	Duration (Mins)	VOM Emissions
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				(lbs)
4/20/2023	5:29 a.m.	5:52 a.m.	33	1.2
7/03/2023	10:13 p.m.	6:21 a.m.	488	20.1
8/18/2023	10:07 a.m.	1:23 p.m.	196	6.9
9/16/2023	11:30 a.m.	2:54 p.m.	204	7.1
12/01/2023	6:08 a.m.	7:33 a.m.	85	3
12/03/2023	1:56 p.m.	11:50 p.m.	202	7.1
12/04/2023	12:34 a.m.	1:59 p.m.	85	3
12/09/2023	12:00 p.m.	1:20 p.m.	80	2.8
12/10/2023	11:26 p.m.	1:27 a.m.	121	4.2
12/15/2023	11:58 p.m.	3:42 a.m.	224	7.8
12/16/2023	12:08 a.m.	3:52 a.m.	224	7.8
1/04/2024	9:03 a.m.	9:24 a.m.	21	0.7
1/10/2024	10:41 a.m.	12:45 p.m.	124	4.3
1/12/2024	7:54 a.m.	10:08 a.m.	134	4.7
1/13/2024	1:12 p.m.	6:45 p.m.	333	11.7
1/15/2024	10:53 p.m.	2:19 a.m.	206	7.2
1/19/2024	4:38 p.m.	4:40 a.m.	722	25.3
2/07/2024	6:48 a.m.	7:48 a.m.	60	2.1

55. From January 3, 2023 to at least May 8, 2024, by failing to operate its naphthalene distillation plant Process Vent TO while the process was in operation, Koppers failed to reduce total organic HAPs from process vents in the naphthalene distillation plant by 98 weight-percent.

56. From January 3, 2023 to at least May 8, 2024, by failing to reduce total organic HAPs from the naphthalene distillation plant process vents by 98 weight percent, Koppers violated Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), and thereby also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

57. From January 3, 2023 to at least May 8, 2024, by failing to reduce total organic HAPS from the naphthalene distillation plant process vents by 98 weight percent, Defendant violated Condition 2.1.2-1(a) of Construction Permit No. 14100012, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

58. From January 3, 2023 to at least February 7, 2024, by failing to operate its naphthalene distillation plant Process Vent TO while the process was in operation, Koppers caused

or allowed the discharge of more than 8 lbs/hr of organic material into the atmosphere from the naphthalene distillation plant.

59. From January 3, 2023 to at least February 7, 2024, by causing or allowing the discharge of more than 8 lbs/hr of organic material into the atmosphere from the naphthalene distillation plant, Koppers violated Condition 2.1.2-2(a) of Construction Permit No. 14100012, and thereby also violated Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301 and Sections 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024).

60. Section 218.986(a) of the Board Air Pollution Regulations, 35 Ill Adm. Code 218.986(a), provides the following:

Every owner or operator of an emission unit subject to this Subpart shall comply with the requirements of subsection (a), (b), (c), (d), or (e) below.

- a) Emission capture and control equipment which achieves an overall reduction in uncontrolled VOM emissions of at least 81 percent from each emission unit, or

(Board Note: For the purpose of this provision, an emission unit is any part or activity at a source of a type that by itself is subject to control requirements in other Subparts of this Part or 40 CFR 60, incorporated by reference in Section 218.112, e.g., a coating line, a printing line, a process unit, a wastewater system, or other equipment, or is otherwise any part or activity at a source.)

61. From January 3, 2023 to at least February 7, 2024, by failing to operate its naphthalene distillation plant Process Vent TO while the process was in operation, Koppers failed to control VOM emissions from the naphthalene distillation plant to achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent.

62. From January 3, 2023 to at least February 7, 2024, by failing to control VOM emissions from the naphthalene distillation plant to achieve an overall reduction in uncontrolled VOM emissions of at least 81 percent, Koppers violated Condition 2.1.2-2(b) of Construction Permit No. 14100012, and thereby also violated Section 218.986(a) of the Board Air Pollution

Regulations, 35 Ill. Adm. Code 218.986(a) and Section 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024).

63. From January 3, 2023 to at least February 7, 2024, by failing to operate its naphthalene distillation plant Process Vent TO while the process was in operation, Koppers failed to operate and maintain the naphthalene distillation plant Process Vent TO in a manner to achieve at least a minimum 98% destruction efficiency for organic material.

54. From January 3, 2023 to at least February 7, 2024, by failing to operate and maintain the naphthalene distillation plant Process Vent TO in a manner to achieve at least a minimum 98% destruction efficiency for organic material, Koppers violated Condition 2.1.4(a)(ii) of Construction Permit No. 14100012, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

65. Pursuant to Condition 2.1.4(a)(iii) of Construction Permit No. 14100012, the naphthalene distillation plant's Process Vent TO combustion temperature must be operated at or above 1436 °F, the minimum operating temperature in which compliance was demonstrated in its most recent compliance test.

66. From January 3, 2023 to at least February 7, 2024, by failing to operate its naphthalene distillation plant Process Vent TO while the process was in operation, Koppers failed to maintain the combustion temperature of the naphthalene distillation plant Process Vent TO above the minimum operating temperature of 1436 °F while the affected process vents were in operation.

67. From January 3, 2023 to at least February 7, 2024, by failing to maintain the combustion temperature of the naphthalene distillation plant Process Vent TO above the minimum operating temperature of 1436 °F while the affected process vents were in operation, Koppers

violated Condition 2.1.4(a)(iii) of Construction Permit No. 14100012, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

68. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count XVII:

1. Finding that Koppers has violated Sections 9(a), 9(b), and 9.1(d)(1) of the Act, 415 ILCS 5/9(a), 9(b), and 9.1(d)(1) (2024), Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), Sections 218.301 and 218.986(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301 and 218.986(a), and Conditions 2.1.2-1(a), 2.1.2-2(a) and (b), and 2.1.4(a)(ii) and (iii) of Construction Permit No. 14100012;

2. Enjoining Koppers from any further violations of Sections 9(a), 9(b), and 9.1(d)(1) of the Act, 415 ILCS 5/9(a), 9(b), and 9.1(d)(1) (2024), Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), Sections 218.301 and 218.986(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301 and 218.986(a), and Conditions 2.1.2-1(a), 2.1.2-2(a) and (b), and 2.1.4(a)(ii) and (iii) of Construction Permit No. 14100012;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Sections 9(a), 9(b), and 9.1(d)(1) of the Act, 415 ILCS 5/9(a), 9(b), and 9.1(d)(1) (2024), Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), Sections 218.301 and 218.986(a) of the Board Air Pollution

Regulations, 35 Ill. Adm. Code 218.301 and 218.986(a), and Conditions 2.1.2-1(a), 2.1.2-2(a) and (b), and 2.1.4(a)(ii) and (iii) of Construction Permit No. 14100012;

4. Assessing against Koppers, 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 and every violation of Sections 9(a), 9(b), and 9.1(d)(1) of the Act, 415 ILCS 5/9(a), 9(b), and 9.1(d)(1) (2024), Section 63.113(a)(2) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.113(a)(2), Sections 218.301 and 218.986(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301 and 218.986(a), and Conditions 2.1.2-1(a), 2.1.2-2(a) and (b), and 2.1.4(a)(ii) and (iii) of Construction Permit No. 14100012, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XVIII

FAILURE TO REDUCE TOTAL ORGANIC COMPOUNDS FOR NAPHTHALENE DISTILLATION PLANT BY KOPPERS

1-32. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 27 through 28, and 30 through 31 of Count I and paragraphs 52 through 54 of Count XVII, as paragraphs 1 through 32 of this Count XVIII.

33. Section 111 of the Clean Air Act, 42 U.S.C. § 7411, establishes the New Source Performance Standards (“NSPS”). The NSPS regulations are codified in Title 40, Part 60 of the Code of Federal Regulations (“NSPS Regulations”). The Illinois EPA administers the NSPS for subject sources in Illinois pursuant to a delegation agreement with the United States Environmental

Protection Agency (“USEPA”). The NSPS Regulations are enforceable in the State of Illinois pursuant to Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

34. Section 60.662(a) of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.662(a), provides as follows:

Each owner or operator of any affected facility shall comply with paragraph (a), (b), or (c) of this section for each vent stream on and after the date on which the initial performance test required by §§ 60.8 and 60.664 is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated, or 180 days after the initial start-up, whichever date comes first. Each owner or operator shall either:

- (a) Reduce emissions of total organic compounds (“TOC”) (less methane and ethane) by 98 weight-percent, or to a TOC (less methane and ethane) concentration of 20 ppmv, on a dry basis corrected to 3 percent oxygen, whichever is less stringent. If a boiler or process heater is used to comply with this paragraph, then the vent stream shall be introduced into the flame zone of the boiler or process heater; or . . .

35. Section 60.660 of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.662(a), states the following:

- (a) The provisions of this subpart apply to each affected facility designated in paragraph (b) of this section that is part of a process unit that produces any of the chemicals listed in § 60.667 as a product, co-product, by-product, or intermediate, except as provided in paragraph (c).
- (b) The affected facility is any of the following for which construction, modification, or reconstruction commenced after December 30, 1983, and on or before April 25, 2023:
 - (1) Each distillation unit not discharging its vent stream into a recovery system.
 - (2) Each combination of a distillation unit and the recovery system into which its vent stream is discharged.
 - (3) Each combination of two or more distillation units and the common recovery system into which their vent streams are discharged.

36. Section 60.661 of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.661, provides the following definitions:

Distillation operation means an operation separating one or more feed stream(s) into two or more exit stream(s), each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor-phase as they approach equilibrium within the distillation unit.

Distillation unit means a device or vessel in which distillation operations occur, including all associated internals (such as trays or packing) and accessories (such as reboiler, condenser, vacuum pump, steam jet, etc.), plus any associated recovery system.

Recovery system means an individual recovery device or series of such devices applied to the same vent stream.

Vent stream means any gas stream discharged directly from a distillation facility to the atmosphere or indirectly to the atmosphere after diversion through other process equipment. The vent stream excludes relief valve discharges and equipment leaks including, but not limited to, pumps, compressors, and valves.

37. The Facility's naphthalene distillation plant is an operation separating feed streams into an exit stream, each exit stream having component concentrations different from those in the feed streams and its separation is achieved by the redistribution of the components between the liquid and vapor-phase as they approach equilibrium within the distillation unit.

38. Because the Facility's naphthalene distillation plant is an operation separating feed streams into an exit stream, each exit stream having component concentrations different from those in the feed streams and its separation is achieved by the redistribution of the components between the liquid and vapor-phase as they approach equilibrium within the distillation unit, it is a "Distillation operation" as that term is defined in Section 60.661 of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.661.

39. The Facility's naphthalene distillation plant includes devices or vessels in which distillation operations occur, including all associated internals (such as trays or packing) and

accessories (such as reboiler, condenser, vacuum pump, steam jet, etc.), plus any associated recovery system.

40. Because the Facility's naphthalene distillation plant includes devices or vessels in which distillation operations occur, including all associated internals (such as trays or packing) and accessories (such as reboiler, condenser, vacuum pump, steam jet, etc.), plus any associated recovery system, it includes "Distillation units," as that term is defined in Section 60.661 of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.661.

41. The Facility's naphthalene distillation plant Process Vent TO is an individual recovery device applied to the naphthalene distillation vent stream.

42. Because the naphthalene distillation plant Process Vent TO is an individual recovery device applied to the naphthalene distillation vent stream, it is a "Recovery system" as that term is defined in Section 60.661 of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.661.

43. The Facility's naphthalene distillation plant contains gas streams discharged indirectly to the atmosphere after diversion through other process equipment.

44. Because the Facility's naphthalene distillation plant contains gas streams discharged indirectly to the atmosphere after diversion through other process equipment, it is a "Vent stream" as that term is defined in Section 60.661 of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.661.

45. NSPS Subpart NNN is applicable to the Facility's naphthalene distillation plant pursuant to Section 60.660(a) of Subpart NNN, 40 C.F.R. § 60.660(a), because the naphthalene distillation plant, a combination of two or more distillation units and the common recovery system into which their vent streams are discharged, was constructed after December 30, 1983, and on or

before April 25, 2023.

46. Until January 1, 2025, Koppers was the “owner or operator” of the naphthalene distillation plant as that term is defined in Section 60.2 of NSPS Subpart A, 40 C.F.R. § 60.2.

47. Section 60.661 of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.661, provides the following definition:

Total organic compounds (TOC) means those compounds measured according to the procedures in § 60.664(b)(4). For the purposes of measuring molar composition as required in § 60.664(d)(2)(i); hourly emissions rate as required in § 60.664(d)(5) and § 60.664(e); and TOC concentration as required in § 60.665(b)(4) and § 60.665(g)(4), those compounds which the Administrator has determined do not contribute appreciably to the formation of ozone are to be excluded. The compounds to be excluded are identified in Environmental Protection Agency's statements on ozone abatement policy for State Implementation Plans (SIP) revisions (42 FR 35314; 44 FR 32042; 45 FR 32424; 45 FR 48942).

48. The Facility’s naphthalene distillation plant emits VOCs and other organic compounds measured according to the procedures in § 60.664(b)(4).

49. Because the Facility’s naphthalene distillation plant emits VOCs and other organic compounds measured according to the procedures in § 60.664(b)(4), it emits “Total organic compounds (TOC)” as that term is defined in Section 60.661 of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.661.

50. From January 3, 2023 to at least February 7, 2024, by failing to operate its naphthalene distillation plant Process Vent TO while the process was in operation, Koppers failed to reduce total organic compounds (less methane and ethane) by 98 weight-percent or a concentration of 20 parts per million by volume (“ppmv”).

51. From January 3, 2023 to at least February 7, 2024, by failing to reduce total organic compounds (less methane and ethane) by 98 weight-percent or a concentration of 20 ppmv, Koppers violated Section 60.662(a) of Subpart NNN of the NSPS Regulations, 40 C.F.R. §

60.662(a), and thereby also violated Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2024).

52. Condition 2.1.2-1(b) of Construction Permit No. 14100012 provides:

- (b) The affected distillation operation is subject to the requirement of the New Source Performance Standard (NSPS) for Volatile Organic Compound (VOC) Emissions from SOCFI Distillation Operation, 40 CFR 60 Subpart NNN.

53. From January 3, 2023 to at least February 7, 2024, by failing to reduce total organic compounds (less methane and ethane) by 98 weight-percent or a concentration of 20 ppmv, and thereby violating Section 60.662(a) of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.662(a), Koppers also violated Condition 2.1.2-1(b) of Construction Permit No. 14100012, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

54. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count XVIII:

1. Finding that Koppers has violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 60.662(a) of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.662(a), and Conditions 2.1.2-1(b) of Construction Permit No. 14100012;

2. Enjoining Koppers from any further violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 60.662(a) of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.662(a), and Conditions 2.1.2-1(b) of Construction Permit No. 14100012;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 60.662(a) of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.662(a), and Conditions 2.1.2-1(b) of Construction Permit No. 14100012;

4. Assessing against Koppers, 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 Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 60.662(a) of Subpart NNN of the NSPS Regulations, 40 C.F.R. § 60.662(a), and Conditions 2.1.2-1(b) of Construction Permit No. 14100012, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XIX

FAILURE TO COMPLY WITH CONSTRUCTION PERMIT EMISSION LIMITS FOR NAPHTHALENE DISTILLATION PLANT BY KOPPERS

1-32. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 27 through 28, and 30 of Count I and paragraphs 52 through 54 and 66 of Count XVII, as paragraphs 1 through 32 of this Count XIX.

33. Condition 2.1.5(a) of Construction Permit No. 14100012 provides:

- (a) The hourly emissions of affected units that are controlled by the oxidizer-scrubber system and of the new process heater for the naphthalene column shall not exceed the following limits. For this purpose, in Configuration 1, the process heater is controlled by the SCR and SO₂ scrubber; in configuration 2, the process heater is only controlled by the SCR, with the

flue gas from the SCR then going directly to the main stack.

Pollutant	Limits (Pounds/Hour) - Configuration 1	Limits (Pounds/Hour) - Configuration 2
NOx	5.61	5.61
CO	12.66	5.86
VOM	5.64	1.90
SO2	0.17	0.04
PM	1.60	0.56
PM10/PM2.5	1.60	0.56

34. On information and belief, from January 3, 2023 to at least February 7, 2024, by failing to operate its naphthalene distillation plant Process Vent TO while the process was in operation, and thereby failing to maintain the combustion temperature of the naphthalene distillation plant Process Vent TO above the minimum operating temperature of 1436 °F while the affected process vents were in operation, Koppers failed to meet the permitted emissions limits for NOx, CO, VOM, SO2, PM10 and PM2.5 for the naphthalene distillation plant, contained in Condition 2.1.5(a) of Construction Permit No. 14100012.

35. On information and belief, from January 3, 2023 to at least February 7, 2024, by failing to meet the permitted emissions limits for NOx, CO, VOM, SO2, PM10 and PM2.5 for the naphthalene distillation plant, contained in Condition 2.1.5(a) of Construction Permit No. 14100012, Koppers violated Condition 2.1.5(a) of Construction Permit No. 14100012, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

36. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count XIX:

1. Finding that Koppers has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 2.1.5(a) of Construction Permit No. 14100012;
2. Enjoining Koppers from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 2.1.5(a) of Construction Permit No. 14100012;
3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 2.1.5(a) of Construction Permit No. 14100012;
4. Assessing against Koppers, 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 and every violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 2.1.5(a) of Construction Permit No. 14100012, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;
5. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and
6. Granting such other relief as this Court deems appropriate and just.

COUNT XX

FAILURE TO OPERATE NAPHTHALENE DISTILLATION PLANT THERMAL OXIDIZER TO CONTROL ORGANIC HAP EMISSIONS FROM TRUCK TRANSFER RACK BY KOPPERS

1-31. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 27 through 28, and 30 of Count I and paragraphs 52 through 54 of Count XVII, as paragraphs 1 through 31 of this Count XX.

32. Construction Permit No. 14100012 authorized two new truck loading racks at the Facility that are utilized for the shipment of material from the affected plant. HAPs and VOM emissions from the truck transfer racks are vented to the naphthalene distillation plant TO and then into the atmosphere.

33. Condition 2.3.2(a)(i)(C) of Construction Permit No. 14100012 provides:

- (a) The Permittee shall equip each affected transfer operation with a vapor collection system and control device.
 - (i) Each vapor collection system shall be:
 - C. Whenever organic HAPs emissions are vented to a control device, the control device shall be operating.

34. On information and belief, on January 3, 2023, March 23, 2023, January 4, 2024, January 10, 2024, January 12, 2024, January 13, 2024, January 15, 2024, and January 19, 2024, Koppers continued to vent organic HAPs emissions from the truck transfer rack to the naphthalene distillation plant Process Vent TO when the naphthalene distillation plant Process Vent TO was not in operation.

35. On December 13, 2023, December 20, 2023, and January 23, 2024, Koppers submitted to Illinois EPA deviation reports including the following instances between April 20, 2023 and January 19, 2024, where Koppers continued to vent organic HAPs emissions from the truck transfer rack to the naphthalene distillation plant Process Vent TO when the naphthalene distillation plant Process Vent TO was not in operation:

Date	Start Time	End Time	Duration (Mins)	VOM Emissions
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				(lbs)
4/20/2023	5:29 a.m.	5:52 a.m.	33	1.2
7/03/2023	10:13 p.m.	6:21 a.m.	488	20.1
8/18/2023	10:07 a.m.	1:23 p.m.	196	6.9
9/16/2023	11:30 a.m.	2:54 p.m.	204	7.1
12/15/2023	11:58 p.m.	3:42 a.m.	224	7.8
1/15/2024	10:53 p.m.	2:19 a.m.	206	7.2
1/19/2024	4:38 p.m.	4:40 a.m..	722	25.3

36. On January 3, 2023, March 23, 2023, April 20, 2023, July 3, 2023, August 18, 2023, September 16, 2023, December 15, 2023, January 4, 2024, January 10, 2024, January 12, 2024, January 13, 2024, January 15, 2024, and January 19, 2024, by continuing to vent organic HAP emissions from the truck transfer rack to the naphthalene distillation plant Process Vent TO when it failed to operate its naphthalene distillation plant Process Vent TO, Koppers violated Condition 2.3.2(a)(i)(C) of Construction Permit No. 14100012, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

37. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count XX:

1. Finding that Koppers has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 2.3.2(a)(i)(C) of Construction Permit No. 14100012;
2. Enjoining Koppers from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 2.3.2(a)(i)(C) of Construction Permit No. 14100012;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 2.3.2(a)(i)(C) of Construction Permit No. 14100012;

4. Assessing against Koppers, 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(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 2.3.2(a)(i)(C) of Construction Permit No. 14100012, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXI

FAILURE TO REDUCE ORGANIC HAP EMISSIONS FROM TRUCK TRANSFER RACK BY KOPPERS

1-43. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 27 through 28, and 30 through 40 of Count I, paragraphs 52 through 53 of Count XVII, and paragraph 32 and 34 through 35 of Count XX, as paragraphs 1 through 43 of this Count XXI.

44. Section 63.126(b)(1) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.126(b)(1), provides as follows:

(b) For each Group 1 transfer rack the owner or operator shall comply with paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this section.

(1) Use a control device to reduce emissions of total organic hazardous air pollutants by 98 weight-percent or to an exit concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission reduction or concentration shall be calculated on

a dry basis, corrected to 3-percent oxygen. If a boiler or process heater is used to comply with the percent reduction requirement, then the vent stream shall be introduced into the flame zone of such a device. Compliance may be achieved by using any combination of combustion, recovery, and/or recapture devices.

45. Section 63.111 of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.111, provides the following definitions:

Group 1 transfer rack means a transfer rack that annually loads greater than or equal to 0.65 million liter of liquid products that contain organic hazardous air pollutants with a rack weighted average vapor pressure greater than or equal to 10.3 kilopascals.

Control device means any combustion device, recovery device, recapture device, or any combination of these devices used to comply with this part. Such equipment or devices include, but are not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. Primary condensers on steam strippers or fuel gas systems are not considered control devices.

Organic hazardous air pollutant or organic HAP means any of the chemicals listed in table 2 of subpart F of this part.

46. The Facility's truck transfer rack emits benzene.

47. Because the Facility's truck transfer rack emits benzene, it emits "Organic hazardous air pollutants or organic HAPs" as that term is defined in Section 63.111 of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.111.

48. The Facility's truck transfer rack loads greater than or equal to 0.65 million liter of liquid products that contain organic hazardous air pollutants with a rack-weighted average vapor pressure greater than or equal to 10.3 kilopascals.

49. Because the Facility's truck transfer rack loads greater than or equal to 0.65 million liter of liquid products that contain organic hazardous air pollutants with a rack weighted average vapor pressure greater than or equal to 10.3 kilopascals, it is a "Group 1 transfer rack" as that term is defined in Section 63.111 of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.111.

50. The Facility's naphthalene distillation plant TO is a combustion control device used to comply with Subpart G of the NESHAP Regulations, 40 C.F.R. Subpart G.

51. Because the Facility's naphthalene distillation plant TO is a combustion control device used to comply with Subpart G of the NESHAP Regulations, 40 C.F.R. Subpart G, it is a "Control device" as that term is defined in Section 63.111 of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.111.

52. Condition 2.3.2(a)(ii) of Construction Permit No. 14100012 provides:

- (a) The Permittee shall equip each affected transfer operation with a vapor collection system and control device.
- (ii) For the control system, the emissions of total organic HAPs shall be reduced by 98 weight-percent or to a concentration of 20 parts per million by volume, whichever is less stringent. For combustion devices, the emission reduction or concentration shall be calculated on a dry basis, corrected to 3-percent oxygen, and compliance can be determined by measuring either he63.116. [40 C.F.R. § 63.126(b)(1)]

53. On January 3, 2023, March 23, 2023, April 20, 2023, July 3, 2023, August 18, 2023, September 16, 2023, December 15, 2023, January 4, 2024, January 10, 2024, January 12, 2024, January 13, 2024, January 15, 2024, and January 19, 2024, by failing to operate its naphthalene distillation plant Process Vent TO while emissions from the truck transfer rack were vented to it, Koppers failed to reduce total organic HAP emissions by 98 weight-percent or to a concentration of 20 parts per million by volume from its truck transfer rack.

54. January 3, 2023, March 23, 2023, April 20, 2023, July 3, 2023, August 18, 2023, September 16, 2023, December 15, 2023, January 4, 2024, January 10, 2024, January 12, 2024, January 13, 2024, January 15, 2024, and January 19, 2024, by failing to reduce total organic HAP emissions by 98 weight-percent or to a concentration of 20 ppmv from its truck transfer rack, Koppers violated Section 63.126(b)(1) of Subpart G of the NESHAP Regulations, 40 C.F.R. §

63.126(b)(1) and Condition 2.3.2(a)(ii) of Construction Permit No. 14100012, and thereby also violated Sections 9.1(d)(1) and 9(b) of the Act, 415 ILCS 5/9.1(d)(1) and 9(b) (2024).

55. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count XXI:

1. Finding that Koppers has violated Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.126(b)(1) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.126(b)(1), and 2.3.2(a)(ii) of Construction Permit No. 14100012;

2. Enjoining Koppers from any further violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.126(b)(1) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.126(b)(1), and 2.3.2(a)(ii) of Construction Permit No. 14100012;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.126(b)(1) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.126(b)(1), and 2.3.2(a)(ii) of Construction Permit No. 14100012;

4. Assessing against Koppers, 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 Sections 9(b) and 9.1(d)(1) of the Act, 415 ILCS 5/9(b) and 9.1(d)(1) (2024), Section 63.126(b)(1) of Subpart G of the NESHAP Regulations, 40 C.F.R. § 63.126(b)(1), and 2.3.2(a)(ii) of Construction Permit No.

14100012, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXII

FAILURE TO NOTIFY ILLINOIS EPA OF DEVIATIONS AT CREOSOTE BLEND TANKS BY KOPPERS

1-38. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25 and 30 of Count I, paragraphs 33 through 38 and 52 through 55 of Count IV, and paragraphs 38 through 39 of Count VI, as paragraphs 1 through 38 of this Count XXII.

39. Condition 1.1.10 of Construction Permit No. 02020104 provides:

(a) The Permittee shall promptly notify the Illinois EPA, Bureau of Air, Compliance Section of any deviations of the affected tank with the permit requirements as follows:

The storage of any VOL or VPL other than the material specified in Condition 1.1.5 within 30 days of becoming aware of the non-compliance status. This notification shall include a description of the event, the cause of the non-compliance, actions taken to correct the non-compliance, and the steps to be taken to avoid future con-compliance.

(b) The Permittee shall comply with all applicable reporting requirements of 40 CFR 63.1368(b) through (l).

40. On information and belief, Koppers failed to include all deviations from the requirements of Construction Permit No. 02020104 in its deviation reports submitted to Illinois EPA on February 24, 2023 and April 25, 2023, and periodic report submitted on August 30, 2023.

41. On information and belief, by failing to include all deviations from the requirements

of Construction Permit No. 02020104 within 30 days of becoming aware of the non-compliance in its deviation reports submitted to Illinois EPA on February 24, 2023 and April 25, 2023, and periodic report submitted on August 30, 2023, Koppers violated Condition 1.1.10 of Construction Permit No. 02020104, and thereby also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count XXII:

1. Finding that Koppers has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 1.1.10 of Construction Permit No. 02020104;
2. Enjoining Koppers from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 1.1.10 of Construction Permit No. 02020104;
3. Assessing against Koppers, 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(b) of the Act, 415 ILCS 5/9(b) (2024) and Condition 1.1.10 of Construction Permit No. 02020104, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;
4. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and
5. Granting such other relief as this Court deems appropriate and just.

COUNT XXIII

FAILURE TO NOTIFY ILLINOIS EPA OF DEVIATIONS AT TAR DISTILLATION PLANT BY KOPPERS

1-36. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25

and 29 of Count I, paragraphs 26 through 31 of Count XI, paragraphs 46 through 47 of Count XIV, and paragraphs 45 and 47 of Count XV, as paragraphs 1 through 36 of this Count XXIII.

37. Condition 7.4.10 of CAAPP Permit No. 96030134 provides:

Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section of deviations of an affected tank with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken:

Any owner or operator of a VOM emission unit which is subject to the requirements of 35 IAC 218 Subpart RR and complying by the use of emission capture and control equipment shall notify the Illinois EPA of any violation of the requirements of 35 IAC 218 Subpart RR by sending a copy of any record showing a violation to the Illinois EPA within 30 days following the occurrence of the violation [35 IAC 218.991(a)(3)(A)].

38. Section 218.991(a)(3)(A) of the Board Air Pollution Regulations, 35 Ill Adm.

Code 218.991(a)(3)(A), provides the following:

- (a) Any owner or operator of a VOM emission unit which is subject to the requirements of Subpart PP, QQ, RR or TT and complying by the use of emission capture and control equipment shall comply with the following:
 - (3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject VOM emission source shall notify the Agency:
 - (A) Of any violation of the requirements of Subpart PP, QQ, RR or TT by sending a copy of any record showing a violation to the Agency within 30 days following the occurrence of the violation;

39. On information and belief, Koppers' deviation reports submitted to Illinois EPA on September 8, 2023 and October 6, 2023, and semi-annual compliance reports submitted on February 28, 2023 and August 30, 2023, failed to include all deviations from the organic material emission standards and limitations for the Chicago area, contained in 35 Ill. Adm Code 218, Subpart RR.

40. On information and belief, from at least February 28, 2023 through at least October

6, 2023, by failing to report all deviations from the requirements of 35 Ill. Adm Code 218, Subpart RR to Illinois EPA within 30 days following the occurrence of the violation, Koppers violated Condition 7.4.10 of CAAPP Permit No. 96030134, and thereby also violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

41. On information and belief, from at least February 28, 2023 through at least October 6, 2023, by failing to report all deviations from the requirements of 35 Ill. Adm Code 218, Subpart RR to Illinois EPA within 30 days following the occurrence of the violation, Koppers violated Section 218.991(a)(3)(A) of the Board Air Pollution Regulations, 35 Ill Adm. Code 218.991(a)(3)(A), and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count XXIII:

1. Finding that Koppers has violated Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.991(a)(3)(A) of the Board Air Pollution Regulations, 35 Ill Adm. Code 218.991(a)(3)(A), and Condition 7.4.10 of CAAPP Permit No. 96030134.

2. Enjoining Koppers from any further violations of Sections 9(a) and 39.5(6)(a) of the Act, 415 ILCS 5/9(a) and 39.5(6)(a) (2024), Section 218.991(a)(3)(A) of the Board Air Pollution Regulations, 35 Ill Adm. Code 218.991(a)(3)(A), and Condition 7.4.10 of CAAPP Permit No. 96030134;

3. Assessing against Koppers, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 7.4.10 of CAAPP Permit No. 96030134;

4. Assessing against Koppers, 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), and Section 218.991(a)(3)(A) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.991(a)(3)(A), and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXIV

FAILURE TO NOTIFY ILLINOIS EPA OF DEVIATIONS AT NAPHTHALENE DISTILLATION PLANT BY KOPPERS

1-31. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25, 27 through 28, and 30 of Count I and paragraphs 49 through 51 of Count XVII, as paragraphs 1 through 31 of this Count XXIV.

32. Condition 1.12 of Construction Permit No. 14100012 provides:

The Permittee shall notify the Illinois EPA of deviations with the permit requirements within 30 days of an occurrence. Reports shall describe the deviations, the probable cause of such deviations, the corrective actions taken, and any preventive measures taken.

33. On information and belief, Koppers' deviation reports submitted to Illinois EPA on May 30, 2023 and January 23, 2024 failed to include all deviations from the requirements of Construction Permit No. 14100012.

34. On information and belief, from at least May 30, 2023 to at least January 23, 2024, by failing to report all deviations from the requirements of Construction Permit No. 14100012 to

Illinois EPA within 30 days of an occurrence of the violations, Koppers violated Condition 1.12 of Construction Permit No. 14100012, and thereby also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count XXIV:

1. Finding that Koppers has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Condition 1.12 of Construction Permit No. 14100012;
2. Enjoining Koppers from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Condition 1.12 of Construction Permit No. 14100012;
3. Assessing against Koppers, 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 Sections 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Condition 1.12 of Construction Permit No. 14100012, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;
4. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and
5. Granting such other relief as this Court deems appropriate and just.

COUNT XXV

FAILURE TO COMPLY WITH VOM EMISSION LIMITS FOR TAR PLANT TUBE HEATER BY KOPPERS

1-29. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 27 and 30 of Count I, and paragraph 42 of Count XII, as paragraphs 1 through 29 of this Count XXV.

30. On May 12, 2016, Illinois EPA issued Construction Permit No. 15080025 for changes to its tube heater for tar distillation system #1.

31. Condition 5(a) of Construction Permit No. 15080025 provides as follows:

Emission Limits

- (a) The emissions of affected unit shall not exceed the following limits. Compliance with these annual limits shall be determined from a running total of 12 months of data.

Pollutant	Limit (lbs/hour)	Limit (Tons/Year)
NOx	7.27	31.86
VOM	3.07	13.45

32. Condition 5(b) of Construction Permit No. 11100041 provides as follows:

Emission Limits

- (b) The emissions of affected system shall not exceed the following limits.

Pollutant	Limit (lbs/hour)	Limit (Tons/Year)
CO	12	51
NOx	6	25.5
PM/PM2.5	0.5	2.2
SO2	71.3	303.1
VOM	3	12.8

33. On October 6, 2023, November 2, 2023, and November 30, 2023, Koppers submitted to Illinois EPA deviation reports including the following instances between September 12, 2023 and November 10, 2023 where Koppers emitted uncontrolled VOM emissions from tar distillation system #1, when its tube heater was not operating:

Date	Start Time	End Time	Duration (Mins)	VOM Emissions (lbs)
9/12/2023	3:03 a.m.	3:08 a.m.	5	5
9/12/2023	3:12 a.m.	3:17 a.m.	5	5
9/12/2023	3:20 a.m.	3:30 a.m.	10	10.1
9/12/2023	2:00 p.m.	2:08 p.m.	8	8.1
9/14/2023	12:17 a.m.	12:26 a.m.	9	9.1

9/14/2023	9:41 a.m.	9:44 a.m.	3	6
9/14/2023	9:49 a.m.	9:55 a.m.	6	12
9/14/2023	2:39 p.m.	2:42 p.m.	3	6
9/14/2023	2:50 p.m.	2:54 p.m.	4	8
9/14/2023	3:02 p.m.	3:09 p.m.	7	13.9
9/15/2023	7:59 a.m.	8:07 a.m.	8	8.1
10/05/2023	11:44 a.m.	11:49 a.m.	5	5
10/31/2023	9:56 a.m.	12:02 p.m.	126	10.1
10/31/2023	5:05 p.m.	5:09 p.m.	4	3.8
11/01/2023	4:17 p.m.	4:24 p.m.	7	6.7
11/08/2023	5:12 p.m.	5:18 p.m.	6	7.5
11/10/2023	12:17 p.m.	12:21 p.m.	4	5.8
11/10/2023	3:43 p.m.	3:47 p.m.	4	5.8
11/10/2023	5:52 p.m.	5:57 p.m.	5	6.8

34. From at least September 12, 2023 to at least November 10, 2023, by continuing to vent VOM emissions from tar distillation system #1 when its tube heater was not in operation, Koppers caused or allowed the emission of VOM from tar distillation system #1 in excess of 3.07 lb/hr.

35. From at least September 12, 2023 to at least November 10, 2023, by emitting VOM from tar distillation system #1 in excess of 3.07 lb/hr, Koppers violated Condition 5(a) of Construction Permit No. 15080025, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

36. On October 6, 2023, November 2, 2023, November 30, 2023, and December 28, 2023, Koppers submitted to Illinois EPA deviation reports including the following instances between September 8, 2023 and November 30, 2023 where Koppers emitted uncontrolled VOM emissions from tar distillation system #2, when its tube heater was not in operation:

Date	Start Time	End Time	Duration (Mins)	VOM Emissions (lbs)
9/08/2023	1:55 p.m.	2:06 p.m.	11	10.8
9/09/2023	3:27 a.m.	3:32 a.m.	5	4.9
9/11/2023	9:55 a.m.	9:59 a.m.	4	3.9
9/14/2023	9:41 a.m.	9:44 a.m.	3	6

9/14/2023	9:49 a.m.	9:55 a.m.	6	12
9/14/2023	2:39 p.m.	2:42 p.m.	3	6
9/14/2023	2:50 p.m.	2:54 p.m.	4	8
9/14/2023	3:02 p.m.	3:09 p.m.	7	13.9
9/16/2023	12:28 a.m.	12:33 a.m.	5	5
9/17/2023	4:14 p.m.	4:19 p.m.	5	5
9/18/2023	9:38 a.m.	9:41 a.m.	3	3
9/20/2023	4:50 p.m.	4:56 p.m.	6	6.1
9/21/2023	1:49 p.m.	1:53 p.m.	4	4
9/24/2023	4:33 p.m.	4:53 p.m.	20	20.2
9/26/2023	11:02 a.m.	11:07 a.m.	5	5
9/26/2023	11:39 a.m.	11:43 a.m.	4	4
10/05/2023	10:05 a.m.	10:11 a.m.	6	6.1
10/09/2023	3:40 a.m.	3:43 a.m.	3	2.9
10/10/2023	10:34 a.m.	10:48 a.m.	14	13.4
10/19/2023	7:25 p.m.	7:28 p.m.	3	3.9
10/20/2023	9:51 p.m.	9:55 p.m.	4	5.1
10/24/2023	5:26 p.m.	5:30 p.m.	4	3.8
10/27/2023	8:46 p.m.	8:55 p.m.	9	8.6
10/30/2023	4:22 a.m.	4:26 a.m.	4	5.3
11/05/2023	7:42 a.m.	8:51 a.m.	69	67.5
11/08/2023	5:12 p.m.	5:18 p.m.	6	7.5
11/13/2023	8:48 p.m.	8:51 p.m.	3	4.9
11/14/2023	11:32 p.m.	11:36 p.m.	4	5.9
11/16/2023	11:41 a.m.	12:12 p.m.	31	29.9
11/16/2023	12:31 p.m.	12:33 p.m.	2	2.2
11/17/2023	1:41 a.m.	1:56 a.m.	15	14.6
11/22/2023	6:17 a.m.	6:27 a.m.	10	9.6
11/30/2023	10:07 p.m.	10:10 p.m.	3	4.9

37. From at least September 8, 2023 to at least November 30, 2023, by continuing to vent VOM emissions from tar distillation system #2 when its tube heater was not in operation, Koppers caused or allowed the emission of VOM from tar distillation system #2 in excess of 3.0 lb/hr.

38. From at least September 8, 2023 to at least November 30, 2023, by emitting VOM from tar distillation system #2 in excess of 3.0 lb/hr, Koppers violated Condition 5(b) of Construction Permit No. 11100041, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

39. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS, INC., a Pennsylvania corporation, with respect to Count XXV:

1. Finding that Koppers has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Conditions 5(a) of Construction Permit No. 15080025 and 5(b) of Construction Permit No. 11100041;

2. Enjoining Koppers from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Conditions 5(a) of Construction Permit No. 15080025 and 5(b) of Construction Permit No. 11100041;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Conditions 5(a) of Construction Permit No. 15080025 and 5(b) of Construction Permit No. 11100041;

4. Assessing against Koppers, 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(b) of the Act, 415 ILCS 5/9(b) (2024), and Conditions 5(a) of Construction Permit No. 15080025 and 5(b) of Construction Permit No. 11100041, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXVI

**FAILURE TO MAINTAIN RECORD OF TOTAL SULFUR CONTENT
OF NAPHTHALENE FEED BY KOPPERS**

1-31. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25 of Count I, and paragraphs 26 through 31 of Count XI, as paragraphs 1 through 31 of this Count XXVI.

32. Condition 7.7.9(f) of CAAPP Permit No. 96030134 provides:

Recordkeeping Requirements

In addition to the records required in Condition 5.6, the Permittee shall maintain records of the following items for each affected reactor train to demonstrate compliance with Conditions 5.5.1, 7.7.3, 7.7.5, and 7.7.6, pursuant to Section 39.5(7)(b):

(f) Total sulfur content of naphthalene feed based upon daily sampling

33. On January 23, 2024, Koppers submitted a deviation report to Illinois EPA, which demonstrated that on November 30, 2023, Koppers failed to sample and record the total sulfur content of the naphthalene feed based upon daily sampling.

34. On May 22, 2024, Koppers submitted a deviation report to Illinois EPA, which demonstrated that on May 12, 2024, Koppers failed to sample and record the total sulfur content of the naphthalene feed based upon daily sampling.

35. By failing to sample and record the total sulfur content of the naphthalene feed based upon daily sampling on November 30, 2023 and May 12, 2024, Koppers violated Condition

7.7.9(f) of CAAPP Permit No. 96030134, and thereby also violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

36. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count XXVI:

1. Finding that Koppers violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 7.7.9(f) of CAAPP Permit No. 96030134;

2. Enjoining Koppers from any further violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 7.7.9(f) of CAAPP Permit No. 96030134;

3. Assessing against Koppers, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2022), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 7.7.9(f) of CAAPP Permit No. 96030134;

4. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

5. Granting such other relief as this Court deems appropriate and just.

COUNT XXVII

FAILURE TO COMPLY WITH VOM EMISSION LIMIT FOR TANK #3 BY KOPPERS

1-28. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25 and 29 through 30 and 48 of Count I, as paragraphs 1 through 28 of this Count XXVII.

29. On May 6, 2024, Illinois EPA received nineteen complaints from citizens residing in Cicero, Berwyn, Riverside, Brookfield, Lyons, and Oak Lawn identifying a strong chemical odor (“Tar Odor Affected Residents”).

30. The Tar Odor Affected Residents describe the odor as a strong nauseating tar or gas smell and an overwhelming smell of burning tar or some other industrial petrochemical.

31. The Tar Odor Affected Residents identify the strong chemical tar odor as originating from the Facility.

32. On May 17, 2024, Koppers stated that on May 6, 2024, Koppers attempted to transfer crude coke oven tar (“Coke Tar”) from Tank #101 to Tank #200 at the Facility.

33. On May 17, 2024, Koppers stated that on May 6, 2024, during the transfer, Koppers left the Tank #3’s valve open, which caused most of the Tar to transfer to Tank #3, instead of Tank 200.

34. On May 17, 2024, Koppers stated that on May 6, 2024 at 10:00 p.m., a Koppers employee observed Tar overflowing from Tank #3.

35. On May 17, 2024, Koppers stated that on May 6, 2024, Koppers employees or agents overfilled Tank 3 with Tar during transfer and caused approximately 70,000 gallons of Tar to spill from the top of Tank 3 to the ground and thereby into the environment (“the Tar Spill”).

36. Koppers calculated that on May 6, 2024, the Tar Spill caused the release of 47.3 lbs of VOM into the environment.

37. Koppers calculated that on May 6, 2024, the Tar Spill caused the release of 15.8 lb/hr of VOM into the environment.

38. By causing or allowing the emission of 15.8 lb/hr of VOM, in excess of 8 lbs/hr, from the Tar Spill on May 6, 2024, Koppers violated Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301 and Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

39. Condition 2 of Construction Permit No. 01110057 provides:

At all times, the Permittee shall maintain and operate Tank #3, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.

40. By spilling approximately 70,000 gallons of Tar into the environment during the Tar Spill and consequently causing the release of 15.8 lb/hr of VOM into the environment, Koppers failed to maintain and operate Tank #3 in a manner consistent with good air pollution control practice for minimizing emissions.

41. By failing to maintain and operate Tank #3 in a manner consistent with good air pollution control practice for minimizing emissions, Koppers violated Condition 2 of Construction Permit No. 01110057, and thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count XXVII:

1. Finding that Koppers violated Section 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 2 of Construction Permit No. 01110057;

2. Enjoining Koppers from any further violations of Section 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 2 of Construction Permit No. 01110057;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9(a) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 2 of Construction Permit No. 01110057;

4. Assessing against Koppers, 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) and 9(b) of the Act, 415 ILCS 5/9(a) and 9(b) (2024), Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and Condition 2 of Construction Permit No. 01110057, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXVIII

AIR POLLUTION BY KOPPERS

1-35. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25 and 29 of Count I, and paragraphs 29 through 37 of Count XXVII, as paragraphs 1 through 35 of this Count XXVIII.

36. Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides as follows:

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in

Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

37. Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), provides the following definition:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

38. According to U.S. EPA³, Coke oven emissions are a mixture of coal tar, coal tar pitch, volatiles, creosote, polycyclic aromatic hydrocarbons (PAHs), and metals. Epidemiologic studies of coke oven workers have reported an increase in cancer of the lung, trachea, bronchus, kidney, prostate, and other sites. U.S. EPA has classified coke oven emissions as a Group A, known human carcinogen.

39. On May 6, 2024, citizens residing in Cicero, Berwyn, Riverside, Brookfield, Lyons, and Oak Lawn described a strong odor in their complaints to Illinois EPA, identifying the odor as chemical-like and burning tar.

40. The Tar Odor Affected Residents noted that the odor made them feel lightheaded and nauseous, causing headaches and making it difficult to breathe.

41. The Tar Odor Affected Residents noted that the odor prevented them from opening the windows in their homes and from going outside.

42. Koppers’ May 6, 2024 Tar Spill at the Facility caused the discharge or emission of odorous tar into the environment and the area surrounding the Facility, where the odor created a threat of injury to human, plant, or animal life, injury to health, or unreasonable interference with the Tar Odor Affected Residents’ enjoyment of their lives or property.

³ See <https://www.epa.gov/sites/default/files/2016-09/documents/coke-oven-emissions.pdf>.

43. The discharge or emission of odorous tar from the Facility into the environment and the area surrounding the Facility, which created a threat of injury to human, plant, or animal life, injury to health, or unreasonable interference with the Tar Odor Affected Residents' enjoyment of their lives or property, constitutes "air pollution" as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2024).

44. On at least May 6, 2024, by causing or allowing the discharge or emission of odorous tar into the atmosphere, Koppers caused, threatened, or allowed the discharge or emission of contaminants into the environment so as to cause or tend to cause air pollution in Illinois in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count XXVIII:

1. Finding that Koppers violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141.
2. Enjoining Koppers from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;
3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141 ;
4. Assessing against Koppers, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of 9(a) of the Act,

415 ILCS 5/9(a) (2024), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXIX

FAILURE TO SUBMIT COMPLETE AND ACCURATE SEMI-ANNUAL MONITORING REPORT BY KOPPERS

1-41. Plaintiff re-alleges and incorporates herein by reference paragraphs 1 through 25 of Count I, paragraphs 45 and 47 through 49 of Count II, paragraphs 26 through 31 of Count XI, paragraph 42 of Count XIII, and paragraphs 53 and 56 through 59 of Count XIV, as paragraphs 1 through 41 of this Count XXIX.

42. Condition 8.6.1 of CAAPP Permit No. 96030134 provides:
Monitoring Reports

If monitoring is required by any applicable requirements or conditions of this permit, a report summarizing the required monitoring results, as specified in the conditions of this permit, shall be submitted to the Air Compliance Section of the Illinois EPA every six months as follows [Section 39.5(7)(f) of the Act]:

<u>Monitoring Period</u>	<u>Report Due Date</u>
January – June	September 1
July – December	March 1

All instances of deviations from permit requirements must be clearly identified in such reports. All such reports shall be certified in accordance with Condition 9.9.

43. On August 22, 2024, Koppers submitted to Illinois EPA its semi-annual monitoring report for the January 1, 2024 to June 30, 2024 period, which did not include deviations from January 4, 2024 through September 3, 2024, where Koppers failed to operate its Pitch Tank TO and naphthalene distillation plant TO.

44. By failing to include all instances of deviations in its semi-annual monitoring report for the January 1, 2024 to June 30, 2024 period, Koppers failed to submit a complete and accurate semi-annual monitoring report to Illinois EPA.

45. By failing to submit a complete and accurate semi-annual monitoring report to Illinois EPA, Koppers violated Condition 8.6.1 of CAAPP Permit No. 96030134 and thereby violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS INC., a Pennsylvania corporation, with respect to Count XXIX:

1. Finding that Koppers violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 8.6.1 of CAAPP Permit No. 96030134;

2. Enjoining Koppers from any further violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 8.6.1 of CAAPP Permit No. 96030134;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 8.6.1 of CAAPP Permit No. 96030134;

4. Assessing against Koppers, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation

of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 8.6.1 of CAAPP Permit No. 96030134;

5. Ordering Koppers, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXX

FAILURE TO COMPLY WITH VOM EMISSION STANDARDS BY KCM

1-26. Plaintiff re-alleges and incorporates herein by reference paragraphs 2 through 25, 29, and 48 of Count I, as paragraphs 1 through 26 of this Count XXX.

27. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, the Attorney General of the State of Illinois, on his own motion and at the request of Illinois EPA, against KOPPERS CARBON MATERIALS LLC, a Pennsylvania limited liability company, pursuant to the terms and provisions of Section 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2024).

28. On May 7, 2025 and June 2, 2025, KCM submitted a deviation report to Illinois EPA including the following instances between April 11, 2025 and May 9, 2025, where KCM failed to operate its tar distillation plant TO, due to high pressure induced pressure safety valve releases:

Date	Start Time	End Time	Duration (Min)	VOM Emissions (lbs)
4/11/2025	12:22 p.m.	12:26 p.m.	4.0	24.82
4/11/2025	3:05 p.m.	3:06 p.m.	1.0	18.39
4/23/2025	11:31 a.m.	11:34 a.m.	3.0	29.09
4/23/2025	1:09 p.m.	1:13 p.m.	4.0	29.23
5/9/2025	3:35 p.m.	3:35 p.m.	0.17	4.94

29. Beginning on April 11, 2025 and continuing until at least May 9, 2025, or on a date or dates better known to KCM, by failing to operate its tar distillation plant TO, KCM caused or allowed the emission of VOM in excess of 8 lbs/hour.

30. By causing or allowing the emission of VOM in excess of 8 lbs/hour, KCM violated Section 218.301 of the Board Air Pollution Regulations, 35 Ill Adm. Code 218.301, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024).

31. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS CARBON MATERIALS LLC, a Pennsylvania limited liability company, with respect to Count XXX:

1. Finding that KCM has violated Sections 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301;

2. Enjoining KCM from any further violations of Sections 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 218.301 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301;

4. Assessing against KCM, 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), and Section 218.302 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 218.301, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering KCM, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXXI

FAILURE TO MONITOR AFTER PRESSURE RELEASE BY KCM

1-32. Plaintiff re-alleges and incorporates herein by reference paragraphs 2 through 25 of Count I, paragraphs 26 through 31 of Count XI, and paragraph 27 through 28 of Count XXX, as paragraphs 1 through 32 of this Count XXXI.

33. Condition 5.4.5.b.ii. of CAAPP Permit No. 96030134 provides:

Pressure Relief Devices in Gas/Vapor Service.

(b)(ii) No later than 5 calendar days after the pressure release and being returned to organic HAP service, the pressure relief device shall be monitored to confirm the condition indicated by an instrument reading of less than 500 parts per million above background, as measured by the method specified in Condition 5.9.6(c) (see also 40 CFR 63.180(c)) [40 C.F.R. § 63.165(b)(2)].

34. On information and belief, after KCM failed to operate its tar distillation plant TO on April 11, 2025, due to high pressure induced pressure safety valve releases, KCM failed to monitor its pressure relief device, within five (5) calendar days after the pressure release and being returned to organic HAP service, to confirm the condition indicated by an instrument reading of less than 500 parts per million above background, as measured by the method specified in Condition 5.9.6(c) of CAAPP Permit No. 960301345

35. On information and belief, by failing to monitor its pressure relief device, within five (5) calendar days after the pressure release and being returned to organic HAP service, to confirm the condition indicated by an instrument reading of less than 500 parts per million above background, as measured by the method specified in Condition 5.9.6(c) of CAAPP Permit No. 960301345, KCM violated Condition 5.4.5.b.ii. of CAAPP Permit No. 96030134, and thereby also violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024).

36. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS CARBON MATERIALS LLC, a Pennsylvania limited liability company, with respect to Count XXXI:

1. Finding that KCM violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 5.4.5.b.ii of CAAPP Permit No. 96030134;
2. Enjoining KCM from any further violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/ 39.5(6)(a) (2024), and Condition 5.4.5.b.ii of CAAPP Permit No. 96030134;
3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Conditions 5.4.5.b.ii of CAAPP Permit No. 96030134;
4. Assessing against KCM, pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2024), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation

of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2024), and Condition 5.4.5.b.ii of CAAPP Permit No. 96030134;

5. Ordering KCM, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXXII

FAILURE TO SEAL CREASOTE BLEND TANK 303 BY KCM

1-41. Plaintiff re-alleges and incorporates herein by reference paragraphs 2 through 25, 31 through 33, and 35 through 40 of Count I, paragraphs 33 through 39 of Count IV, and paragraph 27 of Count XXX, as paragraphs 1 through 41 of this Count XXXII.

42. Section 63.1363(d)(1)(ii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1363(d)(1)(ii), provides as follows:

(d) Standards: Open-ended valves or lines.

* * *

(iii) The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line, or during maintenance or repair. The cap, blind flange, plug, or second valve shall be in place within 1 hour of cessation of operations requiring process fluid flow through the open-ended valve or line, or within 1 hour of cessation of maintenance or repair.

43. From January 1, 2025 to the date of filing of this complaint, KCM owned and operated and continues to own and operate the Facility, which is a stationary source, and therefore was and is the “owner or operator,” as that term is defined by Section 112(a) of the Clean Air Act, 42 U.S.C. § 7412(a).

44. On May 7, 2025, KCM submitted a deviation report to Illinois EPA, demonstrating that on April 23, 2025, KCM left the gauging hatch open on Tank 303.

45. On April 23, 2025, by leaving the gauging hatch open on Tank 303, KCM failed to seal the open end of Tank 303 at all times.

46. On April 23, 2025, by failing to seal the open end of Tank 303 at all times, KCM violated Section 63.1363(d)(1)(ii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1363(d)(1)(ii), and therefore also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS CARBON MATERIALS LLC, a Pennsylvania limited liability company, with respect to Count XXXII:

1. Finding that KCM has violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.1363(d)(1)(ii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1363(d)(1)(ii);

2. Enjoining KCM from any further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.1363(d)(1)(ii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1363(d)(1)(ii);

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.1363(d)(1)(ii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1363(d)(1)(ii);

4. Assessing against KCM, 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 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and Section 63.1363(d)(1)(ii) of Subpart MMM of the NESHAP Regulations, 40 C.F.R. § 63.1363(d)(1)(ii), and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering KCM, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXXIII

FAILURE TO SEAL CARBON PITCH TANK 49 BY KCM

1-41. Plaintiff re-alleges and incorporates herein by reference paragraphs 2 through 25, 31 through 33, and 35 through 40 of Count I, and paragraphs 33 through 38 of Count IV, paragraph 27 of Count XXX, and paragraph 43 of Count XXXII, as paragraphs 1 through 41 of this Count XXXIII.

42. Subpart H of Title 40, Part 63 of C.F.R. was adopted pursuant to Section 112 of the Clean Air Act as part of the NESHAP Regulations. Subpart H contains the NESHAP for equipment leaks and fenceline monitoring for all emission sources. The standards of 40 C.F.R. 63, Subpart H are enforceable in the State of Illinois pursuant to Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

43. Section 63.167(a)(2) of Subpart H of the NESHAP Regulations, 40 C.F.R. § 63.167(a)(2), provides as follows:

(a) Standards: Open-ended valves or lines.

* * *

(2) The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line, or during maintenance or repair.

44. On June 2, 2025, KCM submitted a deviation report to Illinois EPA, demonstrating that on May 8, 2025, KCM left the gauging hatch open on Carbon Pitch Tank 49.

45. On May 8, 2025, by leaving the gauging hatch open on Carbon Pitch Tank 49, KCM failed to seal the open end of Carbon Pitch Tank 49 at all times.

46. On May 8, 2025, by failing to seal the open end of Carbon Pitch Tank 49 at all times, KCM violated Section 63.167(a)(2) of Subpart H of the NESHAP Regulations, 40 C.F.R. § 63.167(a)(2), and therefore also violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024).

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS CARBON MATERIALS LLC, a Pennsylvania limited liability company, with respect to Count XXXIII:

1. Finding that KCM has violated Section 63.167(a)(2) of Subpart H of the NESHAP Regulations, 40 C.F.R. § 63.167(a)(2), and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024);

2. Enjoining KCM from any further violations of Section 63.167(a)(2) of Subpart H of the NESHAP Regulations, 40 C.F.R. § 63.167(a)(2), and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024);

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 63.167(a)(2) of Subpart H of the NESHAP

Regulations, 40 C.F.R. § 63.167(a)(2), and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024);

4. Assessing against KCM, 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 63.167(a)(2) of Subpart H of the NESHAP Regulations, 40 C.F.R. § 63.167(a)(2), and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024), and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering KCM, pursuant to 415 ILCS 5/42(f) (2024), to pay all costs, including oversight, sampling and clean-up costs, and attorney, expert witness and consultant fees expended by the Plaintiff in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT XXXIV

AIR POLLUTION BY KCM

1-28. Plaintiff re-alleges and incorporates herein by reference paragraphs 2 through 25 and 29 of Count I, paragraphs 36 through 37 of Count XXVIII, and paragraph 27 of Count XXX, as paragraphs 1 through 28 of this Count XXXIV.

29. From February 1, 2025 to February 11, 2025, thirteen citizens residing in Cicero, Berwyn, Riverside, Oak Park, Forest View, and Downers Grove submitted complaints to Illinois EPA describing a strong odor and identifying the odor as chemical-like, burning, and chlorine-like (“Chlorine Odor Affected Residents”).

30. The Chlorine Odor Affected Residents noted that the odor caused them headaches and made it difficult for them to breathe.

31. The Chlorine Odor Affected Residents noted that the odor prevented them from opening the windows in their homes and from going outside.

32. The discharge of odors from the Facility unreasonably interfered with the Chlorine Odor Affected Residents' enjoyment of their lives or property, and therefore constitutes "air pollution" as that term is defined by Section 3.115 of the Act, 415 ILCS 5/3.115 (2024).

33. From at least February 1, 2025 to at least February 11, 2025, and such other dates better known to KCM, KCM caused, threatened, or allowed the discharge or emission of odorous contaminants from the Facility into the environment, so as to cause or tend to cause air pollution, violating Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

34. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against Defendant, KOPPERS CARBON MATERIALS LLC, a Pennsylvania limited liability company, with respect to Count XXXIV:

1. Finding that KCM violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

2. Enjoining KCM from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

3. Ordering KCM to undertake all necessary corrective action that will result in a final and permanent abatement of the violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

4. Assessing against KCM, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022), a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of 9(a) of the Act, 415 ILCS 5/9(a) (2024), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which the violations continue;

5. Ordering KCM, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024), to pay all costs, including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

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

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

By: /s/ Stephen J. Sylvester
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