

ILLINOIS ATTORNEY GENERAL KWAME RAOUL

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ATTORNEY GENERAL RAOUL & STATE'S ATTORNEY BERLIN ANNOUNCE CONSENT ORDER WITH STERIGENICS OVER AIR POLLUTION VIOLATIONS *Proposed Consent Order Includes Stringent Requirements to Regulate Ethylene Oxide*

Chicago – Attorney General Kwame Raoul and DuPage County State's Attorney Robert Berlin today filed a motion to enter a consent order with Sterigenics U.S., LLC (Sterigenics). Once it is approved by the court, the consent order would resolve a lawsuit filed by Raoul's and Berlin's offices in 2018 against Sterigenics over air pollution violations due to the release of the toxic chemical ethylene oxide (EtO) at its plant in Willowbrook, Ill.

Raoul and Berlin filed the proposed consent order today in DuPage County Circuit Court. The proposed consent order builds off of a new law signed by Governor JB Pritzker, which imposes the strictest limits in the nation on EtO emissions from sterilization facilities and other companies that use EtO. **The proposed order prohibits Sterigenics' Willowbrook facility from resuming sterilization operations unless the company installs new emissions capture and control systems, which must be approved by the Illinois Environmental Protection Agency (IEPA).**

"The proposed consent order surpasses the emissions limits contained in Illinois law by incorporating all of the emissions and monitoring requirements included in the Matt Haller Act recently signed by Governor Pritzker. In addition, Sterigenics must comply with the strictest capture and control requirements in the nation and cannot reopen until it is in compliance," Raoul said. "The proposed consent order, combined with the strict regulations in the new law signed last month, will enable the state to act quickly to hold Sterigenics accountable for violating Illinois' emissions limits."

"The consent decree entered into today should in no way be considered a license for Sterigenics to reopen," Berlin said. "The decree will govern Sterigenics going forward and in doing so goes above and beyond the most restrictive regulations in the country placed upon businesses that use EtO in their operations. I would like to thank Attorney General Kwame Raoul, his staff and members of my office for their extended efforts the past several months. Their work is what brought us here today. I would also like to thank Governor Pritzker as well as the Illinois EPA for their commitment to the health and welfare of the residents of Willowbrook and the surrounding communities."

"Illinois EPA is committed to ensuring Sterigenics complies with Illinois' stringent new law for controlling ethylene oxide emissions, which were established by the General Assembly," said

Illinois EPA Director John J. Kim. “This agreement calls for Sterigenics to not only comply with those new requirements, but also imposes additional requirements to further protect the public and the environment. The Illinois EPA will devote all necessary resources to enforce the terms of this consent order.”

In June, Gov. Pritzker signed a law prohibiting EtO-emitting sterilization facilities, including Sterigenics, from operating in Illinois unless the facility captures 100 percent of all EtO emissions generated by the facility. Additionally, these facilities must reduce EtO emissions to the atmosphere from each exhaust point by at least 99.9 percent, or 0.2 parts per million. The law also requires facilities to conduct annual emissions tests and submit results to the IEPA. If a facility fails to meet the reduced emissions requirements, it must immediately cease operations. It must also notify the IEPA within 24 hours and is required to conduct an analysis within 60 days to determine why the test failed, take corrective actions, and seek IEPA approval before seeking to restart operations.

The proposed consent order prevents Sterigenics from conducting sterilization operations at its Willowbrook facility – comprised of two buildings, Willowbrook I and Willowbrook II – until significant improvements are made to limit EtO emissions. Under the proposed consent order, Sterigenics will be subject to penalties and contempt of court for violating the terms of the proposed consent order. The net effect of the requirements in the proposed consent order will be to reduce the EtO emissions from Sterigenics’ Willowbrook facility to no more than 85 pounds per year. This represents a drastic reduction from Sterigenics’ reported annual emissions from 2006 to 2018, which ranged from 2,840 pounds to 7,340 pounds per year.

The proposed order also requires Sterigenics to perform environmental projects in the village of Willowbrook or neighboring DuPage County communities. Within 30 days of the consent order’s entry, Sterigenics must put \$300,000 into an escrow account, and the company will have 60 days to submit project proposals for state approval. The projects, which must include environmental improvements, or educational scholarships or programs, must be completed within one year of the court approving the consent order.

Handling this case for Raoul’s Environmental Enforcement Division are Division Chiefs Matthew Dunn and Christopher Wells, Bureau Chief Elizabeth Wallace, Senior Assistant Attorneys General Kathryn Pamenter and Stephen Sylvester, and Assistant Attorney General Daniel Rottenberg.