

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
DUPAGE COUNTY, ILLINOIS  
CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS,	)	
<i>ex rel.</i> LISA MADIGAN, Attorney General	)	
of the State of Illinois, and	)	
<i>ex rel.</i> ROBERT BERLIN, State’s Attorney	)	
for DuPage County, Illinois,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.
	)	
STERIGENICS U.S., LLC,	)	
a Delaware limited liability company,	)	
	)	
Defendant.	)	

**COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES**

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion, and *ex rel.* ROBERT BERLIN, State’s Attorney of DuPage County, Illinois, on his own motion, complain of the Defendant, STERIGENICS U.S., LLC, a Delaware limited liability company (“Sterigenics” or “Defendant”), as follows:

**COUNT I  
CAUSING, THREATENING OR ALLOWING AIR POLLUTION**

1. This Count is brought on behalf of the People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, on her own motion, and *ex rel.* Robert Berlin, State’s Attorney of DuPage County, on his own motion, against the Defendant, pursuant to Sections 42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2016).

2. This Count is brought at the request of the Illinois Environmental Protection Agency (“Illinois EPA”).

3. The Illinois EPA is an administrative agency of the State of Illinois, established by Section 4 of the Act, 415 ILCS 5/4 (2016), and is charged, *inter alia*, with the duty of enforcing the Act.

4. Since at least January 30, 2006, the Defendant has been and is a Delaware limited liability company duly authorized to transact business in the State of Illinois.

5. Since at least January 30, 2006 to present, on dates better known to the Defendant, the Defendant has operated an ethylene oxide gas (“EtO”) commercial sterilization enterprise.

6. Sterigenics is comprised of two separate buildings located at 7775 South Quincy Street, Willowbrook, DuPage County, Illinois (“Building 1”) and 830 Midway Street, Willowbrook, DuPage County, Illinois (“Building 2”) (together, “Source”).

7. In 1984, Griffith Micro Science, Inc. (“Griffith”) began operating an EtO sterilization business at Building 1 of the Source.

8. In 1999, Ion Beam Applications acquired both Griffith and SteriGenics International, Inc. SteriGenics International, Inc. is the parent company of the Defendant. Between 1999 and 2006, SteriGenics International, Inc. was bought and sold multiple times.

9. On January 30, 2006, the Illinois EPA issued to the Defendant modified Clean Air Act Permit Program (“CAAPP”) Permit No. 95120085 naming the Defendant as operator of the Source. Since 2006, the Defendant is the permitted operator of the Source.

10. Since 1984, at Building 1, and 1999, at Building 2, an EtO sterilization enterprise has been operating in Willowbrook.

11. From January 30, 2006 to present, on dates better known to the Defendant, the Defendant has operated at least fourteen commercial sterilizers at Building 1, and four commercial sterilizers at Building 2. Individual sterilizers are also known as “chambers”.

12. Each commercial sterilizer is comprised of a steam-heated sterilization chamber, a recirculating vacuum pump chamber evacuation system, a backvent valve, and a fugitive emissions exhaust hood.

13. During the sterilization process, the Defendant places medical equipment and other products (together, “products”) into individual chambers and EtO is introduced. During this process, the chambers are sealed. After a certain residence time, the Defendant evacuates EtO from the chambers. After the gas is pumped out of the chambers, air is introduced into the chambers. When air is introduced into the chambers, the chamber doors are opened and residual amounts of EtO are vented through the “backvent valves.”

14. Upon completion of the sterilization cycle, EtO and other gases evacuated from the chambers in Building 1 are pumped to a Chemrox DEOXX packed tower chemical scrubber (“Acid Water Scrubber #1”), while the EtO from the chambers in Building 2 are routed to a two-stage Advanced Air Technologies Safe Cell emission-control system (“Willowbrook II Scrubber”) and dry bed reactor.

15. After products are removed from the commercial sterilizers, they are placed in one of the Source’s aeration rooms where EtO continues to volatilize, or off gas, from the

sterilized products. There are three aeration rooms at Building 1 and two aeration rooms at Building 2. Emissions from the aeration rooms at Building 1 are captured and treated by a two-stage Advanced Air Technologies Safe Cell emission-control system (“Acid Water Scrubber #2”) and dry bed reactor, and the emissions from the aeration rooms at Building 2 are captured and treated by the Willowbrook II Scrubber and dry bed reactor. The three scrubber systems and two dry bed reactors at the Source are collectively referred to as “the Scrubbers.” The Scrubbers are the sole method used by the Defendant to control EtO emissions from the Source.

16. As part of its operations at the Source, the Defendant discharges and emits EtO to the atmosphere.

17. In 1990, EtO was listed as a “hazardous air pollutant” under Section 112 of the Clean Air Act, 42 U.S.C. § 7412(b)(1) (2016).

18. On June 8, 2015, the Illinois EPA issued renewal CAAPP Permit No. 95120085 to the Defendant (“Operating Permit”). The Operating Permit includes the Clean Air Act National Emission Standard for Hazardous Air Pollutants (“NESHAP”) for EtO emissions from sterilization facilities. 40 C.F.R. Part 63, Subpart O. The NESHAP requires facilities to control EtO emissions from the vacuum pump chamber evacuation systems and aeration rooms by at least 99.0%. The NESHAP does not require that facilities control EtO emissions from the backvent valves. Therefore, the Operating Permit does not require the Defendant to control EtO emissions from the backvent valves at the Source.

19. The Operating Permit allows the Defendant to utilize up to 542.1 tons (1,084,200 pounds) of EtO per year in its operations at the Source.

20. Section 3.5.c of the Operating Permit provides as follows:

**Annual Emissions Reporting**

Pursuant to 35 IAC Part 254, the Source shall submit an Annual Emission Report to the [Illinois EPA], due by May 1 of the year following the calendar year in which the emissions took place. All records and calculations upon which the verified and reported data are based must be retained by the source.

21. Between 1984 and 1992, the Source emitted EtO.<sup>1</sup> Beginning in 1993 and continuing through 2005, the owner and or operator of the Source reported in its Annual Emission Reports releasing the following amounts of EtO to the atmosphere:

<b>Year</b>	<b>EtO Released (lbs.)</b>
1993	10,780
1994	9,600
1995	21,320
1996	21,720
1997	30,800
1998	35,400
1999	15,940
2000	10,380
2001	6,146
2002	5,750
2003	5,200

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<sup>1</sup> Illinois EPA's Part 254 Rules (Annual Emissions Report) were first adopted on May 14, 1993. Hence, calendar year 1993 is the first Annual Emissions Report available for the Source.

2004	6,200
2005	5,800

22. According to the Defendant’s Annual Emission Reports as filed by the Defendant with the Illinois EPA, the Defendant reported releasing the following amounts of EtO to the atmosphere during the years 2006 to 2017:

<b>Year</b>	<b>EtO Released (lbs.)</b>
2006	4,760
2007	7,340
2008	7,080
2009	5,600
2010	6,440
2011	6,980
2012	6,980
2013	5,960
2014	5,080
2015	4,600
2016	4,200
2017	4,600

23. On June 26, 2018, Illinois EPA issued the Defendant permit no. 18060020 to duct the emissions of EtO from the backvent valves of the sterilization chambers to the existing Scrubbers (“Construction Permit”). Illinois EPA received this construction permit application on June 11, 2018.

24. On information and belief, on or about July 27, 2018, the Defendant completed the modifications to its air pollution control equipment by ducting the emissions from the backvent valves at Building 1 to Acid Water Scrubber #2 and the dry bed reactor and the emissions from the backvent valves at Building 2 to Willowbrook II Scrubber and the dry bed reactor.

25. Prior to modifying its air pollution control equipment to control the emission of EtO from the backvent valves of the sterilization chambers, the Defendant allowed the uncontrolled emission of EtO from the backvent valves. As a result, since at least 2006, on a date better known to the Defendant, until on or about July 27, 2018, the Defendant had allowed the emission to the environment of 100% of the EtO that was released through the backvent valves.

26. The Operating Permit requires that the Defendant meet a control efficiency of 99.0% of emissions from the vacuum pump chamber evacuation system and aeration rooms. Once the backvent valves were ducted to the Scrubbers, those emissions also became and are subject to the 99.0% control efficiency.

27. The Operating Permit allows the Defendant to emit approximately 18.2 tons (36,400 pounds) of EtO per year.

28. EtO is highly reactive, readily absorbed, and easily distributed in the human body. EtO is mutagenic and causes chromosome damage in many species, including humans.

29. From 1985 to 2016, the United States Environmental Protection Agency (“U.S. EPA”) categorized EtO as “probably carcinogenic to humans”.

30. In December 2016, U.S. EPA's Integrated Risk Information System ("IRIS") program released an "Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide" ("2016 IRIS Evaluation"). In the 2016 IRIS Evaluation, U.S. EPA changed EtO's weight of evidence descriptor from "probably carcinogenic to humans" to "carcinogenic to humans" while increasing EtO's lifetime inhalation cancer unit risk estimate about 50-fold. The 2016 IRIS Evaluation is incorporated by reference herein.<sup>2</sup>

31. In the 2016 IRIS Evaluation, U.S. EPA noted that an increased incidence and mortality of breast and lymphohematopoietic system cancers have been observed in workers in EtO sterilizing facilities.

32. In the 2016 IRIS Evaluation, U.S. EPA determined that there is sufficient evidence to establish a causal relationship between EtO exposure and breast cancer in women.

33. As a mutagenic carcinogen, EtO causes cancer by damaging DNA in cells which is then duplicated when the cells divide. Repeated exposure over time to EtO increases the cancer risk compared to a one-time exposure. This increase occurs because DNA damage may take place with each and every exposure that is passed on to more cells, increasing the number of mutated cells, which eventually leads to cancer in some people.

34. The Source is in a densely populated residential, industrial and commercial area, with 19,271 people living within 1 mile of the Source boundary. The Source is located in an industrial park that is surrounded by, and in close proximity to, residential

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<sup>2</sup> Available at [http://ofmpub.epa.gov/eims/eimscomm.getfile?p\\_download\\_id=529970](http://ofmpub.epa.gov/eims/eimscomm.getfile?p_download_id=529970).

neighborhoods, schools, daycare facilities, businesses, and parks, including but not limited to, the following:

- i. Homes (less than 0.25 miles)
  - ii. Schools: Gower Middle (0.42 miles), St. Mark Christian Montessori (0.70 miles), Hinsdale South High School (0.76 miles), Gower West (0.79 miles), Kingswood Academy (0.87 miles), KinderCare (1.0 mile), Our Lady of Peace School (1.22 miles), Concord Elementary (1.62 miles), Ready Set Grow (1.76 miles), Burr Ridge Middle School (1.86 miles)
  - iii. Parks and Government Buildings: Willowbrook Police Department and Mayor's Office (0.07 miles), Willowbrook Community Park (0.45 miles), Indian Prairie Library (0.97 miles), Harvester Park (1.0 mile), Whittaker Park (1.03 miles), Burr Ridge Police Department (1.19 miles)
  - iv. Businesses: Dance Duo Studio (0.1 miles), Dell Rhea's Chicken Basket (0.16 miles), Denny's (0.18 miles), Target (0.19 miles), La Quinta Inn (0.29 miles), Red Roof PLUS+ (0.3 miles), Diamond Edge Training (0.3 miles), BIG Gymnastics (0.68 miles), Darien Sportsplex (1.0 mile)
35. According to U.S. EPA's website,<sup>3</sup> for a single year of exposure to EtO, the cancer risk is greater for children than for adults. This elevated risk to children exists because EtO can damage DNA, and children have more years ahead of them to develop the other cancer risk factors that result in the formation of malignant cells. Additionally, compared to adults, children receive larger doses per body weight because they have greater lung surface area and increased lung volume per body weight, and breathe in more air per body weight.
36. According to 2010 U.S. Census Data, 3,494 children 5 years and younger lived within 3 miles of the Source in 2010, including 250 that lived within 1 mile.

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<sup>3</sup> Available at <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/frequent-questions-ethylene-oxide> (accessed on October 18, 2018).

37. According to the 2014 National Air Toxics Assessment (“NATA”) released by U.S. EPA in August 2018, seven census tracts near the Source are among 109 nationwide that have cancer risk scores greater than 100 in 1 million, or 1 in 10 thousand, meaning that in those census tracts hazardous air pollution may cause more than one additional incidence of cancer per 10 thousand people. There are a total of 73,057 census tracts in the United States.

38. Between May 16, 2018 and May 17, 2018, the U.S. EPA collected 39 ambient air samples at 26 discrete locations near the Source (“May 2018 sampling event”). All of these samples were collected in proximity to the various public places listed in paragraph 34.

39. U.S. EPA modeled short and long-term ambient EtO concentrations to evaluate the impact of emissions from the Source using, among other data, the National Emissions Inventory (“NEI”) data from 2014. The NEI data includes the actual pounds of EtO emitted by the Source, as reported by Illinois EPA, which is substantially lower than the amount of EtO that the Defendant is allowed to emit under the Operating Permit. As alleged in paragraph 22, the Defendant reported emitting 5,080 pounds of EtO in 2014, while as alleged in paragraph 27, the Operating Permit allows the emission of 18.2 tons, or 36,400 pounds, of EtO.

40. In June 2018, U.S. EPA provided the analytical data from the May 2018 sampling event and the modeled ambient EtO concentrations to the United States Department of Health & Human Services Agency for Toxic Substances and Disease Registry (“ATSDR”). At the same time, U.S. EPA: “requested that ATSDR review air

measurements of EtO and modeling results of EtO emissions from Sterigenics and specifically answer the question: If modeled and measured ethylene oxide concentrations represent long term conditions, would they pose a public health problem for people living and working in Willowbrook?”

41. On July 26, 2018, the ATSDR provided to U.S. EPA its answer to the above question. The letter provides:

It is ATSDR’s conclusion that the data U.S. EPA provided suggests that residents and workers are exposed to elevated airborne EtO concentrations from facility emissions. It is difficult to assess long-term public health implications from facility emissions because there has been no historical air monitoring in the community. ATSDR assumed that these data represent long term exposures for area residents and workers. Specifically, ATSDR concludes the following:

- 1) If measured and modeled data represent typical EtO ambient concentrations in ambient air, *an elevated cancer risk exists* for residents and off-site workers in the Willowbrook community surrounding the Sterigenics facility. These elevated risks *present a public health hazard to these populations*.
- 2) Measured and modeled ethylene oxide concentrations in ambient air indicate that non-cancer health effects are unlikely for residents and off-site workers in the Willowbrook community surrounding the Sterigenics facility.

The July 26, 2018 ATSDR letter is attached hereto and incorporated by reference herein.

42. The ATSDR used the maximum recorded EtO sample taken near a residence close to the Source to conclude that the lifetime risk for the area surrounding the Source is an additional 64 incidences of cancer per 10,000 people, or 64 times what U.S. EPA considers to be an acceptable risk.

43. On August 21, 2018, the July 26, 2018 letter from ATSDR to U.S. EPA was released as a “Letter Health Consultation.”

44. ATSDR's conclusion that an elevated cancer risk exists for residents and off-site workers in the Willowbrook community and that these elevated risks present a "public health hazard" is based on EtO emissions that are substantially lower than 18.2 tons (36,400 pounds). Thus, the Operating Permit allows the "public health hazard" as found by the ATSDR in its report to continue unabated.

45. As of October 23, 2018, 28,925 people had signed a petition entitled "Action Alert: Illinois, Say "No" to toxic air" on the website [www.change.org](http://www.change.org). The petition expresses the public's overwhelming concerns regarding the impact of Defendant's EtO emissions on the surrounding community. The concerns include the following:

- i. Detrimental health impacts to their children swimming at a pool located across the street from the Source.
- ii. The general safety of families in the area.
- iii. The mutagenic effects of EtO on children in the area.
- iv. Fear that past and current incidents of cancer in the area were caused by the Source.
- v. A desire to have residents' children and grandchildren breathing safe air.
- vi. The number of individuals in the community with cancer.
- vii. Past exposure to EtO from the Source.
- viii. The location of the Source in such a densely populated area.

46. As of October 24, 2018, more than 80 people have contacted the Illinois Attorney General's Office to express their concerns regarding the Source's EtO emissions.

47. As of October 24, 2018, the Illinois EPA has been contacted more than 100 times by members of the public to express their concerns regarding the Source's EtO emissions.

48. For those people who have resided near the Source over a period of years, the public health concerns with EtO are exacerbated due to the increased risk caused by exposure over a lifetime (see paragraphs 21 and 22, which show the Source's EtO emissions from 1993 to 2017, including from 1995 to 1999, when the Source emitted, on average, more than 25,000 pounds of EtO annually to the environment).

49. Article XI of the Illinois Constitution provides, in pertinent part, as follows:

SECTION 1. PUBLIC POLICY - LEGISLATIVE RESPONSIBILITY

The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy.

SECTION 2. RIGHTS OF INDIVIDUALS

Each person has the right to a healthful environment. . . .

50. In fulfillment of the Constitutional requirement to protect each person's right to a healthful environment, the General Assembly adopted the Act. Section 9(a) of the Act, 415 ILCS 5/9(a) (2016), 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.

51. Section 201.141 of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides, in relevant part, as follows:

Prohibition of Air Pollution

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 . . . .

52. Section 3.315 of the Act, 415 ILCS 5/3.315 (2016), 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.

53. The Defendant, a limited liability company, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2016).

54. Section 3.115 of the Act, 415 ILCS 5/3.115 (2016), 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.

55. Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), provides the following definition:

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

56. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, provides the following definitions:

“Air Contaminant”: Any solid, liquid or gaseous matter, any odor or any form of energy that is capable of being released into the atmosphere from an emission source.

57. The EtO released from the Facility is a “contaminant” within the meaning of Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), and an “air contaminant” within the meaning of Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

58. Beginning on or before January 30, 2006 and continuing to the present, Defendant has discharged or emitted from the Source into the surrounding area thousands of pounds of EtO, which, as alleged herein, has caused or threatened injury to persons near the Source and unreasonably interfered with their enjoyment of life or property.

59. The Defendant’s allowable emissions of approximately 18.2 tons (36,400 pounds) per year of EtO, a known human carcinogen, into the atmosphere near residences and places of business (a) threaten to injure the health of people living, attending school, recreating, working, and shopping near the Source, (b) have caused fear in the community due to the threat to public health, and (c) interfere with the enjoyment and use of their homes and work places, and therefore constitutes “air pollution” as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2016).

60. The threat to human health is particularly heightened in children, who have an increased susceptibility from exposure to a known human carcinogen. The unreasonable interference with enjoyment of life and property is particularly heightened for parents of

children who live near the Source who are legitimately concerned about the health and welfare of their children as it relates to exposure to EtO, a known human carcinogen.

61. By causing, threatening, or allowing the discharge or emission of EtO, a contaminant, into the environment so as to cause air pollution, Defendant violated Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141, and Section 9(a) of the Act, 415 ILCS 5/9(a) (2016).

62. 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 trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests this Court to enter a preliminary and, after trial, permanent injunction in favor of Plaintiff and against Defendant, STERIGENICS U.S., LLC, a Delaware limited liability company, with respect to Count I:

1. Finding that the Defendant has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2016), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;
2. Enjoining the Defendant from any future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2016), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;
3. Setting operational limits on the Source, including ordering the Defendant to cease operations if warranted, or setting EtO emission limits on the Source so as to ensure

the protection of public health and the elimination of the threat of air pollution in the surrounding community;

4. Ordering the Defendant to immediately undertake the necessary action that will result in a final and permanent abatement of violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2016), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141, including but not limited to, taking all steps necessary to ensure the protection of public health and the elimination of the threat of air pollution in the surrounding community, and performing ambient air monitoring at and around the Source in accordance with an approved sampling plan as well as conducting an updated cancer risk analysis. The ambient air monitoring and risk assessment shall be performed by independent contractors approved by the State and pursuant to plans approved by the State.

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

6. Ordering the Defendant to pay all costs including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to 415 ILCS 5/42(f) (2016); and

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

**COUNT II**  
**COMMON LAW PUBLIC NUISANCE**

1. This count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion, and *ex rel.* ROBERT BERLIN, State's Attorney of DuPage County, Illinois, on his own motion. The Attorney General is the chief legal officer of the State of Illinois having the powers and duties prescribed by the law, ILL. CONST. Article V, Section 15 (1970). The DuPage County State's Attorney is an elected county officer having the powers and duties prescribed by the law, ILL. CONST. Article VI, Section 19 and Article VII, Section 4 (1970). This count is brought pursuant to the power of the Attorney General and State's Attorney to institute an action on behalf of the People of the State of Illinois to abate a public nuisance and to protect the health, safety and welfare of the People of the State of Illinois.

2-59. Plaintiff realleges and incorporates by reference herein paragraphs 4 through 61 of Count I as paragraphs 2 through 59 of this Count II.

60. The Defendant, by its actions, has caused and continues to cause an unreasonable and substantial prejudice to the public health and welfare and the environment, to wit, 1) beginning on or before January 30, 2006 and continuing to the present, the Defendant has discharged or emitted from the Source into the surrounding area tens of thousands of pounds of EtO; 2) The Defendant's allowable emissions of approximately 18.2 tons (36,400 pounds) per year of EtO, a known carcinogen, into the atmosphere near residences and places of business (a) threaten to injure the health of people living and working near the Source, (b) have caused fear in the community due to the threat to public health, and (c) interfere with the enjoyment and use of their homes and work places.

61. As a consequence of its actions as alleged herein, the Defendant has created and maintained a public nuisance at common law.

62. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violations of the applicable and pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests this Court to enter a preliminary and, after trial, permanent injunction in favor of Plaintiff and against Defendant, STERIGENICS U.S., LLC, a Delaware limited liability company, with respect to Count II:

1. Finding that the Defendant has created and maintained a common law public nuisance at and around the Source;
2. Setting operational limits on the Source, including ordering the Defendant to cease operations if warranted, or setting EtO emission limits on the Source so as to ensure the protection of public health and the elimination of the threat of air pollution in the surrounding community, and abatement of the public nuisance;
3. Enjoining the Defendant from maintaining a common law public nuisance at and around the Source;
4. Ordering the Defendant to immediately undertake the necessary action that will result in a final and permanent abatement of the common law public nuisance.
5. Ordering the Defendant to pay all costs including 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.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* LISA MADIGAN, Attorney General  
of the State of Illinois

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

BY: \_\_\_\_\_

ELIZABETH WALLACE, Chief  
Environmental Bureau  
Assistant Attorney General

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

BY: \_\_\_\_\_

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