

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, and)
CITY OF CHICAGO, an Illinois municipal)
corporation,)
)
Plaintiffs,)
)
v.)
)
A-F ACQUISITION, LLC, d/b/a PULLMAN)
INNOVATIONS, a Delaware limited liability)
company,)
)
Defendant.)

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No. 2026CH07510

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

Plaintiffs, 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, and the CITY OF CHICAGO, an Illinois municipal corporation (“City”), by Corporation Counsel Mary B. Richardson-Lowry, complain of Defendant, A-F ACQUISITION, LLC, d/b/a PULLMAN INNOVATIONS, a Delaware limited liability company, as follows:

COUNTS BROUGHT BY THE PEOPLE OF THE STATE OF ILLINOIS

COUNT I
AIR POLLUTION

1. This Count is brought on behalf of the 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”), against A-F ACQUISITION, LLC, d/b/a PULLMAN INNOVATIONS (“Defendant”), pursuant to Section

42(d) and (e) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42(d) and (e) (2024).

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 with, *inter alia*, the duty of enforcing the Act.

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

4. At all times relevant to this Complaint, Defendant has owned and operated and continues to own and operate a facility, consisting of multiple buildings, that performs soapstock acidulation, a process that converts a by-product of commercial edible oil into commercial animal feed ingredients, at 2701 E. 100th Street, Chicago, Cook County, Illinois (“Facility”).

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

6. The Facility is located approximately 0.2 miles away from residences to the north, approximately 800 feet away from residences to the east, approximately 500 feet from residences to the west, approximately 0.5 miles away from Burnham Math & Science Academy to the west, approximately 0.3 miles away from John L. Marsh Elementary School to the northeast, and approximately 0.6 miles away from Sacred Heart Croatian parish facilities, which include a church and an early education, elementary, and middle school, to the northeast.

7. By no later than July 2016, on a date better known to Defendant, Defendant began its operations at the Facility.

8. From approximately July 2016 through at least the date of the filing of this Complaint, nearby residents (“Neighborhood Residents”) have complained of odors from the

Facility. The Neighborhood Residents have complained to the Illinois EPA, United States Environmental Protection Agency, and to their alderperson's office. Hundreds of complaints have also been filed with the City's 311 complaint system ("311"). Neighborhood Residents' complaints include, but are not limited to, the following:

- a. Neighborhood Residents specifically complain of a noisome organic odors emanating from the Facility, as well as from sewers near the Facility, and describe the odors as a rotten egg smell, putrid, sulfur dioxide, garbage, sewage, chemical odors, feces, burning, decaying animals, stinking fish, rotting meat, chemical burning, dead animals, fresh vomit, manure, terrible, gassy, nauseating, foul, and horrific ("Pullman Odors").
- b. Neighborhood Residents described feeling like prisoners in their homes because of the Pullman Odors.
- c. Neighborhood Residents described being embarrassed to invite guests over to their homes because of the Pullman Odors.
- d. Neighborhood Residents described being unable to enjoy gardening and cooking outdoors because of the Pullman Odors.
- e. Neighborhood Residents described being unable to open their windows because of the Pullman Odors.
- f. Neighborhood Residents describe the Pullman Odors affecting students at the nearby John L. Marsh Elementary School. One Neighborhood Resident who attended John L. Marsh Elementary School described classmates regularly feeling ill during recess because of the Pullman Odors, recess

getting canceled because of the Pullman Odors, and being unable to open classroom windows on nice days because of the Pullman Odors.

- g. Neighborhood Residents describe smelling the Pullman Odors after a funeral at the nearby Sacred Heart Croatian Parish, that the church's annual outdoor festival is often ruined by the Pullman Odors, and that parishioners leave quickly after church services because of the Pullman Odors.
- h. Neighborhood Residents describe smelling the Pullman Odors inside their homes, especially while their heating and air conditioning units were in use. One Neighborhood Resident described burning incense throughout their home and wearing a mask while sleeping at night to try to alleviate the Pullman Odors. Another Neighborhood Resident described having to leave their bedroom and sleep in another room in their home to avoid the Pullman Odors.
- i. Neighborhood Residents described smelling the Pullman Odors three to four times per weekly while Defendant has been operating.
- j. Neighborhood Residents described the Pullman Odors emanating from sewers near the Facility.
- k. Neighborhood Residents described the Pullman Odors affecting their quality of life.
- l. Neighborhood Residents described experiencing headaches and nose pain because of the Pullman Odors.
- m. Neighborhood Residents described covering their face and nose with a coat when walking from their car to their home to avoid the Pullman Odors.

- n. Neighborhood Residents described experiencing discomfort breathing because of the Pullman Odors.
- o. Neighborhood Residents described children avoiding playing in public parks because of the Pullman Odors.
- p. Neighborhood Residents described smelling the Pullman Odors immediately after opening the door to their home.
- q. Neighborhood Residents described smelling the Pullman Odors throughout the neighborhood.

9. At all times relevant to this Complaint, and continuing at least through the date of the filing of this Complaint, Neighborhood Residents have complained and continue to complain of the Pullman Odors emanating from the Facility's operations that have and continue to unreasonably impact their lives and enjoyment of their homes and property.

10. From no later than July 2016 through the date of the filing of this Complaint, inspectors from the City have conducted numerous inspections in response to 311 complaints about odors coming from the Facility as follows:

- a. City inspectors characterize Pullman Odors as foul, noxious, sulfur, rotten egg, unpleasant, pungent, sewer gas, strong, sour, vomit, feces, decaying vegetable matter, rotten sour vomit, very sour and acidic vomit, rotten vegetation, acidic eggs, livestock pen, eggy sour odor, rotting fish, and/or decaying flesh. City inspectors also noted that the Pullman Odors made them not want to breathe, made them nauseous, made them gag, and/or made them want to vomit.

- b. On numerous occasions, City inspectors observed the Pullman Odors in residential areas near the Facility, including near John L. Marsh Elementary School.
- c. On several occasions, Defendant's personnel informed the City inspectors that its pollution control equipment was in use and working properly and yet City inspectors still observed the Pullman Odors at the Facility and in the residential areas surrounding the Facility.
- d. On July 5, 2022, Defendant's personnel acknowledged to a City inspector that the Facility's operations produce odors that often migrate offsite to residential areas surrounding the Facility.
- e. At least one City inspector detected odors emanating from sewers near the Facility.

11. On February 13, 2025, Illinois EPA conducted an inspection of the Facility ("February 2025 Inspection"). At the time of the inspection, wind was blowing from west to east and the Pullman Odors were present at three locations as follows:

- a. first, in a residential area approximately 0.25 miles east of the Facility at 10:15 a.m.;
- b. second, in a residential area approximately 0.2 miles east of the Facility at 10:17 a.m. southwest of the first area where the odors were present; and
- c. third, in a residential area approximately 0.2 miles east of the Facility at 10:19 a.m. south of the second area where the odors were present.

12. During the February 2025 Inspection, odors consistent with those observed in the residential areas east of the Facility were observed both inside and outside the buildings at the Facility.

13. During the February 2025 Inspection, Illinois EPA inspectors observed extremely strong odors both inside and outside the buildings at the Facility, which, at times, made breathing difficult for the Illinois EPA inspectors.

14. 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.

15. Defendant's Facility is an industrial site subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board ("Board"). The Board's regulations for air pollution are found in Title 35, Subtitle B, Chapter I of the Illinois Administrative Code ("Board Air Pollution Regulations").

16. Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides 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, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

17. Section 3.315 of the Act, 415 ILCS 5/3.315 (2024), provides as follows:

"Person" is any individual, partnership, co-partnership, firm, company,

limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

18. 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 (2024).

19. Section 3.165 of the Act, 415 ILCS 5/3.165 (2024), provides as follows:

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

20. The Pullman Odors emanating from the Facility, including the odor from the sewers near the Facility, are a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2024).

21. Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), provides as follows:

“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.

22. From at least July 2016, on dates better known to Defendant, through at least the date of the filing of this Complaint, as alleged herein in paragraphs 8 and 9, the Pullman Odors have caused Neighborhood Residents (a) nausea, including students at the nearby John L. Marsh Elementary School, (b) headaches and nose pain, (c), breathing discomfort, (d) to avoid outdoor activities such as gardening, cookouts, and recess at the nearby John L. Marsh Elementary School, (e) to avoid inviting guests over to their homes, (f) to avoid opening their windows, including at the nearby John L. Marsh Elementary School, and (g) to avoid using public parks and walking trails, all of which have been injurious to human life, health or property and unreasonably interfered with Neighboring Residents’ enjoyment of their lives and their property and is therefore “air pollution” as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2024).

23. By causing, threatening, or allowing the discharge of the Pullman Odors, Defendant has caused or tended to cause air pollution, and thereby 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.

24. 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, prays that this Court enter a preliminary injunction, and, after trial, permanent injunction, and an order in favor of Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, and against Defendant, A-F ACQUISITION, LLC, d/b/a PULLMAN INNOVATIONS, on this Count I:

1. Finding that Defendant has 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 Defendant from 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 Defendant 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, including specifically taking immediate action to prevent the emission of the Pullman Odors;

4. Assessing against Defendant, 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 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 of each violation that continued prior to June 16, 2025;

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

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

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

COUNT II
AIR POLLUTION IN VIOLATION OF PERMIT CONDITIONS

1-19. The People re-allege and incorporate by reference herein paragraphs 1 through 13 and 17 through 22 of Count I as paragraphs 1 through 19 of this Count II.

20. On January 2, 2015, Illinois EPA issued Lifetime Operating Permit (“LOP”) 86050044 to the Facility’s prior owner and/or operator, Agri-Fine, Inc.

21. On April 2, 2016, or on a date better known to Defendant, Defendant purchased the Facility.

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

22. On July 27, 2016, Illinois EPA issued LOP 86050044 with a change of name and ownership to Defendant (“2016 Permit”).

23. According to the 2016 Permit, Defendant was permitted to operate the following equipment at the Facility: twenty-four 15,000-gallon process reactors controlled by two caustic scrubbers; two sulfuric acid tanks also controlled by the two caustic scrubbers; and two 11.9 million British Thermal Units per hour (“mmBtu/hr”) natural gas fired steam generators (collectively, “Emissions Units”).

24. The Facility’s operations are capable of emitting odors, specifically the Pullman Odors.

25. The Facility’s operations are also capable of emitting particulate matter (“PM”), carbon monoxide (“CO”), hydrogen sulfide (“H₂S”), sulfur dioxide (“SO₂”), volatile organic material (“VOM”), and nitrogen oxides (“NO_x”).

26. 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.

27. Section 211.370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.370, provides the following definition:

“Air pollutant” means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the atmosphere. Such term includes any precursors to the formation of any air pollutant, to the extent

that the relevant statute or rule has identified such precursor or precursors for particular purpose for which the term “air pollutant” is used.

28. Section 211.1950 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.1950, provides the following definition:

“Emission unit” means any part or activity at a stationary source that emits or has the potential to emit any air pollutant.

29. Section 211.6370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6370, provides the following definition:

“Stationary source” means any building, structure, facility or installation that emits or may emit any air pollutant.

30. The Facility is a building, structure, and/or facility where Defendant operates its Emissions Units, which are each an “emission unit”, capable of emitting odors, specifically the Pullman Odors, as well as PM, CO, H₂S, SO₂, VOM, and NO_x, which are each an “air pollutant” and is therefore a “stationary source” as those terms are defined in Sections 211.1950, 211.370, and 211.6370, of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.1950, 211.370, and 211.6370, respectively.

31. Section 211.6130 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6130, provides, in pertinent part, the following definition:

“Source” means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties that are under common control of the same person (or persons under common control) and that belongs to a single major industrial grouping

32. The Facility, a stationary source, is located on one property under Defendant’s control and belongs to a single major industrial grouping and is therefore a “source” as that term is defined in Section 211.6130 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6130.

33. Special Condition 5 of the 2016 Permit provides as follows:

In the event that the operations of the emission unit(s) result in an odor nuisance, the Permittee shall take appropriate and necessary actions to minimize odors, including but not limited to, changes in material or installation of controls, in order to eliminate the odor nuisance.

34. From at least July 2016, on dates better known to Defendant, through at least the date of the filing of this Complaint, as alleged herein in paragraphs 8 and 9 of Count I, the Pullman Odors have caused Neighborhood Residents (a) nausea, including students at the nearby John L. Marsh Elementary School, (b) headaches and nose pain, (c), breathing discomfort, (d) to avoid outdoor activities such as gardening, cookouts, and recess at the nearby John L. Marsh Elementary School, (e) to avoid inviting guests over to their homes, (f) to avoid opening their windows, including at the nearby John L. Marsh Elementary School, and (g) to avoid using public parks and walking trails all of which have been injurious to human life, health or property and unreasonably interfered with nearby residents' enjoyment of their lives and their property and is therefore "air pollution" as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), and thereby Defendant operated its Emissions Units in a manner resulting in an odor nuisance and has failed to eliminate such odor nuisance in violation of Special Condition 5 of the 2016 Permit.

35. By operating its Emissions Units in a manner resulting in an odor nuisance and failing to eliminate such odor nuisance in violation of Special Condition 5 of the 2016 Permit, Defendant thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

36. Violations of the pertinent environmental statutes 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, prays that this Court enter a preliminary injunction, and, after trial, permanent injunction, and an order in favor of

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, and against Defendant, A-F ACQUISITION, LLC, d/b/a PULLMAN INNOVATIONS, on this Count II:

1. Finding that Defendant has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 5 of the 2016 Permit;

2. Enjoining Defendant from further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 5 of the 2016 Permit;

3. Ordering Defendants 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 Special Condition 5 of the 2016 Permit, including specifically taking immediate action to prevent the emission of the Pullman Odors;

4. Assessing against Defendant, 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 Special Condition 5 of the 2016 Permit, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a), a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 5 of the 2016 Permit, that occurred on and after June 16, 2025, and an additional Twenty-Five Thousand Dollars (\$25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);

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

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

COUNT III
CONSTRUCTION OF AN EMISSION UNIT WITHOUT A CONSTRUCTION PERMIT

1-25. The People re-allege and incorporate by reference herein paragraphs 1 through 13 and 17 through 22 of Count I, and paragraphs 20 through 25 of Count II as paragraphs 1 through 25 of this Count III.

26. On a date better known to Defendant, but before December 26, 2024, Defendant constructed one 41.85 mmBtu/hr boiler.

27. On December 26, 2024, Illinois EPA received an application from Defendant requesting a construction permit for one 41.85 mmBtu/hr boiler, but Illinois EPA denied the application because the boiler had already been constructed.

28. At no time did Illinois EPA issue Defendant a construction permit to construct a 41.85 mmBtu/hr boiler.

29. The 41.85 mmBtu/hr boiler is capable of emitting CO, NO_x, PM, SO₂, and VOM.

30. Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142, provides as follows:

Construction Permit Required

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Agency, except as provided in Sections 201.146 or Section 201.170(b) of this Part.

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

32. The 41.85 mmBtu/hr boiler is capable of causing or contributing to “air pollution” as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2024), because the 41.85 mmBtu/hr boiler emits, or is capable of emitting, CO, NO_x, PM, SO₂, and VOM, which are each a contaminant, into the atmosphere in sufficient quantities and of such characteristic 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. 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.

“Construction”: commencement of on-site fabrication, erection or installation of an emission source or of air pollution control equipment.

“Emission Source”: any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

“New Emission Source”: any emission source, the construction or modification of which is commenced on or after April 14, 1972.

“Specified Air Contaminant”: any air contaminant as to which this Subtitle contains emissions standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

34. The installation of the 41.85 mmBtu/hr boiler at the Facility constitutes “construction” as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

35. CO, NO_x, PM, SO₂, and VOM are each matter capable of being released into the atmosphere from an emission source and are each therefore an “air contaminant” as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

36. Subtitle B (Air Pollution) of Title 35 (Environmental Protection) of the Illinois Administrative Code contains specific emission limits on CO, NO_x, PM, SO₂, and VOM, and therefore CO, NO_x, PM, SO₂, and VOM are each a “specified air contaminant” as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

37. The 41.85 mmBtu/hr boiler is capable of emitting CO, NO_x, PM, SO₂, and VOM, each a specified air contaminant, into the atmosphere, and is therefore an “emission source” as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

38. Defendant constructed the 41.85 mmBtu/hr boiler after April 14, 1972, and therefore the 41.85 mmBtu/hr boiler constitutes a “new emission source” as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

39. By commencing construction of the 41.85 mmBtu/hr boiler, a new emission source, without first obtaining a construction permit, Defendant violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter judgment and an order in favor of Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, and against Defendant, A-F ACQUISITION, LLC, d/b/a PULLMAN INNOVATIONS, on this Count III:

1. Finding that Defendant violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;
2. Enjoining Defendant from any future violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;
3. Ordering Defendant to cease and desist from any future violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142;
4. Assessing against Defendant, 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 Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;
5. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a), a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Section 201.142 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.142, that occurred on and after June 16, 2025, and an additional Twenty-Five Thousand Dollars (\$25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);
6. Ordering Defendant to pay all costs, including any attorney, expert witness, and consultant fees expended by the People in its pursuit of this action; and
7. Granting such other relief as this Court deems appropriate and just.

COUNT IV
FAILURE TO OPERATE POLLUTION CONTROL DEVICES

1-25. The People re-allege and incorporate by reference herein paragraphs 1 through 13 and 17 through 22 of Count I, and paragraphs 20 through 26 of Count II as paragraphs 1 through 26 of this Count IV.

26. At all times relevant to this Complaint, Defendant utilizes two caustic scrubbers to control emissions from the Facility's twenty-four 15,000-gallon acidulation reactors and two sulfuric acid tanks. The caustic scrubbers are designed to reduce odors generated during the soapstock acidulation process. Sensors inside the caustic scrubbers measure the flow rate and display the results on monitors. The flow rate sensors help ensure proper circulation and effectiveness of the scrubbant.

27. During the February 2025 Inspection, the twenty-four 15,000-gallon acidulation reactors and the two sulfuric acid tanks were in operation.

28. During the February 2025 Inspection, and on other dates better known to Defendant, the sensors inside the caustic scrubbers that measure the flow rate failed and monitors did not display the flow rate inside the scrubbers.

29. At all times relevant to this Complaint, Defendant utilizes one acidic scrubber to control emissions from the Facility's railcar and truck raw soapstock unloading building, as well as various storage tanks containing raw and decanted soapstock. The acidic scrubber is designed to reduce odors generated during the railcar loading and unloading process.

30. During the February 2025 Inspection, Defendant provided information to Illinois EPA in the form of its Facility records demonstrating that between January 29 through January 31, 2025, the acidic scrubber was not operating while the railcar loading and unloading process and various storage of raw and decanted soapstock tanks were in operation.

31. Special Condition 7(b) of the 2016 Permit provides as follows:

Pollution control devices shall be in operation at all times when the associated emission unit(s) is in operation and emitting air contaminants.

32. During the February 2025 Inspection, and on other dates better known to Defendant, the sensors inside the caustic scrubbers that measure the flow rate failed and monitors did not display the flow rate inside the scrubbers, and therefore Defendant could not demonstrate that the caustic scrubbers, each a pollution control device, were operating effectively while the Facility's twenty-four 15,000-gallon acidulation reactors and the two sulfuric acid tanks were in operation.

33. For some period of time on February 13, 2025, or on dates better known to Defendant, according to Defendant's Facility records, the caustic scrubbers, each a pollution control device, were not operating while the Facility's twenty-four 15,000-gallon acidulation reactors and the two sulfuric acid tanks were in operation.

34. By failing to operate the caustic scrubbers when the Facility's twenty-four 15,000-gallon acidulation reactors and the two sulfuric acid tanks were in operation, Defendant violated Special Condition 7(b) of the 2016 Permit.

35. On at least January 29 through January 31, 2025, and on other dates better known to Defendant, according to Defendant's Facility records, the acidic scrubber, a pollution control device, was not operating while the Facility's railcar loading and unloading process and various storage tanks containing raw and decanted soapstock were in operation.

36. By failing to operate the acidic scrubber when the Facility's railcar loading and unloading process and various storage tanks containing raw and decanted soapstock were in operation, Defendant violated Special Condition 7(b) of the 2016 Permit.

37. By violating Special Condition 7(b) of the 2016 Permit, Defendant thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

38. Violations of the pertinent environmental statutes 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, prays that this Court enter a preliminary injunction, and, after trial, permanent injunction, and an order in favor of Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, and against Defendant, A-F ACQUISITION, LLC, d/b/a PULLMAN INNOVATIONS, on this Count IV:

1. Finding that Defendant has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 7(b) of the 2016 Permit;

2. Enjoining Defendant from further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 7(b) of the 2016 Permit;

3. Ordering Defendants 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 Special Condition 7(b) of the 2016 Permit;

4. Assessing against Defendant, 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 Special Condition 7(b) of the 2016 Permit, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a), a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 7(b) of the 2016 Permit,

that occurred on and after June 16, 2025, and an additional Twenty-Five Thousand Dollars (\$25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);

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

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

COUNT V
FAILURE TO KEEP EQUIPMENT IN PROPER WORKING CONDITION

1-31. The People re-allege and incorporate by reference herein paragraphs 1 through 13 and 17 through 22 of Count I, paragraphs 20 through 26 of Count II, and paragraphs 26 through 30 of Count IV, as paragraphs 1 through 31 of this Count V.

32. Special Condition 7(a) of the 2016 Permit provides as follows:

The Permittee shall, in accordance with the manufacturer(s) and/or vendor(s) recommendations, perform periodic inspections and maintenance on the equipment covered under this permit such that the equipment be kept in proper working condition and not cause a violation of the Environmental Protection Act or regulations promulgated therein.

33. During the February 2025 Inspection, and on other dates better known to Defendant, Defendant could not demonstrate that the two caustic scrubbers, which are equipment covered under the 2016 Permit, were in proper working condition because the sensors inside the caustic scrubbers that measure the flow rate failed and the monitors did not display the flow rate inside the scrubbers.

34. By failing to keep the sensors inside the caustic scrubbers that measure the flow rate and the display monitors in proper working condition, Defendant violated Special Condition 7(a) of the 2016 Permit.

35. From at least January 29 through January 31, 2025, and on other dates better known to Defendant, the acidic scrubber, which is equipment covered under the 2016 Permit, was not in operation due to lack of equipment parts and therefore were not in proper working condition.

36. By failing to ensure the Facility maintains proper equipment parts to keep the acidic scrubber in proper working condition, Defendant violated Special Condition 7(a) of the 2016 Permit.

37. By violating Special Condition 7(a) of the 2016 Permit, Defendant thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

38. Violations of the pertinent environmental statutes 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, prays that this Court enter a preliminary injunction, and, after trial, permanent injunction, and an order in favor of Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, and against Defendant, A-F ACQUISITION, LLC, d/b/a PULLMAN INNOVATIONS, on this Count V:

1. Finding that Defendant has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 7(a) of the 2016 Permit;

2. Enjoining Defendant from further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 7(a) of the 2016 Permit;

3. Ordering Defendants 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 Special Condition 7(a) of the 2016 Permit;

4. Assessing against Defendant, 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 Special Condition 7(a) of the 2016 Permit, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;

5. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a), a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 7(a) of the 2016 Permit, that occurred on and after June 16, 2025, and an additional Twenty-Five Thousand Dollars (\$25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);

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

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

COUNT VI
FAILURE TO SUBMIT DEVIATION REPORTS

1-33. The People re-allege and incorporate by reference herein paragraphs 1 through 13 and 17 through 22 of Count I, paragraphs 20 through 26 of Count II, paragraphs 26 through 30 of Count IV, and paragraphs 33 and 35 of Count V, as paragraphs 1 through 33 of this Count VI.

34. Special Condition 11 of the 2016 Permit provides as follows:

If there is an exceedance of the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or violation and efforts to reduce emissions and future occurrences.

35. At no time has Defendant submitted a written report of any deviations from its permit conditions, including, but not limited to, deviations from the applicable emission standards, emission limitations, operational restrictions, qualifying criteria, work practice requirements, or control equipment operating parameter limitations related to the failed sensors inside the caustic scrubbers that measure the flow rate and the associated monitors that failed to display the flow rate inside the scrubbers, as well as the acidic scrubber, which was not in operation due to lack of equipment parts.

36. By failing to submit a written report of a deviation from its permit conditions, Defendant violated Special Condition 11 of the 2016 Permit.

37. By violating Special Condition 11 of the 2016 Permit, Defendant thereby violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024).

38. Violations of the pertinent environmental statutes 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, prays that this Court enter a preliminary injunction, and, after trial, permanent injunction, and an order in favor of Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, and against Defendant, A-F ACQUISITION, LLC, d/b/a PULLMAN INNOVATIONS, on this Count VI:

1. Finding that Defendant has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 11 of the 2016 Permit;
2. Enjoining Defendant from further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 11 of the 2016 Permit;
3. Ordering Defendants 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 Special Condition 11 of the 2016 Permit;
4. Assessing against Defendant, 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 Special Condition 11 of the 2016 Permit, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation that continued prior to June 16, 2025;
5. Assessing against Defendant, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a), a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2024), and Special Condition 11 of the 2016 Permit, that occurred on and after June 16, 2025, and an additional Twenty-Five Thousand Dollars (\$25,000.00) for each day during which the violations continued on and after June 16, 2025, with an annual increase on July 1st of each subsequent year calculated pursuant to Section 42(l) of the Act, 415 ILCS 5/42(l);
6. Ordering Defendant to pay all costs including attorney, expert witness, and consultant fees expended by the People in pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2024); and
7. Granting such other relief as this Court deems appropriate and just.

COUNTS BROUGHT BY THE CITY OF CHICAGO

**COUNT VII
AIR POLLUTION**

(Municipal Code of Chicago § 11-4-730)

1. The City seeks injunctive relief, civil penalties, cost recovery, and attorneys' fees for Defendant's violations of the Municipal Code of Chicago ("Code"), including air pollution and nuisances, at the Facility from May 2026 to the present.

2. The City is a municipal corporation incorporated under the laws of the State of Illinois and, under Article VII of the Illinois Constitution, the City, as a home rule unit, has the authority to regulate environmental matters.

3-21. The City re-alleges and incorporates as if fully stated and alleged herein paragraphs 3 through 7 of Count I and paragraphs 20 through 33 of Count II as paragraphs 3 through 21 of this Count VII.

22. Section 11-4-730 of the Code provides that "[i]t shall be unlawful within the City of Chicago for any person to cause, suffer or allow the emission of air pollution; provided, however, emissions in compliance with state or federal law or regulations shall not constitute air pollution."

23. Section 11-4-120 of the Code defines "person" as follows:

"Person" means any individual natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency or instrumentality of federal, state or local government, contractor, supplier, vendor, installer, operator, user or owner, or any officers, agents, employees, factors, or any kind of representatives of any thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law, or other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

24. Section 11-4-610 of the Code defines “air pollution” as follows:

“Air pollution” means the presence in the outdoor atmosphere of any air contaminants that (1) endanger the health, safety or welfare of the public; (2) cause or may cause injury, detriment, nuisance or annoyance to the public or damage to business or property; or (3) leave the premises on which they originated so as to interfere with the reasonable and comfortable use and enjoyment of property.

25. Section 11-4-610 of the Code defines “air contaminant,” as follows:

“Air contaminant” means any individual substance or matter, including but not limited to smoke, soot, fly ash, dust, cinders, dirt, acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, volatile organic compounds, ozone, waste, particulate, solid, liquid or gaseous matter, or any other material, which is a component of or precursor to air pollution.

26. At all times relevant to the Counts brought by the City, Defendant has been a person as that term is used in Section 11-4-730 of the Code, and defined in Section 11-4-120 of the Code, because it has been a company.

27. On or about May 4, 2026, the City’s 311 system received two reports, each categorized as an “air pollution, odor or dust complaint,” about the Facility (“May 4, 2026, 311 Complaints”). One complainant reported that the complainant was at a meeting at Veteran’s Memorial Park that evening, that there was a southwest wind, and that “the smell permeated the Fieldhouse and the park.”

28. On May 5, 2026, a City Environmental Engineer conducted an inspection in the areas surrounding the Facility, canvassing on the public way on all sides of the Facility. During her May 5, 2026, inspection, the Environmental Engineer smelled a strong, foul odor near residences at E. 103rd St. and S. Muskegon Ave. The odor was so strong and offensive that it inhibited her ability to breathe in a normal way and made her gag. She had previously smelled the same odor from and at the Facility during many odor inspections relating to the Facility, including approximately five inspections inside the Facility, over the course of approximately six years. The

Environmental Engineer recognized this odor as a distinct odor that she had never smelled anywhere other than from and at the Facility. Based on her observations, the Environmental Engineer concluded that the Defendant was in violation of Code §§ 7-28-080 and 11-4-730.

29. On or about May 5, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" about the Facility.

30. On or about May 6, 2026, the City's system received two reports, each categorized as an "air pollution, odor or dust complaint," about the Facility. One complainant described "burning," "chemical," and "garbage."

31. On May 6, 2026, a City Environmental Engineer conducted an inspection in the areas surrounding the Facility, canvassing on the public way on all sides of the Facility. During her May 6, 2026, inspection, the Environmental Engineer smelled a strong, foul odor near along the public way on S. Torrence Ave. between E. 101st St and E. 102nd St. The odor was so strong and offensive that it inhibited her ability to breathe in a normal way and made her gag. She had previously smelled the same odor from and at the Facility during many odor inspections relating to the Facility, including approximately five inspections inside the Facility, over the course of approximately six years. The Environmental Engineer recognized this odor as a distinct odor that she had never smelled anywhere other than from and at the Facility. Based on her observations, the Environmental Engineer concluded that the Defendant was in violation of Code §§ 7-28-080 and 11-4-730.

32. On or about May 12, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" about the Facility ("May 12, 2026, 311 Complaint").

33. On May 13, 2026, a City Environmental Engineer conducted an inspection in the areas surrounding the Facility, canvassing on all sides of the Facility. During her May 13, 2026,

inspection, the Environmental Engineer smelled a strong, foul odor at S. Torrence Ave. south of 101st St., which is immediately adjacent to a residential neighborhood. In addition, during her May 13, 2026, inspection, the Environmental Engineer smelled a foul odor in the residential neighborhood near the intersection of E. 102nd St and S. Hoxie Ave. coming from the Facility. The odor in both locations was so strong and offensive that it inhibited her ability to breathe in a normal way and made her gag. She had previously smelled the same odor coming from and at the Facility during many odor inspections relating to the Facility, including approximately five inspections inside the Facility, over the course of approximately six years. The Environmental Engineer recognized this odor as a distinct odor that she had never smelled anywhere other than from and at the Facility. Based on her observations, the Environmental Engineer concluded that the Defendant was in violation of Code §§ 7-28-080 and 11-4-730.

34. On or about May 13, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" about the Facility ("May 13, 2026, 311 Complaint"), with the caller reporting a "powerful chemical smell at 103rd and Torrence."

35. On or about May 14, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" about the Facility ("May 14, 2026, 311 Complaint").

36. On May 14, 2026, a City Environmental Engineer conducted an inspection in the areas surrounding the Facility, canvassing on all sides of the Facility. During her May 14, 2026, inspection, the Environmental Engineer smelled a strong, foul odor on S. Torrence Ave., west of the Facility and immediately adjacent to a residential neighborhood. The odor was so strong and offensive that it inhibited her ability to breathe in a normal way and made her gag. She had previously smelled the same odor from and at the Facility during many odor inspections relating to the Facility, including approximately five inspections inside the Facility, over the course of

approximately six years. The Environmental Engineer recognized this odor as a distinct odor that she had never smelled anywhere other than from and at the Facility. Based on her observations, the Environmental Engineer concluded that the Defendant was in violation of Code §§ 7-28-080 and 11-4-730.

37. On or about May 15, 2026, the City's 311 system received two reports, each categorized as an "air pollution, odor or dust complaint," about the Facility ("May 15, 2026, 311 Complaint"). One complainant described a "rotten egg smell."

38. On or about May 17, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" about the Facility ("May 17, 2026, 311 Complaint"). The complainant described a "rotten egg smell."

39. On May 18, 2026, a City Environmental Engineer conducted an inspection in areas near the Facility, canvassing north and northeast of the Facility. During her inspection, while driving on the public way with her windows down, the Environmental Engineer smelled "a foul scent that saturated the entire street along E. 100th Street from Torrence to Muskegon," on the northern boundary of the Facility. She had previously smelled the same odor from and at the Facility during many odor inspections relating to the Facility, including approximately four inspections inside the Facility, over the course of approximately three and a half years. The Environmental Engineer recognized this odor as a distinct odor that she had never smelled anywhere other than from and at the Facility. Based on her observations, the Environmental Engineer concluded that the Defendant was in violation of Code §§ 7-28-080 and 11-4-730.

40. On or about May 18, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" regarding the Facility. The complainant described a "rotten egg smell."

41. On or about May 26, 2026, the City's 311 system received three reports, each categorized as an "air pollution, odor or dust complaint," regarding the Facility. Two complainants described a "rotten egg smell." One complainant also described an "extremely bad odor in the area." One complainant described "burning" and "open burning," "causing breathing issues, strong Order [*sic*]."

42. On May 27, 2026, a City Environmental Engineer conducted an inspection in areas near the Facility, canvassing north and northeast of the Facility. During her inspection, the Environmental Engineer smelled a foul odor on the public way near the entrance to the Facility and on the public way at E. 100th St. and Muskegon Ave. The Environmental Engineer had previously smelled the same odor at and from the Facility during many odor inspections relating to the Facility, including approximately four inspections inside the Facility, over the course of approximately three and a half years. The Environmental Engineer recognized this odor as a unique odor that she had never smelled anywhere other than from and at the Facility. Based on her observations, the Environmental Engineer concluded that the Defendant was in violation of Code §§ 7-28-080 and 11-4-730.

43. On or about May 28, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" about the Facility ("May 28, 2026, 311 Complaint"). The complainant described "bad odor that makes people sick is coming from this industrial site," "Burning," "Process fumes," "Emmissions" [*sic*], "Rotten Egg Smell."

44. On May 28, 2026, a City Environmental Engineer conducted an inspection in areas near the Facility, canvassing the north, northeast, west, and southwest of the Facility. During her inspection, while at E. 105th St. and Torrence Ave., directly adjacent to a residential neighborhood, the Environmental Engineer smelled a "nauseating foul-smelling stench." The inspector had

previously smelled the same odor at and from the Facility during many odor inspections relating to the Facility, including approximately four inspections inside the Facility, over the course of approximately three and a half years. The Environmental Engineer recognized this odor as a unique odor that she had never smelled anywhere other than from and at the Facility. Based on her observations, the Environmental Engineer concluded that the Defendant was in violation of Code §§ 7-28-080 and 11-4-730.

45. On or about May 29, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" at a location two blocks directly north of the Facility ("May 29, 2026, 311 Complaint"). The complainant described "Garbage" and "Rotten Egg Smell."

46. On or about May 30, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" about the Facility ("May 30, 2026, 311 Complaint"). The complainant stated "It smells horrible again!" and reported "Process Fumes," "Emmissions" [*sic*], "Rotten Egg Smell," and "Chemical" odor.

47. On or about May 31, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" at the address of the Facility ("May 31, 2026, 311 Complaint"). The complainant stated that "it smells like feces and dead animals."

48. On June 1, 2026, 311 Complaints, a City Environmental Engineer conducted an inspection in areas near the Facility, canvassing north, south, and southwest of the Facility. During the inspection, the wind was blowing from the northeast toward the southwest. During her inspection, the Environmental Engineer smelled a foul odor at the north entrance of the Facility. The odor from the Facility intensified as she drove south on S. Torrence Avenue and was strongest southwest of the Facility at 103rd St. and Torrence Ave. She smelled "a foul-smelling stench" along S. Torrence Avenue, directly adjacent to a residential neighborhood, that

she had previously smelled at and from the Facility during many odor inspections relating to the Facility, including approximately four inspections inside the Facility, over the course of approximately three and a half years. The Environmental Engineer recognized this odor as a unique odor that she had never smelled anywhere other than from and at the Facility. Based on her observations, the Environmental Engineer concluded that the Defendant was in violation of Code §§ 7-28-080 and 11-4-730.

49. On or about June 2, 2026, the City's 311 system received a report categorized as an "air pollution, odor or dust complaint" about the Facility. The complainant described an odor that "smells like something died" and "Rotten Egg Smell."

50. Starting no later than May 5, 2026, and occurring repeatedly thereafter, Defendant caused, suffered, or allowed emissions of air pollution in the form of a strong, foul odor from Defendant's operations, smelled in nearby residential areas and public ways, from the Facility. The odor was so strong and offensive that it caused people to have difficulty breathing and to gag or to become nauseated.

51. Starting no later than May 5, 2026, and occurring repeatedly thereafter, the foul and repulsive odor emissions from Defendant's operations "endanger[ed] the health, safety or welfare of the public," "cause[d] or may [have] cause[d] injury, detriment, nuisance or annoyance to the public or damage to business or property," and/or "[left] the premises on which they originated so as to interfere with the reasonable and comfortable use and enjoyment of property," in violation of Code § 11-4-730.

52. Section 11-4-810 of the Code provides, in pertinent part, that "[a]ny person who causes or allows air pollution in violation of Section 11-4-730 of this Code . . . shall be fined not less than \$1,000.00 nor more than \$5,000.00." Code § 11-4-810(a)(6).

53. The City has incurred personnel and related costs to inspect the area around the Facility in response to Defendant's violations of state and local law and Defendant's failure to correct conditions that violate state and local law when the Defendant was under a legal duty to do so.

54. The City has a clear and ascertainable right in need of protection with respect to compliance with Section 11-4-730 of the Code. *See, e.g.*, Code § 11-4-600 ("Air pollution can pose hazards to the public health or the environment. The purpose of this [Article II Air Pollution Control of the Code] is to reduce the potential risk of harm to the public health, safety, and welfare or to the environment from releases of air contaminants from buildings, structures, facilities, devices, processes or other air pollution sources within the city.") The City's residents, public health, safety, welfare, and the environment will continue to suffer irreparable harm if the Court does not grant an injunction.

55. Civil penalties (although warranted here) do not provide an adequate remedy at law for the City as its residents, the public health, safety, welfare, and the City's environment continue to suffer harm due to noxious odor emissions from the Facility.

WHEREFORE, Plaintiff, the CITY OF CHICAGO, prays that this Court enter a preliminary injunction, and, after trial, permanent injunction, and an order in favor of Plaintiff, CITY OF CHICAGO, and against Defendant, A-F ACQUISITION, LLC, d/b/a PULLMAN INNOVATIONS, on this Count VII:

- A. Finding that Defendant has violated Section 11-4-730 of the Code;
- B. Enjoining Defendant from committing any further violations of Section 11-4-730 of the Code;

C. Ordering Defendant to take all necessary actions to abate the air pollution emitting from its Facility in accordance with all applicable law;

D. Assessing civil penalties of not less than \$1,000 and not more than \$5,000, as provided by Section 11-4-810 of the Code, for each day of Defendant's violations of Section 11-4-730 of the Code;

E. Assessing all the City's costs against Defendant, including pursuant to Chapter 1-20 of the Code, and attorney, expert witness, and consultant fees expended by the City in its pursuit of an injunction action; and

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

COUNT VIII
NUISANCE IN CONNECTION WITH BUSINESS
(Municipal Code of Chicago § 7-28-080)

1-44. The City re-alleges and incorporates as if fully stated and alleged herein paragraphs 1 through 21 and 27 through 49 of Count VII as paragraphs 1 through 44 of this Count VIII.

45. Section 7-28-080 of the Code provides, in pertinent part, that:

No substance, matter, or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business, or be used therein, or be used in any work or labor performed in the city, and no nuisance shall be permitted to exist in connection with any business or in connection with any such work or labor. Any person who violates this section shall be subject to a fine of not less than \$300.00 and not more than \$1,000.00 for each offense.

46. Section 1-4-090(e) of the Code defines "person" as follows:

"Person" means any natural individual, firm, trust, partnership, association, joint venture, corporation or other legal entity, in his or its own capacity or as administrator, conservator, guardian, executor, trustee, receiver or other representative appointed by the court. Whenever the word "person" is used in any section of this code prescribing a penalty, fine, or cost recovery action as applied to partnerships, associations or joint ventures, the word shall include the members thereof, and as applied to corporations shall include the officers, agents or

employees thereof who intentionally, recklessly or negligently cause or allow any violation of the section[.]

47. The definition of “person” in Section 1-4-090(e) of the Code defines the term “person” in Section 7-28-080 of the Code.

48. At all relevant times to this Count brought by the City, Defendant has been a “person” as that term is used in Section 7-28-080 of the Code and as that term is defined in Section 1-4-090 of the Code, because it is a legal entity.

49. At all times relevant to this Count brought by the City, the repulsive and nauseating odor from the Facility has been a “substance, matter, or thing of any kind whatever” under Section 7-28-080 of the Code.

50. Starting no later than May 5, 2026, and occurring repeatedly thereafter, the foul and repulsive odor from the Facility has been dangerous or detrimental to the health of the people of the City, as evidenced by the physical reaction to the odor, including causing people to have difficulty breathing and to gag or to become nauseated.

51. Section 7-28-020 of the Code provides that “[w]henver any nuisance under this Chapter 7-28 shall be found on any premises within the City, the . . . Chief Sustainability Officer . . . or the Corporation Counsel is hereby authorized, in his or her discretion, to seek to enjoin such nuisance . . . in such manner as he or she may direct pursuant to the applicable provisions of this Code.”

52. The City has incurred personnel and related costs to provide inspections reasonably related to Defendant’s violations of federal, state, or local law and failure to correct conditions that violate federal, state, or local law when such Defendant was under a legal duty to do so.

WHEREFORE, Plaintiff, the CITY OF CHICAGO, prays that this Court enter a preliminary injunction, and, after trial, permanent injunction, and an order in favor of Plaintiff,

CITY OF CHICAGO, and against Defendant, A-F ACQUISITION, LLC, d/b/a PULLMAN INNOVATIONS, on this Count VIII:

- A. Finding that Defendant has violated Section 7-28-080 of the Code;
- B. Enjoining Defendant from committing any further violations of Section 7-28-080 of the Code;
- C. Ordering Defendant to take all necessary actions to abate the nuisance from its Facility in accordance with all applicable law;
- D. Assessing civil penalties of not less than \$300 and not more than \$1,000, as provided by Section 7-28-080 of the Code, for each day of Defendant's violations of Section 7-28-080 of the Code;
- E. Assessing all the City's costs against Defendant, including pursuant to Chapter 1-20 of the Code, and attorney, expert witness, and consultant fees expended by the City in its pursuit of an injunction action; and
- F. Granting such other relief as this Court deems appropriate and just.

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ex rel. KWAME RAOUL,
Attorney General of the State of Illinois

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