

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY, STATE OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Plaintiff,)	
)	
v.)	N [REDACTED]
)	
TACTICAL CLEANING ACQUISITION LLC,)	2025CH000010
a Delaware limited liability company,)	
)	
Defendant.)	

VERIFIED COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency, complains of Defendant, TACTICAL CLEANING ACQUISITION LLC, a Delaware limited liability company, as follows:

COUNT I
SUBSTANTIAL ENDANGERMENT
TO THE ENVIRONMENT AND TO PUBLIC HEALTH AND WELFARE

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”), pursuant to the terms and provisions of Section 43(a) of the Illinois Environmental Protection Act (“the Act”), 415 ILCS 5/43(a) (2022), and is an action to restrain a substantial danger to the environment and to public health and welfare.

2. Illinois EPA is an administrative agency of the State of Illinois created under Section 4 of the Act, 415 ILCS 5/4 (2022), and charged with duties that include enforcing the Act.

3. The Illinois Pollution Control Board (“the Board”) is an independent board created by the Illinois General Assembly in Section 5 of the Act, 415 ILCS 5/5 (2022), and charged with duties that include promulgating standards and regulations under the Act.

4. Pursuant to the authority granted to the Board in Sections 10, 27, 39, 39.5, and 39.12 of the Act, 415 ILCS 5/10, 5/27, 5/39, 5/39.5, and 5/39.12 (2022), the Board has promulgated rules and regulations to control air pollution in Illinois, which are codified at 35 Ill. Adm. Code, Subtitle B, Chapter I (“the Board’s Air Pollution Regulations”).

5. Defendant, TACTICAL CLEANING ACQUISITION LLC (“Defendant”), is a Delaware limited liability company which is registered to do business in the State of Illinois and in good standing with the Illinois Secretary of State. Defendant has its principal office at Two Town Square, Suite 810, Southfield, Michigan.

6. According to Defendant’s most recent filing with the Illinois Secretary of State, Defendant’s managers are Michael C. Skaff and Tactical Cleaning Management, LLC, and its registered agent in Illinois is C T Corporation System at 208 South LaSalle St., Suite 814, Chicago, Illinois 60604.

7. Defendant owns and operates railcar flaring facilities at 3401 East Lynch Creek Drive, Danville, Vermilion County, Illinois (“Lynch Creek Facility”) and 2313 Cannon Street, Danville, Vermilion County, Illinois (“Cannon Street Facility”) (collectively the “Facilities”).

8. As of the filing date of this Verified Complaint, the Facilities are located in an area of Environmental Justice (“EJ”) concern, as identified using Illinois EPA EJ Start.

9. Defendant registered its Lynch Creek Facility under the Illinois EPA Registration

of Smaller Sources (ROSS) program, under the name Vermilion Valley Railroad Co., on February 28, 2024 (“Lynch Creek ROSS registration”), for the purpose of flaring up to 119 liquefied petroleum gas (LPG) railcars per year and up to 50 benzene railcars per year.

10. Defendant registered its Cannon Street Facility under the ROSS program, under the name TCA-Mervis, on July 5, 2023 (“Cannon Street ROSS registration”), for the purpose of flaring up to 50 isobutane railcars per year.

11. As described in the ROSS registration applications that Defendant submitted to Illinois EPA for the Facilities, emission units at the Facilities include a portable flare used for the destruction of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) from railcars designed for transporting isobutane, LPG and benzene. This flaring process is capable of emitting nitrogen oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), VOCs, and HAPs.

12. According to the Lynch Creek ROSS registration, the Lynch Creek Facility may emit up to 3.53 tons per year (tpy) of criteria pollutants, consisting of 0.35 tpy NO_x, 0.7 tpy CO, and 2.44 tpy VOCs from flaring LPG railcars, and 0.01 NO_x and 0.03 tpy CO from flaring benzene railcars, and may also emit up to 0.1 tpy of HAPs.

13. According to the Cannon Street ROSS registration, the Cannon Street Facility may emit up to 1.66 tons per year (tpy) of criteria pollutants from flaring isobutane railcars, consisting of 0.17 tpy NO_x, 0.33 tpy CO, and 1.16 tpy VOCs.

14. The Lynch Creek ROSS registration and Cannon Street ROSS registration do not provide for any emission of particulate matter (PM).

15. As described in ROSS registration applications that Defendant submitted to Illinois EPA for the Facilities, the flaring process utilizes a single uncontrolled flare rated at 35 Million British thermal units per hour (MMBtu/hr) to flare empty isobutane, LPG, or benzene railcars that

contain residuals that cannot be unloaded through standard methods for railcar maintenance purposes. The railcar is secured and positioned adjacent to the flare in an area set aside for railcar flaring. The railcar is then connected to the flare system via a flexible hose, and the flare's high-energy spark ignition system will be activated while the flare pilot is lit. The flaring commences by routing vapor from the railcar to the flare.

16. The Cannon Street Facility is located approximately 100 feet from the nearest residence.

17. The Lynch Creek Facility is located approximately half a mile from Voorhees Road, where there are residences and a church.

18. On April 14, 2025, Illinois EPA received a citizen complaint concerning burning gasoline that discharged black smoke and a flame from a railcar at the Lynch Creek Facility.

19. On April 21, 2025, Illinois EPA received photographs from a citizen complainant showing black smoke and flame exiting from the Flare at the Lynch Creek Facility on April 10, April 17, and April 19.

20. On April 23, 2025, Illinois EPA conducted on-site observations and inspections of the Lynch Creek Facility (the "April 23, 2025 Inspections").

21. During the April 23, 2025 Inspections, a representative of Defendant informed Illinois EPA that Defendant had ceased flaring operations at the Cannon Street Facility, except in the event of a railcar being misdelivered there, and that Defendant's operations at the Facilities were now consolidated at the Lynch Creek Facility.

22. During the April 23, 2025 Inspections, Illinois EPA inspectors observed flames and significant opacity from black smoke exiting from a flare attached to a railcar at the Lynch Creek Facility.

23. During the April 23, 2025 Inspections, Illinois EPA observed Defendant conducting flaring of at least one railcar labeled as containing liquefied petroleum gas at the Lynch Creek Facility from the mobile flare (“the Flare”), generating large quantities of black smoke with an opacity exceeding 30%.

24. During the April 23, 2025 Inspections, Illinois EPA also observed other tank cars adjacent to the car then being flared. These cars were also labeled as containing liquefied petroleum gas and had their hatches open.

25. On May 1, 2025, a representative of the Danville Fire Department informed Illinois EPA that the department had received numerous citizen complaints over smoke and flame at the Cannon Street Facility prior to Defendant consolidating its operations at the Lynch Creek Facility, which is outside the department’s jurisdiction.

26. On May 1, 2025, Defendant sent a letter to Illinois EPA in response to an information request from Illinois EPA dated April 17, 2025. In that letter, Defendant indicated that the Flare was being used to combust “Propane/Propylene mix contaminated with Diesel or Gas Oil[,]” and that these heavier hydrocarbons were the source of the smoke from the Flare. Defendant also indicated that only five railcars had been flared during the year 2025, all containing LPG and all flared between March 21, 2025, and April 1, 2025. However, Defendant’s letter did not explain the flaring activities observed by Illinois EPA on April 23, 2025, or those reported in complaints that Illinois EPA received on April 14 and April 21, 2025.

27. According to Defendant’s May 1, 2025 letter, the flaring time for individual LPG railcars that Defendant acknowledged flaring at the Lynch Creek Facility varied from 6 to 14.5 hours per railcar.

28. The opaque black smoke observed exiting the Flare during the April 23, 2025

Inspections indicates that the Lynch Creek Facility is emitting particulate matter (PM).

29. Section 43(a) of the Act, 415 ILCS 5/43(a) (2022), provides as follows:

In circumstances of substantial danger to the environment or to the public health of persons or to the welfare of person where such danger is to the livelihood of such persons, the State's Attorney or Attorney General, upon request of the Agency or on his own motion, may institute a civil action for an immediate injunction to halt any discharge or other activity causing or contributing to the danger or to require such other action as may be necessary. The court may issue an ex parte order and shall schedule a hearing on the matter not later than 3 working days from the date of injunction.

30. Defendant's activities generating uncontrolled emissions of large quantities of black smoke from the Flare at the Lynch Creek Facility create a substantial danger to the environment and the public health and welfare. Without a determination as to the cause or causes of excess emission of black smoke and without the implementation of measures to control such emissions, Defendant has caused or allowed uncontrolled emission of contaminants into the atmosphere thereby creating a substantial danger to the environment and the public health and welfare that has endangered the health and well-being of the general public.

31. If Defendant or its agents continue to cause, threaten, or allow the discharge or emission of contaminants into the atmosphere, the threat of uncontrolled discharges of contaminants into the environment will continue, further endangering the health and well-being of the general public.

32. The urgency of this case warrants an immediate injunction to (a) immediately cease and desist from operating the Flare, (b) conduct an assessment of the Flare and submit to Illinois EPA records of the results of the assessment, along with corrective actions that Defendant has taken, or will take, to control the flame and smoke from exiting the Flare into the atmosphere, (c) submit to Illinois EPA records documenting the number of railcars that were flared at the Lynch

Creek Facility and the materials contained in the railcars that were flared from January 2024 through present, (d) submit all records of maintenance and repair of the Flare at the Lynch Creek Facility from January 2024 through present to Illinois EPA, (e) submit records and data to Illinois EPA that accurately reflect the actual emissions at the Lynch Creek Facility from January 2024 through present, and (f) apply for and obtain the required operating permit for the Lynch Creek Facility, in order to prevent further danger to the environment and the public health and welfare pursuant to Section 43(a) of the Act, 415 ILCS 5/43(a) (2022).

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this Court grant an immediate and preliminary injunction in favor of Plaintiff and against Defendant, TACTICAL CLEANING ACQUISITION LLC, a Delaware limited liability company, on this Count I:

A. Finding that Defendant has created and is maintaining a substantial danger to the environment and to public health and welfare;

B. Enjoining Defendant from creating and maintaining any further substantial endangerment pursuant to Section 43(a) of the Act, 415 ILCS 5/43(a) (2022);

C. Ordering Defendant to (a) immediately cease and desist from operating the Flare, (b) conduct an assessment of the Flare and submit to Illinois EPA records of the results of the assessment, along with corrective actions that Defendant has taken, or will take, to control the flame and smoke from exiting the Flare into the atmosphere, (c) submit to Illinois EPA records

documenting the number of railcars that were flared at the Lynch Creek Facility and the materials contained in the railcars that were flared from January 2024 through present, (d) submit all records of maintenance and repair of the Flare at the Lynch Creek Facility from January 2024 through present to Illinois EPA, (e) submit records and data to Illinois EPA that accurately reflect the actual emissions at the Lynch Creek Facility from January 2024 through present, and (f) apply for and obtain the required operating permit for the Lynch Creek Facility;

D. Assessing all costs against Defendant, including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

E. Granting such other relief as this Court deems equitable and just.

COUNT II **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, pursuant to Section 42(d) and (e) of the Illinois Environmental Protection Act (“the Act”), 415 ILCS 5/42(d) and (e) (2022).

2–28. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 28 of Count I as paragraphs 2 through 28 of this Count II.

29. Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), provides as follows:

No person shall:

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

30. Section 3.115 of the Act, 415 ILCS 5/3.115 (2022), 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.

31. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides the following

definition:

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

32. PM is solid matter, and NO_x, CO, SO₂, VOCs, and HAPs are gaseous matter, and all are therefore “contaminants” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

33. Section 201.141 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides as follows:

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

34. Defendant’s operation of the Flare within a half-mile of occupied residences, so as to discharge contaminants including opaque black smoke into the atmosphere in visible quantities and for multiple hours per day on multiple days, endangering the health and well-being of the general public, has caused “air pollution” as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2022).

35. By causing, threatening, or allowing the discharge or emission of contaminants into the atmosphere so as to cause or tend to cause air pollution in Illinois, Defendant has violated and is continuing to violate Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 201.141 of

the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order in favor of Plaintiff and against Defendant, TACTICAL CLEANING ACQUISITION LLC, a Delaware limited liability company, for the following relief on this Count II:

A. Finding that Defendant violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

B. Enjoining Defendant from further violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

C. Ordering Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141, including but not limited to ceasing the generation of opaque smoke from the Flare;

D. Assessing against Defendant 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) (2022), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141, and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

E. Awarding to Plaintiff its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

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

COUNT III
FAILURE TO OBTAIN CONSTRUCTION PERMIT

1. Plaintiff re-alleges and incorporates by reference herein paragraph 1 of Count II as paragraph 1 of this Count III.

2-31. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 28 of Count I and paragraphs 30 through 32 of Count II as paragraphs 2 through 31 of this Count III.

32. Section 9(b) of the Act, 415 ILCS 5/9(b) (2022), 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.

33. Section 9.14(a) of the Act, 415 ILCS 5/9.14(a) (2022), provides as follows:

(a) After the effective date of rules implementing this Section, the owner or operator of an eligible source shall annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under this Act. The criteria for determining an eligible source shall include the following:

(1) the source must not be required to obtain a permit pursuant to the Illinois Clean Air Act Permit Program [415 ILCS 5/39.5] or Federally Enforceable State Operating Permit program, or under regulations promulgated pursuant to Section 111 or 112 of the Clean Air Act [42 U.S.C. 7411 or

42 U.S.C. 7412];

- (2) the USEPA has not otherwise determined that a permit is required;
- (3) the source emits less than an actual 5 tons per year of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;
- (4) the source emits less than an actual 0.5 tons per year of combined hazardous air pollutant emissions;
- (5) the source emits less than an actual 0.05 tons per year of lead air emissions;
- (6) the source emits less than an actual 0.05 tons per year of mercury air emissions; and
- (7) the source does not have an emission unit subject to a standard pursuant to 40 CFR Part 61 Maximum Achievable Control Technology, or 40 CFR Part 63 National Emissions Standards for Hazardous Air Pollutants other than those regulations that the USEPA has categorized as “area source”.

34. Section 3.130 of the Act, 415 ILCS 5/3.130 (2022), provides the following definition:

“Board” is the Pollution Control Board established by this Act.

35. Section 3.105 of the Act, 415 ILCS 5/3.105 (2022), provides the following definition:

“Agency” is the Environmental Protection Agency established by this Act.

36. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), 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.

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

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.

38. Section 201.146 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.146, provides as follows:

Construction or operating permits, pursuant to Sections 201.142, 201.143 and 201.144 of this Part, are not required for the classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements[.] ***
* * *

mmm) Sources required to comply with Section 201.175 Registration of Smaller Sources (ROSS)

39. Section 201.175(a) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.175(a), titled "Registration of Smaller Sources (ROSS)," provides as follows:

a) An owner or operator of an eligible source shall annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under the Act ***. The owner and operator of a ROSS source are still subject to all applicable environmental statutes and regulations. The source must meet all of the following criteria to be an eligible source:

1) Pursuant to Section 9.14 of the Act:

- A) The source must not be required to obtain a permit pursuant to the Clean Air Act Permit program, or federally enforceable State operating permit program, or under regulations promulgated pursuant to Section 111 or 112 of the Clean Air Act;
- B) USEPA has not otherwise determined that a permit is required;

- C) The source emits less than an actual 5 tons per year of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;
 - D) The source emits less than an actual 0.5 tons per year of combined hazardous air pollutant emissions;
 - E) The source emits less than an actual 0.05 tons per year of lead air emissions;
 - F) The source emits less than an actual 0.05 tons per year of mercury air emissions; and
 - G) The source does not have an emission unit or source subject to a standard pursuant to 40 CFR 61 (Maximum Achievable Control Technology) or 40 CFR 63 (National Emissions Standards for Hazardous Air Pollutants), other than those regulations that USEPA has categorized as “area source.”
- 2) Emission units at the source are not used as thermal desorption systems pursuant to 35 Adm. Code 728. Table F or as incinerator systems.
 - 3) The source or its emission units must not be subject to local siting under Section 39.2 of the Act.

40. Section 201.101(a) of the Board’s regulations, 35 Ill. Adm. Code 201.101(a), provides as follows:

- a) Except as stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5] (Act).

41. Section 201.102 of the Board’s 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.

* * *

“Person”: any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

* * *

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

42. Defendant is a limited liability company and therefore a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), and Section 201.102 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

43. Particulate matter (PM), nitrogen oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs), are solid or gaseous matter that is 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’s Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

44. PM, NO_x, CO, SO₂, VOCs, and HAPs are each regulated under Title 35, Subtitle B of the Illinois Administrative Code, and are each therefore a “specified air contaminant” as that term is defined in Section 201.102 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

45. Because the Flare at the Lynch Creek Facility is capable of emitting specified air contaminants to the atmosphere, it is an “emission source” as that term is defined in Section 201.102 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

46. The Flare is capable of causing or contributing to the presence in the atmosphere of

PM, NO_x, CO, SO₂, VOCs, and HAPs, which are all 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, and the Flare is therefore 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 (2022).

47. Because the Flare is equipment and is capable of causing or contributing to air pollution, and is designated as an emission source requiring a construction permit under Section 201.142 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.142, it is unlawful under Section 9(b) of the Act, 415 ILCS 5/9(b) (2022), for any person to cause or allow it to be constructed without a construction permit granted by Illinois EPA, unless exempted by law.

48. When Defendant consolidated its flaring operations formerly at the Cannon Street Facility with its operations at the Lynch Creek Facility, based on the ROSS registrations submitted by Defendant for the Facilities, the resulting combined emissions at the Lynch Creek Facility were projected to exceed 5 tons/year of combined CO, NO_x, SO₂, and VOC air pollutant emissions, and the Lynch Creek Facility therefore ceased to be eligible for ROSS under Section 9.14(a)(3) of the Act, 415 ILCS 5/9.14(a)(3) (2022), and under Section 201.175(a)(1)(C) of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.175(a)(1)(C).

49. On or about April 23, 2025, and on dates better known to Defendant, Defendant conducted flaring of railcars at the Lynch Creek Facility that produced emissions inconsistent with the Lynch Creek ROSS registration.

50. The observation of opaque black smoke from the Flare during the April 23, 2025 Inspection also indicates that the Lynch Creek Facility is producing additional emissions not provided for under Defendant’s ROSS registrations.

51. Because the Lynch Creek Facility is no longer eligible for ROSS, it is unlawful under Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142, for any person to cause or allow the construction of any new emission source, or the modification of any existing emission source, at the Lynch Creek Facility without a construction permit issued by Illinois EPA.

52. The installation of the Flare at the Lynch Creek Facility was the "construction" of an emission source, as that term is defined in Section 201.102 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

53. On a date better known to Defendant, prior to April 23, 2025, Defendant constructed or modified the Flare at the Lynch Creek Facility without the requisite construction permit from Illinois EPA.

54. By constructing or modifying the Flare, which is an emission source, without having first obtained a construction permit from Illinois EPA, Defendant violated Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

55. Because the Flare is equipment and is capable of causing or contributing to air pollution, and is designated as an emission source requiring a construction permit under Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142, it is unlawful under Section 9(b) of the Act, 415 ILCS 5/9(b) (2022), for any person to construct or install the Flare without a construction permit granted by Illinois EPA.

56. By constructing or installing the Flare, Defendant constructed or installed equipment capable of causing or contributing to air pollution without a construction permit granted by Illinois EPA, and therefore violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2022).

57. 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.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order in favor of Plaintiff and against Defendant, TACTICAL CLEANING ACQUISITION LLC, a Delaware limited liability company, for the following relief on this Count III:

A. Finding that Defendant violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2022), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

B. Enjoining Defendant from further violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2022), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

C. Ordering Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2022), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

D. Assessing against Defendant 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) (2022), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142, and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

E. Awarding to Plaintiff its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)

(2022); and

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

COUNT IV
FAILURE TO PAY CONSTRUCTION PERMIT FEES

1. Plaintiff re-alleges and incorporates by reference herein paragraph 1 of Count II as paragraph 1 of this Count IV.

2-50. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 28 of Count I, paragraphs 30 through 32 of Count II, and paragraphs 33 through 51 of Count III, as paragraphs 2 through 50 of this Count IV.

51. Section 9.12 of the Act, 415 ILCS 5/9.12 (2022), provides in pertinent part as follows:

(a) An applicant for a new or revised air pollution construction permit shall pay a fee, as established in this Section, to the Agency at the time that he or she submits the application for a construction permit. Except as set forth below, the fee for each activity or category listed in this Section is separate and is cumulative with any other applicable fee listed in this Section.

* * *

(j) If the owner or operator undertakes construction without obtaining an air pollution construction permit, the fee under this Section is still required. Payment of the required fee does not preclude the Agency or the Attorney General or other authorized persons from pursuing enforcement against the applicant for failure to have an air pollution construction permit prior to commencing construction.

52. Although Defendant installed the Flare without a construction permit, Defendant is still required to pay construction permit fees for the Flare under Section 9.12(j) of the Act, 415 ILCS 5/9.12(j) (2022).

53. As of the filing date of this Verified Complaint, Defendant has not paid any construction permit fees to Illinois EPA for the Flare.

54. By failing to pay construction permit fees to Illinois EPA for the Flare, Defendant

has violated and is continuing to violate Section 9.12 of the Act, 415 ILCS 5/9.12 (2022).

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order in favor of Plaintiff and against Defendant, TACTICAL CLEANING ACQUISITION LLC, a Delaware limited liability company, for the following relief on this Count IV:

- A. Finding that Defendant violated Section 9.12 of the Act, 415 ILCS 5/9.12 (2022);
- B. Enjoining Defendant from further violations of Section 9.12 of the Act, 415 ILCS 5/9.12 (2022);
- C. Ordering Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9.12 of the Act, 415 ILCS 5/9.12 (2022), including but not limited to paying all construction permit fees due to Illinois EPA;
- D. Assessing against Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 9.12 of the Act, 415 ILCS 5/9.12 (2022), and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);
- E. Assessing all costs against Defendant, including attorney, expert witness and consultant fees expended by Plaintiff in its pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and
- F. Ordering such other and further relief as the Court deems appropriate and just.

COUNT V
FAILURE TO OBTAIN OPERATING PERMIT

1. Plaintiff re-alleges and incorporates by reference herein paragraph 1 of Count II as paragraph 1 of this Count V.

2–51. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 28 of Count I, paragraphs 30 through 32 of Count II, and paragraphs 32 through 51 of Count III, as paragraphs 2 through 51 of this Count V.

52. Section 201.143 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.143, provides as follows:

No person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by Section 201.142 without first obtaining an operating permit from the Agency, except for such testing operations as may be authorized by the construction permit. ***

53. Because Defendant’s operation of the Flare at the Lynch Creek Facility is not eligible for ROSS and therefore requires a construction permit under Section 201.142 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.142, Defendant’s operation of the Flare at the Lynch Creek Facility also requires an operating permit under Section 201.143 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.143.

54. Beginning on or about April 23, 2025 and on dates better known to Defendant, and continuing through the filing date of this Verified Complaint, Defendant operated the Flare without the requisite operating permit from Illinois EPA.

55. By causing or allowing the operation of the Flare, which is a new emission source of a type for which a construction permit was required by Section 201.142 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 201.142, without first obtaining an operating permit from Illinois EPA, Defendant violated Section 201.143 of the Board’s Air Pollution Regulations, 35 Ill.

Adm. Code 201.143.

56. By operating the Flare, Defendant operated equipment capable of causing or contributing to air pollution without an operating permit granted by Illinois EPA, and therefore has violated and is continuing to violate Section 9(b) of the Act, 415 ILCS 5/9(b) (2022).

57. 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.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order in favor of Plaintiff and against Defendant, TACTICAL CLEANING ACQUISITION LLC, a Delaware limited liability company, for the following relief on this Count V:

A. Finding that Defendant violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2022), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143;

B. Enjoining Defendant from further violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2022), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143;

C. Ordering Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(b) of the Act, 415 ILCS 5/9(b), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143, including but not limited to obtaining an operating permit from Illinois EPA;

D. Assessing against Defendant 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), and Section 201.143 of the Board's

Air Pollution Regulations, 35 Ill. Adm. Code 201.143, and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

E. Awarding to Plaintiff its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

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

COUNT VI **OPACITY VIOLATION**

1. Plaintiff re-alleges and incorporates by reference herein paragraph 1 of Count II as paragraph 1 of this Count VI.

2–29. Plaintiff re-alleges and incorporates by reference herein paragraphs 2 through 28 of Count I and paragraph 29 of Count II as paragraphs 2 through 29 of this Count VI.

30. Section 212.123 of the Board’s Air Pollution Regulations, 35 Ill. Adm. Code 212.123, provides as follows:

- a) No person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit other than those emission units subject to Section 212.122 of this Subpart.
- b) The emission of smoke or other particulate matter from any such emission unit may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period provided that such opaque emissions permitted during any 60 minute period shall occur from only one such emission unit located within a 305 m (1000 ft) radius from the center point of any other such emission unit owned or operated by such person, and provided further that such opaque emissions permitted from each such emission unit shall be limited to 3 times in any 24 hour period.

31. On April 23, 2025, the Flare at the Lynch Creek Facility emitted smoke with an

opacity greater than 30 percent into the atmosphere for more than 8 minutes at a time, and thereby violated Section 212.123 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.123.

32. By causing, threatening, or allowing the discharge or emission of smoke or other particulate matter into the environment from the Flare so as to violate Section 212.123 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.123, Defendant violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022).

33. 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.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this Court enter an order in favor of Plaintiff and against Defendant, TACTICAL CLEANING ACQUISITION LLC, a Delaware limited liability company, for the following relief on this Count VI:

A. Finding that Defendant violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 212.123 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.123;

B. Enjoining Defendant from further violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 212.123 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.123;

C. Ordering Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 212.123 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.123, including but not limited to ceasing all discharge of opaque smoke from the Flare at the

Lynch Creek Facility;

D. Assessing against Defendant 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) (2022), and Section 212.123 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.123, and an additional Ten Thousand Dollars (\$10,000.00) for each day each violation continues, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2022);

E. Awarding to Plaintiff its costs, including expert witness, consultant, and attorney fees, expended in pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022); and

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

Respectfully submitted,

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

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

By: /s/ Rachel R. Medina
RACHEL R. MEDINA, #6297171
Bureau Chief
Environmental Bureau
Assistant Attorney General

Of Counsel

Samuel J. Henderson (ARDC #6336028)
Kevin Barnai (ARDC #6329422)
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Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
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Samuel.Henderson@ilag.gov
Kevin.Barnai@ilag.gov

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY, STATE OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Plaintiff,)	
)	
v.)	No. 25-CH-
)	
TACTICAL CLEANING ACQUISITION LLC,)	
a Delaware limited liability company,)	
)	
Defendant.)	

VERIFICATION OF SALIM BOUABID

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109, I, Salim Bouabid, certify that I am employed by the Illinois Environmental Protection Agency; that I read the foregoing VERIFIED COMPLAINT FOR,INJUNCTIVE AND OTHER RELIEF; and that the factual statements set forth in Paragraphs 7, and 9 through 15 of Count I of said complaint are true and correct.

Salim Bouabid

DATE: _____ 05-09-2025

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY, STATE OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Plaintiff,)	
)	
v.)	No. 25-CH-
)	
TACTICAL CLEANING ACQUISITION LLC,)	
a Delaware limited liability company,)	
)	
Defendant.)	

VERIFICATION OF KEVIN MATTISON

I, Kevin Mattison, being duly sworn, on oath state as follows:

1. I am currently employed by the Illinois Environmental Protection Agency, Bureau of Air (Illinois EPA-BOA), Compliance Section, as an Environmental Protection Specialist in Springfield, Illinois.
2. I have been employed by Illinois EPA for the past thirty-one (31) years with the last twenty (20) years in my current position.
3. The duties and responsibilities of my current position include, but are not limited to: reviewing and making recommendations on the acceptability of emissions testing protocols and final reports; responding to requests for assistance from Bureau staff, governmental agencies, consultants, and testing entities on testing and monitoring issues; reviewing and making recommendations on the acceptability of continuous emission monitoring system (“CEMS”) protocols, final reports, and monitoring plans; coordinate and conduct semiannual visible

emissions training (“Smoke School”) for Agency and industry personnel; participate in compliance and enforcement activities of the Bureau, as assigned; and observing emissions and CEMS tests at facilities as appropriate or assigned.

4. In the course of my employment with the Illinois EPA, I have obtained direct and personal knowledge as to the conditions arising from the Illinois EPA-BOA’s April 23, 2025, inspection of Tactical Cleaning Acquisition LLC’s facility at 3401 E. Lynch Creek Dr., Danville, in Vermilion County, Illinois (the “Lynch Creek Facility”).

5. On April 23, 2025, I observed opaque smoke exiting from a flare tip at the Lynch Creek Facility.

6. I have read the foregoing Verified Complaint for Injunctive and Other Relief (the “Complaint”), and am aware of the contents thereof.

7. The factual matters set forth in paragraphs 20, 22, 23, 24, 26 and 28 of Count I of the Complaint are true in substance and in fact, to the best of my knowledge, information and belief.

8. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

FURTHER AFFIANT SAYETH NOT


Kevin Mattison
Environmental Protection Specialist

Illinois Environmental Protection Agency
Bureau of Air
Compliance Section

May 12, 2025

Date

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

Plaintiff,

v.

TACTICAL CLEANING ACQUISITION LLC,
a Delaware limited liability company,

Defendant.

No. 25-CH-

I, Hannah Rockwell, being duly sworn, on oath state as follows:

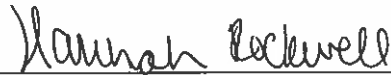
- 1

5. I have read the foregoing Verified Complaint for Injunctive and Other Relief (the "Complaint"), and am aware of the contents thereof.

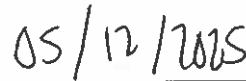
6. The factual matters set forth in paragraphs 16, 17, 18, 19, 20, 21, 25, 26, and 27 of Count I of the Complaint are true in substance and in fact, to the best of my knowledge, information and belief.

7. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

FURTHER AFFIANT SAYETH NOT



Hannah E. Rockwell
Environmental Protection Engineer
Illinois Environmental Protection Agency
Bureau of Air
Field Operations Section



Date

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
VERMILION COUNTY, STATE OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Plaintiff,)	
)	
v.)	No. 25-CH-
)	
TACTICAL CLEANING ACQUISITION LLC,)	
a Delaware limited liability company,)	
)	
Defendant.)	

VERIFICATION OF KURT WEPPRECHT

I, Kurt Wepprecht, being duly sworn, on oath state as follows:

1. I am currently employed by the Illinois Environmental Protection Agency, Bureau of Air (Illinois EPA-BOA), Compliance Section as an Environmental Protection Specialist in Springfield, Illinois.
2. I have been employed by Illinois EPA-BOA since May 1, 2024, to the present time.
3. The duties and responsibilities of my current position include, but are not limited to: reviewing and making recommendations on the acceptability of emissions testing protocols and final reports; responding to requests for assistance from Bureau staff, governmental agencies, consultants, and testing entities on testing and monitoring issues; review and making recommendations on the acceptability of continuous emission monitoring system (“CEMS”) protocols, final reports, and monitoring plans; participate in compliance and enforcement activities

of the Bureau, as assigned; and observing emissions and CEMS tests at facilities as appropriate or assigned.

4. In the course of my employment with the Illinois EPA, I have obtained direct and personal knowledge as to the conditions arising from the Illinois EPA-BOA's April 23, 2025, inspection of Tactical Cleaning Acquisition LLC, at 3401 E. Lynch Creek Dr., Danville, in Vermilion County, Illinois (the "Lynch Creek Facility").

5. On April 23, 2025, I observed opaque black smoke exiting from a flare tip at the Lynch Creek Facility.

6. I have read the foregoing Verified Complaint for Injunctive and Other Relief (the "Complaint"), and am aware of the contents thereof.

7. The factual matters set forth in paragraphs 20, 22, 23, 24, 26 and 28 of Count I and paragraph 31 of Count VI of the Complaint are true in substance and in fact, to the best of my knowledge, information and belief.

8. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

FURTHER AFFIANT SAYETH NOT

Kurt Wepprecht

Kurt Wepprecht
Environmental Protection Specialist

Illinois Environmental Protection Agency
Bureau of Air
Compliance Section

May 12, 2025

Date