IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
LASALLE COUNTY, ILLINOIS
CHANCERY DIVISION

13TH JUDICIAL CIRCUIT
LA SALLE COUNTY
FILED
SEP 12 2019
CIRCUIT CLERK
FILED

PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois,	)	
Plaintiff,	)	
v.	)	No. 14 CH 127
FLINT HILLS RESOURCES PERU, LLC, a Delaware limited liability corporation,	)	
Defendant.	)	

CONSENT ORDER

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), and Defendant, FLINT HILLS RESOURCES PERU, LLC, (collectively "Parties to the Consent Order"), have agreed to the making of this Consent Order and submit it to this Court for approval.

I. INTRODUCTION

This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Court's entry of the Consent Order and issuance of any injunctive relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2018), and the Illinois Pollution Control Board ("Board") regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to this Consent Order that it be a final judgment on the merits of this matter.

A. Parties

1. On May 15, 2014, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e), against Defendant. On January 13, 2017, Plaintiff filed its First Amended Complaint. On March 3, 2018, Plaintiff filed its Corrected First Amended Complaint. On September 20, 2018, Plaintiff filed its Second Amended Complaint ("Complaint").

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2018).

3. At all times relevant to the Second Amended Complaint, Defendant FLINT HILLS RESOURCES PERU, LLC was and is a Delaware limited liability corporation, who owned and operated a chemical and polymers manufacturing facility located at 501 Brunner Street, Peru, LaSalle County, Illinois ("Facility").

B. Allegations of Non-Compliance

Plaintiff contends that Defendant has violated the following provisions of the Act, Board regulations, and Illinois EPA regulations:

Count I: Air Pollution, in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

Count II: Water Pollution, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2014).

Count III: Water Pollution Hazard, in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2014).

Count IV: Violation of National Emission Standards for Hazardous Air Pollutants ("NESHAP") – General Provisions (40 C.F.R. § 63.11(b)), in violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2014).

Count V: Violation of NESHAP for Organic HAPS for Equipment Leaks (40 C.F.R. §§ 63.162, 63.163, 63.168, 63.174, 63.180, 63.181, and 63.182), in violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2014).

Count VI: Violation of NESHAP for Group IV Polymers and Resins (40 C.F.R. §§ 63.1322, 63.1326, 63.1327, 63.1331, and 63.1335), in violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2014).

Count VII: Violation of NESHAP for Stationary Reciprocating Internal Combustion Engines (40 C.F.R. §§63.6625 and 63.6655), in violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2014).

Count VIII: Violation of NESHAP for Organic HAPS: Site Remediation (40 C.F.R. § 63.7881(c)(2)), in violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2014).

Count IX: Violation of Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (40 C.F.R. § 60.4214(b)), in violation of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2014).

Count X: Violation of Pollution Control Board Regulations, Sections 215.301, 215.422, 215.423, 215.424, 215.425, and 215.426 of the Board Air Pollution Regulation, 35 Ill. Adm. Code 215.301, 215.422, 215.423, 215.424, 215.425, and 215.426, in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2014).

Count XI: Violation of Clean Air Act Permit Program ("CAAPP") Permit Conditions 5.3.5, 5.10.1, 7.1.3, 7.1.5, 7.1.6, 7.1.9, 7.1.10, and 9.7 of CAAPP permit no. 96030094 issued on September 17, 2007 ("CAAPP Permit"), in violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2014).

Count XII: Failure to File Accurate Annual Emissions Reports, in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).

Count XIII: Construction Permit Violations, condition 6 of construction permit no. 11060044 ("Construction Permit"), in violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2014).

C. Additional Violations

In addition, Plaintiff contends that Defendant has violated the Act, regulations, and permit conditions, as reported by Defendant to the Illinois EPA in its Semi-Annual CAAPP Permit Monitoring Reports for the Facility submitted pursuant to the terms and provisions of the Defendant's CAAPP Permit and dated as follows, except for those violations already alleged in the Second Amended Complaint: August 26, 2013, February 25, 2014, August 25, 2014, February 25, 2015, August 28, 2015, February 16, 2016 (mistakenly dated February 16, 2015 by Defendant), August 25, 2016, February 21, 2017, August 17, 2017, February 26, 2018, August 27, 2018, and February 27, 2019.

D. Non-Admission of Violations

Defendant represents that it has entered into this Consent Order for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Consent Order and complying with its terms, Defendant does not affirmatively admit the allegations of violation within the Second Amended Complaint and referenced above, and this Consent Order shall not be interpreted as including such admission.

E. Compliance Activities to Date

1. As required by an immediate injunction order entered by the Court on May 20, 2014, Defendant submitted a root cause analysis report and a proposed schedule for the implementation of work, corrective actions, preventive measures, and other activity in response to the April 25, 2014 release of styrene from the Facility into the environment. All work, corrective actions and preventive measures recommended in the root cause analysis report were subsequently implemented by the Facility, which included improvements to the emergency containment area at the Facility to reduce the likelihood of over-splash and the installation of a vapor suppression and

firefighting foam system, in the event of future discharges to the emergency containment area. Also as required by the immediate injunction order, Defendant removed all styrene-contaminated soil associated with the release and confirmed there were no impacts to the Facility's stormwater system.

2. Defendant submitted a root cause analysis report and a proposed schedule for the implementation of work, corrective actions, preventive measures, and other activity in response to the June 19, 2014 release of styrene from the Facility into the environment. All work, corrective actions and preventive measures recommended in the root cause analysis report were subsequently implemented by the Facility, which included installing an additional backup control valve to ensure that cooling to the reactor continues in the event of a mechanical failure on one of the valves, as well as reprogramming of the foam suppression system to discharge foam into the emergency containment area before reactor contents are released in the event of future discharges to the emergency containment area.

3. Defendant also conducted investigations for each of the following occurrences as they are alleged in Counts I, IV, and VI of the Second Amended Complaint, when operations resulted in an uncontrolled discharge of contaminants into the environment and/or resulted in emissions that were not collected and routed to a flare on the following dates: July 17, 2013, November 4, 2013, November 17, 2013, February 26, 2014, April 24 through 25, 2014, June 30 through July 1, 2014, August 25, 2014, October 29, 2014, November 25, 2014, December 28, 2014 No. 1, December 28, 2014 No. 2, and January 6, 2015. Defendant subsequently implemented corrective actions and preventive measures for each occurrence, as required and as described in CAAPP Permit Semiannual Monitoring Reports and deviation reports submitted to Illinois EPA.

4. Defendant also conducted investigations for each of the remaining occurrences that are the subject of the alleged violations of the Act, regulations, and permit conditions listed in Section I.C of this Consent Order. Defendant subsequently implemented corrective actions and preventive measures for each occurrence, as required and as described in CAAPP Permit Semiannual Monitoring Reports and/or deviation reports submitted to Illinois EPA.

II. APPLICABILITY

This Consent Order shall apply to and be binding upon the Parties to the Consent Order. Defendant waives as a defense to any enforcement action taken pursuant to this Consent Order the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Consent Order. This Consent Order may be used against Defendant in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, and referenced in Section I.C, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2018).

III. JUDGMENT ORDER

This Court has jurisdiction of the subject matter herein and of the Parties to the Consent Order and, having considered the stipulated facts and being advised in the premises, finds the following relief appropriate:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. Civil Penalty

1. Defendant shall pay a civil penalty of Eight Hundred Fifty Thousand Dollars ($850,000.00). Payment shall be tendered at time of entry of this Consent Order.

2. The civil penalty payment shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF").

3. The case name and case number shall appear on the face of the certified check or money order.

B. Future Compliance

1. Defendant shall implement a Facility-wide LDAR audit ("Audit") as set forth in this paragraph to ensure compliance with all applicable LDAR requirements.

a. The Audit shall include, but shall not be limited to: (i) performing comparative monitoring; (ii) reviewing records to ensure inspection, monitoring, and repairs were completed in the required periods; (iii) reviewing component identification procedures, tagging procedures, and data management procedures; and (iv) observing LDAR technicians' calibration and monitoring techniques.

b. The Audit shall specifically ensure the following requirements are met:

i. Pumps in light liquid service are visually inspected on a weekly basis, except for those pumps which are subject to a regulatory exemption;

ii. Calibration of leak detection instruments is conducted prior to monitoring;

iii. The LDAR meets the requirements of 40 C.F.R. Part 63, Subpart JJJ (NESHAP for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins) and is implemented for all of the wash tanks at the Facility;

iv. All valves, connectors, and rupture disks are accurately monitored and corrected response factors are documented according to the LDAR program;

v. Response time testing is performed consistent with test methods specified by Method 21, set forth within 40 C.F.R. Part 60, Appendix A, utilizing an extension probe;

vi. Calibration tests are performed utilizing calibration gases specified by NESHAP for Equipment Leaks, 40 C.F.R. Part 63, Subpart H;

vii. Identification tags are not removed from valves following monitoring conducted to determine the presence of a leaking valve and prior to a follow-up inspection; and

viii. Percent leaking pumps and valves are accurately determined utilizing calculation methods specified by NESHAP for Equipment Leaks (40 C.F.R. Part 60, Subpart H).

c. By December 31, 2019, Defendant shall submit to the Illinois EPA, for its review and approval, an audit report ("Audit Report") created and certified by an independent licensed professional engineer ("LPE"), documenting Audit findings and recommendations for corrective action for the LDAR program at the Facility. The Audit Report shall disclose all areas of identified LDAR non-compliance, and certify that the Facility is then in compliance with all other applicable LDAR requirements except for the identified deficiencies.

2. In addition to the requirements set forth in paragraph III.B.1 of this Consent Order pertaining to the Audit Report, Defendant shall report any deviation from the LDAR program at the Facility in accordance with the requirements of its CAAPP Permit.

3. Illinois EPA Review and Approval Process of the Audit Report

a. After review of the Audit Report, the Illinois EPA shall in writing: (i) approve the Audit Report; (ii) approve the Audit Report upon specified conditions; (iii) approve part of the Audit Report and disapprove the remainder; or (iv) disapprove the Audit Report.

b. If the Audit Report is approved pursuant to Paragraph III.B.5.a.(i), Defendant shall take all actions required by the Audit Report, in accordance with the schedules and requirements of the Audit Report, as approved. If the Audit Report is conditionally approved or approved only in part pursuant to Paragraph III.B.5.a.(ii) or (iii), Defendant shall, upon written direction from the Illinois EPA, take all actions required by the approved Audit Report that the Illinois EPA determines are technically severable from any disapproved portions.

c. If the Audit Report is disapproved in whole or in part pursuant to Paragraph III.B.5.a.(iii) or (iv), Defendant shall, within thirty (30) days or such other time as the Illinois EPA agrees in writing, correct all deficiencies and resubmit the Audit Report, or disapproved portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is approved in whole or in part, Defendant shall proceed in accordance with the preceding Paragraph.

d. If a resubmitted Audit Report, or portion thereof, is disapproved in whole or in part, the Illinois EPA may again require Defendant to correct any deficiencies, in accordance with the preceding Paragraphs, or may itself correct any deficiencies.

4. By December 31, 2019, Defendant shall make and maintain the following records at the Facility for a period of five (5) years from the date such documents are made:

a. Each startup, shutdown, and malfunction bypass event classification, including procedures set forth within Defendant's startup, shutdown, and malfunction plan during each event;

b. Documentation demonstrating that remediation material excavated, extracted, pumped, or otherwise removed during site remediation activities at the Facility contains less than one (1) Mg of HAP;

c. Documentation demonstrating that engine operations in emergency and non-emergency service are recorded through a non-resettable hour meter, time of operation, and reason the engine was in operation during that time;

d. Monthly visual inspections of seals or closure mechanisms, the occurrence of all periods when a seal mechanism is broken, the bypass line valve position has changed, or the key for a lock-and-key configuration has been checked out, and any car-seal that has been broken; and

e. Documentation demonstrating that all fire pumps are maintained according to the manufacturer's emission-related written instructions or, alternatively, a plan developed providing for the maintenance and operation of each engine in a manner consistent with good air pollution control practice for minimizing emissions; and records of maintenance performed on all fire pumps that demonstrate each fire pump was operated and maintained according to a maintenance plan.

5. At all times in the future, Defendant shall timely submit to the Illinois EPA complete and accurate Annual Emission Reports for the Facility.

6. The Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon Defendant's Facility which is the subject of this Consent Order, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives,

may take photographs, samples, and collect information, as they deem necessary.

7. This Consent Order in no way affects the responsibilities of Defendant to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

8. Defendant shall cease and desist from future violations of the Act, Board Regulations, and the federal Clean Air Act that were the subject matter of the Second Amended Complaint, and the additional alleged violations referenced in Section I.C. of this Consent Order.

C. *Force Majeure*

1. *Force majeure* is an event arising solely beyond the control of Defendant, which prevents the timely performance of any of the requirements of this Consent Order and shall include, but is not limited to, events such as floods, fires, tornadoes, other natural disasters, and labor disputes beyond the reasonable control of Defendant. An increase in costs associated with implementing any requirement of this Consent Order shall not, by itself, excuse Defendant for a failure to comply with such a requirement.

2. When a *force majeure* event occurs which causes or may cause a delay in the performance of any of the requirements of this Consent Order, Defendant shall orally notify the Illinois EPA (*Bureau of Air, (217) 782-5811, Option 7*) within forty-eight (48) hours of the occurrence. Written notice shall be given to the Plaintiff's representatives as listed in Section III.F of this Consent Order as soon as practicable, but no later than ten (10) calendar days after the claimed occurrence. This section shall be of no effect as to the particular event involved if Defendant fails to comply with these notice requirements.

3. Within ten (10) calendar days of receipt of any written *force majeure* notice, Plaintiff shall respond in writing regarding Defendant's claim of a delay or impediment to

performance. If Plaintiff agrees that the delay or impediment to performance has been or will be caused by circumstances beyond the control of Defendant and that Defendant could not have prevented the delay by the exercise of due diligence, the parties shall stipulate to an extension of the required deadline(s) for all requirement(s) affected by the delay, by a period equivalent to the delay actually caused by such circumstances. Such stipulation may be filed as a modification to this Consent Order. Defendant shall not be liable for stipulated penalties for the period of any such stipulated extension.

4. If Plaintiff does not accept the Defendant's claim of a *force majeure* event, Defendant must file a petition with the Court within twenty (20) calendar days of receipt of Plaintiff's determination in order to contest the imposition of stipulated penalties. Plaintiff shall have twenty (20) calendar days to file its response to said petition. The burden of proof of establishing that a *force majeure* event prevented the timely performance shall be upon Defendant. If this Court determines that the delay or impediment to performance has been or will be caused by circumstances solely beyond the control of Defendant and that Defendant could not have prevented the delay by the exercise of due diligence, Defendant shall be excused as to that event (including any imposition of stipulated penalties), for all requirements affected by the delay, for a period of time equivalent to the delay or such other period as may be determined by this Court.

D. Enforcement and Modification of Consent Order

1. This Consent Order is a binding and enforceable order of this Court. This Court shall retain jurisdiction of this matter and shall consider any motion by any party for the purposes of interpreting and enforcing the terms and conditions of this Consent Order. Defendant agrees

that notice of any subsequent proceeding to enforce this Consent Order may be made by mail and waives any requirement of service of process.

2. The Parties to the Consent Order may, by mutual written consent, extend any compliance dates or modify the terms of this Consent Order without leave of this Court. A request for any modification shall be made in writing and submitted to the representatives designated in Section III.F of this Consent Order. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Consent Order. Any such agreed modification shall be in writing and signed by authorized representatives of each party, for filing and incorporation by reference into this Consent Order.

E. Dispute Resolution

1. Except as provided herein, the Parties to the Consent Order may seek to informally resolve disputes arising under this Consent Order, including but not limited to the Illinois EPA's decision regarding appropriate or necessary response activity, approval or denial of any report, plan or remediation objective, or Plaintiff's rejection of a request for modification or termination of the Consent Order. Plaintiff reserves the right to seek enforcement by the Court where Defendant has failed to satisfy any compliance deadline within this Consent Order. The following are also not subject to the dispute resolution procedures provided by this section: a claim of *force majeure*, a failure to make any required payment and any circumstances posing a substantial danger to the environment or to the public health or welfare of persons.

2. The dispute resolution procedure must be invoked by a party through a written notice describing the nature of the dispute and the party's position with regard to such dispute. The other party shall acknowledge receipt of the notice and schedule a meeting to discuss the dispute informally not later than fourteen (14) calendar days from the receipt of such notice. These

informal negotiations shall be concluded within thirty (30) calendar days from the date of the first meeting between the parties, unless the parties agree, in writing, to shorten or extend this period. The invocation of dispute resolution, in and of itself, shall not excuse compliance with any requirement, obligation or deadline contained herein, and stipulated penalties may be assessed for failure or noncompliance during the period of dispute resolution. As part of the resolution of any dispute, the Parties to the Consent Order, by agreement or by order of this Court, may extend or modify the schedule for completion of work under this Consent Order to account for the delay in the work that occurred as a result of dispute resolution.

3. In the event that the parties are unable to reach agreement during the informal negotiation period, Plaintiff shall provide Defendant with a written summary of its position regarding the dispute. The position advanced by Plaintiff shall be considered binding unless, within twenty (20) calendar days of Defendant's receipt of the written summary of Plaintiff's position, Defendant files a petition with this Court seeking judicial resolution of the dispute. Plaintiff shall respond to the petition by filing the administrative record of the dispute and any argument responsive to the petition within twenty (20) calendar days of service of Defendant's petition. The administrative record of the dispute shall include the written notice of the dispute, any responsive submittals, Plaintiff's written summary of its position, Defendant's petition before the Court, and Plaintiff's response to the petition. Plaintiff's position shall be affirmed unless, based upon the administrative record, it is against the manifest weight of the evidence.

F. Notice and Submittals

Except for payments, the submittal of any notice, reports or other documents required under this Consent Order, shall be delivered to the following designated representatives:

As to Plaintiff

Jamie D. Getz
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
jgetz@atg.state.il.us

Manager, Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to Defendant

John E. Collins
EH&S Senior Counsel
Koch Companies Public Sector, LLC
4111 E. 37th Street North
Wichita, Kansas 67220
john.e.collins@kochps.com

Chris Eager
Plant Manager
Flint Hills Resources Peru, LLC
501 Brunner Street
Peru, Illinois 61354
chris.eager@fhr.com

G. Release from Liability

In consideration of Defendant's payment of a $850,000.00 penalty, its commitment to cease and desist as contained in Section III.B.8 above, and completion of all activities required hereunder, Plaintiff releases, waives and discharges Defendant from any further liability or penalties for the violations of the Act, Board Regulations, and Illinois EPA Regulations that were the subject matter of the Second Amended Complaint herein and the additional alleged violations referenced in Section I.C. above. The release set forth above does not extend to any matters other

than: (1) those expressly specified in Plaintiff's Second Amended Complaint filed on September 20, 2018; and (2) the additional alleged violations set forth in Section I.C. above. Plaintiff reserves, and this Consent Order is without prejudice to, all rights of the State of Illinois against Defendant with respect to all other matters, including but not limited to the following:

a. criminal liability;

b. liability for future violations;

c. liability for natural resources damage arising out of the alleged violations; and

d. Defendant's failure to satisfy the requirements of this Consent Order.

Nothing in this Consent Order is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, other than Defendant.

H. Termination

1. Defendant may request that this Consent Order terminate no sooner than twelve (12) months after Defendant has completed all actions required of Defendant in the Consent Order, provided that Defendant has been in continuous compliance with the terms of the Consent Order for the twelve (12) months preceding the request. Any such request must be made by notice to Plaintiff and include a statement that Defendant has completed all actions required by this Consent Order and has been in continuous compliance with the terms of the Consent Order for the twelve (12) months preceding the request and the following certification by a responsible corporate official of Defendant:

> I certify under penalty of law that this statement was prepared under my direction or supervision, and that the information submitted in or accompanying this statement of final compliance is to the best of my knowledge true, accurate and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and or imprisonment for knowing violations.

2. Plaintiff shall notify Defendant of its decision on the request within forty-five (45) calendar days of Plaintiff's receipt of the request. If Plaintiff agrees to terminate this Consent Order, Plaintiff and Defendant shall jointly file a notice with the Court that the Consent Order is terminated. If Plaintiff does not agree to terminate this Consent Order, Plaintiff shall provide Defendant written notification stating the reasons why this Consent Order should not be terminated and Defendant may then invoke the Dispute Resolution provisions. The Consent Order shall remain in effect pending resolution of any dispute by the parties or the Court concerning whether Defendant has completed its obligations under this Consent Order and is in compliance with the terms of the Consent Order. The provisions of Sections III.B.8 (Cease and Desist) and III.G (Release from Liability) of this Consent Order shall survive and shall not be subject to and are not affected by the termination of any other provision of this Consent Order.

I. Execution and Entry of Consent Order

This Order shall become effective only when executed by all Parties to the Consent Order and the Court. This Order may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument. The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Consent Order and to legally bind them to it.

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to this Court that it may be approved and entered.

AGREED:

FOR THE PLAINTIFF:

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: _____
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

DATE: 9-10-19

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: _____
DANA VETTERHOFFER
Acting Chief Legal Counsel

DATE: 9-4-19

People of the State of Illinois v. Flint Hills Resources, Peru, 14 CH 127 (LaSalle County, IL)

FOR THE DEFENDANT:

FLINT HILLS RESOURCES PERU, LLC

BY: James Rhame
JAMES RHAME
Flint Hills Resources, LC
Vice President Operations - Olefins

DATE: August 26, 2019

ENTERED:

JUDGE

DATE: 9-12-2019