

SERVICE LIST

Via Certified Mail

Rochelle Energy LLC

c/o Illinois Corporation Service Company, as registered agent

801 Adlai Stevenson Drive

Springfield, IL 62703

CERTIFICATE OF SERVICE

I, Kathryn A. Pamenter, a Senior Assistant Attorney General, do certify that I caused to be served on this 7th day of February, 2023, the foregoing Notice of Electronic Filing and Complaint to Respondent, Rochelle Energy LLC, via certified mail with return receipt requested by placing a pre-paid postage envelope at the United States Post Office, 100 W. Randolph Street, Chicago, IL 60601.

/s/ Kathryn A. Pamenter

Kathryn A. Pamenter
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 23-
)	(Enforcement – Air)
)	
ROCHELLE ENERGY LLC,)	
a Delaware limited liability company,)	
)	
Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois (“Complainant”), on his own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of Respondent, ROCHELLE ENERGY LLC, a Delaware limited liability company, as follows:

COUNT I

FAILURE TO MONITOR PROCESSED LANDFILL GAS

1. This Complaint is brought on behalf of the People of the State of Illinois by 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 Rochelle Energy LLC, a Delaware limited liability company (“Respondent”), pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

2. The Illinois EPA is an administrative agency of the State of Illinois, established by Section 4 of the Act, 415 ILCS 5/4 (2020), and is charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent 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, Respondent owned, and continues to own, a landfill gas-to-energy facility at 6516 Mulford Road, Rochelle, Ogle County, Illinois (the "Facility").

5. At all times relevant to this Complaint, Respondent's Facility has been fueled with gas from Rochelle Municipal Landfill #2. Specifically, raw landfill gas ("LFG") is collected from Rochelle Municipal Landfill #2 and transported to Rochelle Energy's facility, where it passes through the Facility's LFG treatment system and sulfur system. The latter removes sulfur in the form of hydrogen sulfide ("H₂S") from the gas. The treated LFG is then sent to gas-fired engines and combusted to produce energy.

6. Emissions units at the Facility include three Caterpillar G3520C landfill gas-fired engines that control emissions from the landfill and generate electricity sold to the grid.

7. On June 30, 2020, Illinois EPA issued a Clean Air Act Permit Program (CAAPP) Permit No. 13050046 ("CAAPP Permit 13050046") to Respondent, which incorporates emissions limits, work practices, and requirements for monitoring, reporting and recordkeeping, including a requirement to monitor the sulfur content of the LFG combusted in the engines through one of the following options: (a) weekly Draeger tube readings with quarterly lab sampling and analysis; or (b) a continuous monitoring system.

8. On July 22, 2020, in its first Semiannual Compliance Report for 2020, Respondent disclosed deviations relating to sulfur content monitoring, including that (a) the Facility's continuous monitoring device was not recording between January 1, 2020 – March 2, 2020; (b) the replacement H₂S measurement cell failed, and another did not start working until on or about

March 2, 2020; and (c) although weekly Draeger tube readings were taken and recorded during the deviation period, Respondent did not complete a quarterly lab sample until June 2020.

9. Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2020), provides as follows:

6. Prohibitions.

a. It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. All terms and conditions of a permit issued under this Section are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in the permit pursuant to paragraph (m) of subsection 7 of this Section.

10. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2020), provides the following definitions:

“CAAPP” means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

“CAAPP Permit” or “permit” (unless the context suggests otherwise) means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

“CAAPP source” means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

“Owner or operator” means any person who owns, leases, operates, controls, or supervises a stationary source.

“Regulated air pollutant” means the following:

- (1) Nitrogen oxides (NOx) or any volatile organic compound.
- (2) Any pollutant for which a national ambient air quality standard has been promulgated.
- (3) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.

- (4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act.
- (5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).
 - (i) Any pollutant subject to requirements under Section 112(j) of the Clean Air Act. Any pollutant listed under Section 112(b) for which the subject source would be major shall be considered to be regulated 18 months after the date on which USEPA was required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.
 - (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.
- (6) Greenhouse gases.

“Source” means any stationary source (or any group of stationary sources) that is 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....

“Stationary source” means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act,....

11. At all times relevant to this Complaint, Respondent’s Facility has been, and continues to be, a building, structure, facility, or installation which emits or may emit sulfur dioxide, a “regulated air pollutant”, thereby constituting a “stationary source”, as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2020).

12. At all times relevant to this Complaint, Respondent’s Facility has been, and continues to be, a stationary source belonging to a single major industrial grouping, thereby constituting a “source”, as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2020).

13. At all times relevant to this Complaint, Respondent has been, and continues to be, an owner of the Facility, which is a stationary source, thereby constituting an “owner or operator”, as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2020).

14. At all times relevant to this Complaint, Respondent’s Facility has been, and continues to be, a source for which the owner or operator is required to obtain a “CAAPP Permit”, thereby constituting a “CAAPP source”, as those terms are defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2020).

15. Condition 4.2.2(b)(ii)(A)(I) of CAAPP Permit 13050046 provides, in pertinent part, as follows:

ii. Compliance Method (SO₂ requirements)

Monitoring

A. I. Pursuant to Construction Permit #10120047, the Permittee shall demonstrate compliance with Condition 4.2.2.(b)(1)(A) and (B) by performing the following (T1):

1. The Permittee shall conduct representative sampling and analysis of the processed LFG leaving the sulfur system for its sulfur content (ppm):

aa. Following completion of the shakedown of the affected systems:

AA. Samples shall be taken and analyzed for H₂S content using Draeger tubes or other similar manual analysis methodology on at least weekly [sic], including sampling and analysis for each upset of a system that is one hour (60 minutes) or more in duration and sampling and analysis before and after significant maintenance is performed on a system, with “before” measurements conducted no more than 12 hours before starting such maintenance and after “measurements” conducted between 24 and 48 hours after such maintenance is completed.

- BB. Samples shall be taken at least quarterly and analyzed by an off-site laboratory using standard methods for the determination of the total sulfur content of LFG.
2. As an alternative to Condition 4.2.2(b)(II)(A)(I)(1) above, the Permittee may conduct measurements for the sulfur content of the LFG using continuous monitoring system (CMS) to measure the sulfur content of LFG (H₂S by volume), as follows:
- aa. The Permittee shall operate this H₂S CMS in accordance with good monitoring practices, including regular calibration of the CMS and routine maintenance and repair of the CMS, either in accordance with the manufacturer's recommended procedures or other written procedures developed by the Permittee.
 - bb. Upon written request by the Illinois EPA, the Permittee shall within 90 days have the performance of the CMS evaluated compared to Performance Specification 7 of Appendix B to 40 CFR Part 60 using either of USEPA Method 11 or Method 15.
 - cc. At least once monthly, the Permittee shall determine the sulfur removal efficiency being achieved by the affected sulfur system, based on the monitored H₂S concentration of raw and processed LFG, and the overall reduction achieved with the system, based on the monitored H₂S concentration of raw LFG and LFG sent to the affected engines.

16. Between January 1, 2020, and March 2, 2020, and on such other dates better known to Respondent, Respondent failed to monitor the processed landfill gas leaving the sulfur system at the Facility for its sulfur content (ppm) by using either weekly Draeger tube readings with quarterly lab sampling and analysis or a continuous monitoring system in violation of Condition 4.2.2(b)(ii)(A)(I) of CAAPP Permit 13050046, thereby also violating Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against Respondent, ROCHELLE ENERGY LLC, a Delaware limited liability company, with respect to Count I:

1. Authorizing a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2020), and Condition 4.2.2(b)(ii)(A)(I) of CAAPP Permit 13050046;

3. Ordering Respondent to cease and desist from any future violations of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2020), and Condition 4.2.2(b)(ii)(A)(I) of CAAPP Permit 13050046;

4. Assessing against Respondent pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2020), a civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation of Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2020) and Condition 4.2.2(b)(ii)(A)(I) of CAAPP Permit 13050046;

5. Ordering Respondent to pay all costs, including expert witness, consultant and attorney fees, expended by the State in pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
by KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
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