

ILLINOIS POLLUTION CONTROL BOARD
September 7, 2023

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 24-13
)	(Enforcement - Air)
KAPPA PRODUCTS CORPORATION, an)	
Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M. Gibson):

On August 16, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Kappa Products Corporation (Kappa). The complaint concerns Kappa’s grease rendering facility located at 1301 East 99th Street in Chicago, Cook County (Facility). Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2022)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2022); 35 Ill. Adm. Code 103. In this case, the People allege that Kappa violated the Act and Board regulations as follows:

Count I: 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, by causing, threatening, or allowing the discharge of contaminants from the Facility into the environment so as to cause or tend to cause air pollution.

Count II: Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 212.309(a) of the Board’s Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.309(a), by failing to implement the 2015 Program and failing to operate pursuant to any fugitive particulate matter operating program designed to reduce fugitive particulate matter emissions.

Count III: Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 212.312 of the Board’s Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.312, by failing to amend the operating program to reflect current operations at the Facility and submit an amended program to the Illinois Environmental Protection Agency (IEPA) for review.

Count IV: Section 9(a) of the Act, 415 ILCS 5/9(a), and Section 212.316(g)(1), (2), and (5) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g)(1), (2), (5), by failing to keep written records of the application of dust control measures utilized at the Facility, failing to submit the required annual report for calendar years 2019 and 2020, and failing to submit the required quarterly reports for the fourth quarter of 2019, all of 2020, and the first quarter of 2021.

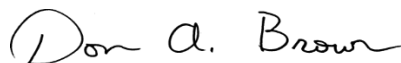
The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On August 16, 2023, simultaneously with the People's complaint, the People and Kappa filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Kappa does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$32,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2022); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 7, 2023, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board