

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**


<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB NO. 09-107</b>
	)	<b>(Enforcement - Air)</b>
<b>TATE AND LYLE INGREDIENTS</b>	)	
<b>AMERICAS LLC, an Illinois limited liability</b>	)	
<b>company, f/k/a Tate and Lyle Ingredients</b>	)	
<b>Americas, Inc.,</b>	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF ELECTRONIC FILING**

To:	James L. Curtis	Carol Webb
	Jeryl L. Olson	Hearing Officer
	Seyfarth Shaw LLP	Illinois Pollution Control Board
	131 South Dearborn Street	1021 North Grand Avenue East
	Suite 2400	P.O. Box 19274
	Chicago, Illinois 60603	Springfield, IL 62794-9274
	jcurtis@seyfarth.com	Carol.Webb@illinois.gov
	jolson@seyfarth.com	

PLEASE TAKE NOTICE that on the 21st day of October, 2016, the Joint Motion to Approve and Enter Agreed Interim Order was filed with the Illinois Pollution Control Board, a true and correct copy of which is attached hereto and is hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN, Attorney  
General of the State of Illinois

By:   
 Kathryn A. Pamenter  
 Assistant Attorney General  
 Environmental Bureau  
 69 W. Washington St., 18<sup>th</sup> Floor  
 Chicago, IL 60602  
 (312) 814-0608  
 KPamenter@atg.state.il.us

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<b>company, f/k/a Tate and Lyle Ingredients</b>	)	
<b>Americas, Inc.,</b>	)	
	)	
<b>Respondent.</b>	)	

**JOINT MOTION TO APPROVE AND ENTER AGREED INTERIM ORDER**

People of the State of Illinois *ex rel.* Lisa Madigan, Attorney General of the State of Illinois (“Complainant”), and Tate and Lyle Ingredients Americas LLC, an Illinois limited liability company (f/k/a Tate and Lyle Ingredients Americas, Inc.) (“Respondent”), pursuant to 35 Ill. Adm. Code 101.500, move for entry of the Agreed Interim Order, attached hereto as Exhibit 1. In support of this Motion, Complainant and Respondent hereby state as follows:

**I. BACKGROUND**

1. On May 11, 2009, Complainant filed a five-count Complaint (the “Original Complaint”) against Respondent, alleging violations of, among other things, the Illinois Environmental Protection Act (the “Act”) and the Illinois Pollution Control Board’s regulations regarding air pollution. On July 1, 2009, Respondent filed its Answer and Affirmative Defenses to the Original Complaint.

2. On November 25, 2009, Complainant filed a Motion to File Amended Complaint. Pursuant to the Order of December 14, 2009, the Board accepted the Amended Complaint. On

March 4, 2010, Respondent filed its Answer and Affirmative Defenses to Complainant's Amended Complaint.

3. On February 24, 2011, Complainant filed a Motion to File Second Amended Complaint. Pursuant to the Order of March 15, 2011, the Board accepted the Second Amended Complaint. On May 13, 2011, Respondent filed its Answer to Complainant's Second Amended Complaint.

4. On November 1, 2013, Complainant filed a Motion to File Third Amended Complaint and Third Amended Complaint. It appears that no order had been entered regarding Complainant's Motion to File Third Amended Complaint, and Respondent did not answer or otherwise respond to Complainant's Third Amended Complaint.

5. On June 26, 2014, Complainant filed a Motion for Leave to File Fourth Amended Complaint. Pursuant to the Order of August 11, 2014, the Board accepted the Fourth Amended Complaint. On October 14, 2014, Respondent filed its Answer to Complainant's Fourth Amended Complaint. The Fourth Amended Complaint alleges violations of Sections 9.1 and 39.5(6)(a) of the Act, 415 ILCS 5/9.1 and 39.5(6)(a) (2012), 40 C.F.R. § 60.43(a) and Condition 7.7.3 of Respondent's Clean Air Act Permit Program ("CAAPP") permit; Section 9(b) of the Act, 415 ILCS 5/9(b) (2010), and Conditions 6(a) and 5(a)(ii) of Respondent's construction permit No. 03070016; and Sections 165(a)(1) and (4) of the Clean Air Act, 42 U.S.C.S. 7475(a)(1) and (4) (2010), 40 C.F.R. § 52.21(a)(2)(ii), (a)(2)(iii), (j)(1) and (j)(3), and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1 (2010).

6. In early 2015, Respondent prepared a NSPS Applicability Determination, which was submitted to the United States Environmental Protection Agency – Region 5 on or about May 26, 2015.

7. Having received no response to the NSPS Applicability Determination, in December 2015, Respondent submitted a settlement proposal to Complainant.

8. On February 16, 2016, the United States Environmental Protection Agency ("USEPA") issued a Finding of Violation against Respondent alleging violations similar to those alleged in Count I of the Fourth Amended Complaint ("Finding of Violation").

9. Since the USEPA's issuance of the Finding of Violation, Complainant, Respondent, the Illinois Environmental Protection Agency ("IEPA") and USEPA have been engaged in confidential, settlement negotiations relating to the violations alleged in the Fourth Amended Complaint and the Finding of Violation.

10. To that end, Complainant, Respondent and the IEPA have agreed to the provisions of the Agreed Interim Order which establishes deadlines for Respondent to submit a proposed test plan and, upon approval, conduct an evaluation test to determine whether the installation of Dry Sorbent Injection ("DSI") systems will allow: (i) the injection of an appropriate sorbent at a rate to achieve an overall 90% removal rate of SO<sub>2</sub> to allow the facility to operate under the 40 CFR Part 60 Subpart Db of the New Source Performance Standards ("NSPS") requirements; or (ii) the maximum SO<sub>2</sub> removal rate below 90% that is achievable on a continuous basis using the permanent DSI system.<sup>1</sup> Based upon the results obtained, Complainant, Respondent and the IEPA (in consultation with USEPA) intend to conduct further negotiations to attempt to reach agreement on a Stipulation, which would resolve this case in its entirety.

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<sup>1</sup> The proposed Agreed Interim Order concerns Count I of the Fourth Amended Complaint. Counts II and III of the Fourth Amended Complaint allege past violations only and do not seek prospective relief.

## II. ARGUMENT

The Board has entered interim orders to allow for the evaluation of the effectiveness of potential compliance measures. *See, e.g., Donnetta Gott et al. v. M'Orr Pork, Inc.*, PCB No. 96-68 at 21-22 (Feb. 20, 1997) (Interim Opinion and Order requiring a qualified, independent evaluation of, and preparation of a report on, "additional methods for quickly and permanently abating odors"); *Village of Matteson v. World Music Theatre Jam Productions Ltd. et al.*, PCB No. 146 at pp. 37-41 (April 25, 1991) (Interim Opinion and Order requiring a study of noise control options and noise monitoring by an independent consultant). In *Gott*, the Board stated:

In cases in which there is not enough information in the record for the Board to order specific controls, the Board has often issued interim opinions. In an interim opinion, the Board may order respondents to evaluate emission control options and report the findings by a date certain, after which the Board may issue a final opinion and order requiring respondent to cease and desist from future violations and to implement certain control measures. The Board retains jurisdiction until it issues a final order in the matter. (See, e.g., *Scott and Karen Thomas v. Carry Companies of Illinois*, (August 5, 1993), PCB 91-195, slip. op. 19 and (May 19, 1994), PCB 91-195, slip. op. 3; *Koppers Co.*, PCB 88-127, slip op. 7-8 and (September 13, 1990), PCB 88-127, slip op. 2.)

PCB No. 96-68 at 21-22.

Complainant and Respondent recognize that, unlike *Gott* and *Matteson*, no hearing has been conducted in this case to date and, through the Agreed Interim Order, the parties are reserving all rights as to liability. However, sufficient information does not yet exist in the record for a proper evaluation of the Section 33(c) and 42(h) factors, which would be a necessary aspect of any hearing. 415 ILCS 5/33(c) and 42(h) (2014). Further, given the complex nature of this case and the length of time that has passed since filing, an interim order containing set deadlines to evaluate control technologies will assist in bringing this matter to resolution.<sup>2</sup>

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<sup>2</sup> To the extent that the Agreed Interim Order required enforcement, including with respect to the imposition of stipulated penalties, if necessary, the parties have agreed to pursue such an action in a Circuit Court proceeding.

WHEREFORE, Complainant and Respondent respectfully request that the Board (i) approve and enter the Agreed Interim Order; and (2) grant such other relief as the Board deems proper.

FOR COMPLAINANT:

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* LISA MADIGAN,  
Attorney General of the State of Illinois

/s/ Kathryn A. Pamenter  
Kathryn A. Pamenter  
Assistant Attorney General,  
Environmental Bureau  
69 W. Washington St., 18<sup>th</sup> Floor  
Chicago, IL 60602  
(312) 814-0608  
KPamenter@atg.state.il.us

FOR RESPONDENT:

TATE & LYLE INGREDIENTS  
AMERICAS LLC f/k/a/ TATE & LYLE  
INGREDIENTS AMERICAS, INC.

/s/ James L. Curtis  
James L. Curtis  
Jeryl L. Olson  
SEYFARTH SHAW LLP  
131 South Dearborn Street  
Suite 2400  
Chicago, Illinois 60603  
(312) 460-5000  
JCurtis@seyfarth.com  
JOlson@seyfarth.com

# **EXHIBIT 1**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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<b>Complainant,</b>	)	
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<b>company, f/k/a Tate and Lyle Ingredients</b>	)	
<b>Americas, Inc.,</b>	)	
	)	
<b>Respondent.</b>	)	

**AGREED INTERIM ORDER**

This cause coming before this Board for entry of an Agreed Interim Order; the Board having jurisdiction over the parties and the subject matter herein; and the Board otherwise being duly advised in the premises;

NOW THEREFORE, Complainant having alleged impacts to the environment pursuant to the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.* (2014) (“Act”), and the parties having agreed to the entry of this Agreed Interim Order (the “Order”), the Board enters the following Order which shall remain in effect until further order of the Board.

**IT IS HEREBY ORDERED THAT:**

**I. BACKGROUND**

1. Complainant incorporates by reference herein the allegations in its Fourth Amended Complaint accepted by the Board on August 11, 2014 (the “Complaint”), 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 Environmental Protection Agency (“Illinois EPA”), pursuant to Sections 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2014), against Tate and Lyle Ingredients Americas, LLC, a Delaware limited liability company, f/k/a Tate and



Lyle Ingredients Americas, Inc. ("Respondent"). The Respondent has denied the substantive allegations of the Complaint, including the alleged violations of the Act.

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 (2014).

3. The Respondent is a Delaware limited liability company registered with the Secretary of State's Office and is in good standing. The Respondent's corporate offices are located at 2200 East Eldorado Street, Decatur, Illinois.

4. At all times relevant to this Complaint, the Respondent has owned and operated a Corn Wet Mill multi-plant complex at 2200 East Eldorado Street, Decatur, Macon County, Illinois (the "Complex").

5. The Complex is a grain processing facility engaged in the manufacture of various food and industrial grade ingredients from renewable crops.

6. One of the plants located within the Complex is the Utilities Area Plant, also known as the Co-Generation Plant (the "Co-Generation Plant"). Emissions sources at the Co-Generation Plant include two coal-fired boilers, boiler numbers 1 and 2 ("Boilers #1 and #2"). Each boiler is a source of sulfur dioxide ("SO<sub>2</sub>") emissions.

## **II. GENERAL PROVISIONS**

7. This Order is not a final resolution of the merits of Complainant's Complaint. This Order does not, nor is it intended to, determine the liability of the Respondent for the subject matter of the Complaint, except as to its compliance with the requirements of this Order itself. The purpose of this Order is to determine whether the installation of the Dry Sorbent Injection ("DSI") systems will allow: (i) the injection of an appropriate sorbent at a rate to

achieve an overall 90% removal rate of SO<sub>2</sub> to allow the facility to operate under the 40 CFR Part 60 Subpart Db of the New Source Performance Standards (“NSPS”) requirements; or (ii) the maximum SO<sub>2</sub> removal rate below 90% that is achievable on a continuous basis using the permanent DSI system.

**III. INTERIM RELIEF**

8. *DSI System Test Plan.*

a. On or before October 31, 2016, the Respondent shall submit to the Illinois EPA and U.S. EPA a proposed plan to conduct a SO<sub>2</sub> evaluation test of coal-fired Boilers #1 and #2 (the “Test Plan”) to determine the maximum achievable SO<sub>2</sub> removal rate through a DSI system by testing a variety of types and amounts of sorbents at varying rates of limestone addition. Pursuant to Paragraph III.8.b. herein, the Test Plan shall be subject to the Illinois EPA’s review and acceptance, in consultation with U.S. EPA. The Test Plan shall, at a minimum, contain the following:

- i. Planned steam flow rate (lbs, steam/hour), and heat input rate (mmBtu/hour) during the test;
- ii. A description of planned coal to be utilized (i.e. % sulfur, % ash, and heat content);
- iii. The scheduled time period during which the SO<sub>2</sub> evaluation test shall be conducted;
- iv. A description of the sorbents to be tested during each phase of the approved test period, which shall include, but is not limited to, each of the following: Sodium Bicarbonate, Sodium Sesquicarbonate (*e.g.*, Trona) and Calcium Hydroxide;
- v. Maximum and minimum planned sorbent injection test rates to be tested;

- vi. Operating parameters relevant to direct sorbent injection performance, including, without limitation, the flue gas temperature range at each sorbent injections location;
- vii. A description of the DSI sorbent injection points for the evaluation testing;
- viii. A description of the continuous emission monitors ("CEM") that the Respondent shall utilize during testing to record SO<sub>2</sub>, with one CEM located before, and the other located after, the DSI sorbent injection point. CEM monitoring locations shall meet minimum standards established under 40 C.F.R. 60 Appendix B, Performance Specification 2, unless the Respondent requests and the Illinois EPA, in consultation with U.S. EPA, approves an alternative method in writing;
- ix. The engineering equation that the Respondent intends to utilize to calculate total SO<sub>2</sub> reduction rates achievable by the DSI System and, separately, by limestone injection. Sulfur dioxide emission rates before control by the DSI System and before limestone addition to the boilers shall be established via composite coal sampling during the evaluation period at a frequency to be established in the Test Plan; and
- x. A copy of the then-available design specifications for the temporary and permanent DSI Systems to be tested pursuant to the Test Plan.

b. If the Illinois EPA, in consultation with U.S. EPA, accepts with conditions or declines to accept the Test Plan, within fourteen (14) business days after receiving written notice of such acceptance with conditions or rejection, (unless an extension is granted, in writing, consistent with Section X contained herein), the Respondent shall submit a proposed revision to the Test Plan to the Illinois EPA and U.S. EPA, pursuant to Paragraph 10 herein, that addresses the conditions or deficiencies identified by the Illinois EPA and U.S. EPA. If the Illinois EPA, in consultation with U.S. EPA, again accepts with conditions or declines to accept the revised document, within twenty-one

(21) days of the date of the written notice of acceptance with conditions or rejection, the Respondent may (i) submit a second revised document incorporating proposed changes and/or conditions identified by the Illinois EPA and U.S. EPA or (ii) invoke Dispute Resolution pursuant to Section VII herein.

9. *DSI System Testing Deadlines*

a. On or before January 31, 2017, the Respondent shall install a temporary DSI System on Boilers #1 and #2 at the Complex's Co-Generation Plant.

b. Within fifteen (15) days of the startup of the temporary DSI System (i.e. where startup is the introduction of sorbent to the boilers) on Boilers #1 and #2 at the Complex's Co-Generation Plant, the Respondent shall notify the Illinois EPA and the U.S. EPA in writing, pursuant to Paragraph 10 herein, of the completed installation.

c. On or before May 1, 2017, the Respondent shall complete the SO<sub>2</sub> evaluation testing of the Boiler #1 and #2 temporary DSI System in accordance with the Test Plan accepted by the Illinois EPA, in consultation with U.S. EPA.

d. Within thirty (30) days of completing the evaluation testing, the Respondent shall submit a complete and accurate test report to the Illinois EPA, U.S. EPA and Complainant, in accordance with Paragraph 10 herein, (the "Test Results Report"). The Test Results Report shall be subject to the review and approval of the Illinois EPA, in consultation with the U.S. EPA, in accordance with Paragraph 9(e) herein. The Test Results Report shall include at a minimum for each coal boiler:

i. boiler operating information and final test data resulting from such testing

- ii. a description of each sorbent utilized;
  - iii. a description of the coal utilized (i.e., % sulfur, % ash, and heat content), daily SO<sub>2</sub> emissions (lbs/mmbtu), heat input (mmbtu/hr), limestone addition rates, sorbent injection rates (lbs/hr), calculated uncontrolled SO<sub>2</sub> emission rate (lbs/mmbtu), calculated SO<sub>2</sub> removal rate, steam flow rate (average lbs steam/hour); and
  - iv. all relevant operating parameters related to the DSI System evaluation testing utilizing sorbents as specified by Section III, paragraph 8(a)(vi), including, without limitation, the flue gas temperature range at each sorbent injection location.
- e. If the Illinois EPA, in consultation with U.S. EPA, accepts with conditions or declines to accept the Test Results Report because the performance testing was not completed in accordance with the approved Test Plan or the Test Results Report does not contain the information required pursuant to Paragraph 9(d) herein, within fourteen (14) business days after receiving written notice of such acceptance with conditions or rejection, (unless an extension is granted, in writing, consistent with Section X contained herein), the Respondent shall submit a proposed revision to the Test Results Report to the Illinois EPA and U.S. EPA, pursuant to Paragraph 10 herein, that addresses the conditions or deficiencies identified by the Illinois EPA and U.S. EPA. If the Illinois EPA, in consultation with U.S. EPA, again accepts with conditions or declines to accept the revised document, within twenty-one (21) days of the date of the written notice of acceptance with conditions or rejection, the Respondent may (i) submit a second revised

document incorporating proposed changes and/or conditions identified by the Illinois EPA and U.S. EPA or (ii) invoke Dispute Resolution pursuant to Section VII herein.

**IV. NOTICES**

10. All submittals and correspondence relating to the requirements of this Order shall be directed to the following persons:

As to the Complainant

Kathryn A. Pamerter  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
KPamerter@atg.state.il.us

As to the Illinois Environmental Protection Agency

Dennis Brown  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
Dennis.Brown@illinois.gov

As to the Respondent

Thor W. Ketzback  
Bryan Cave LLP  
161 North Clark Street, Suite 4300  
Chicago, IL 60601-3315

James L. Curtis and Jeryl L. Olson  
Seyfarth Shaw LLP  
131 South Dearborn Street  
Suite 2400  
Chicago, IL 60603-5577

As to U.S. EPA

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, IL 60604

**V. COMPLIANCE WITH LAWS AND REGULATIONS**

11. Except as expressly provided herein, this Order in no way affects the responsibilities of the Respondent to comply with all federal, state or local laws or regulations, including but not limited to the Act.

**VI. STIPULATED PENALTIES**

12. Except in the event of a Force Majeure under Section VIII herein, if the Respondent fails to comply with any of the requirements of this Order, the Respondent shall be liable to pay to Complainant stipulated penalties in the amount of \$500.00 per day, per violation, until such time that compliance is achieved.

13. In the event Complainant determines that a violation that could be subject to stipulated penalties has occurred, Complainant will provide written notification of such violation to the Respondent in accordance with Paragraph 10 of this Order. Failure by Complainant to provide such written notification shall not be construed as a waiver of Complainant's right to seek stipulated penalties under this Order. Complainant may waive stipulated penalties in its discretion.

14. All stipulated penalties owed shall be payable within thirty (30) calendar days of the receipt of written demand from Complainant, unless such penalties, or any portion thereof, are disputed by the Respondent, which dispute shall be resolved pursuant to Paragraph 15 of this

Order. All penalties shall be paid by certified check or money order payable to the "Illinois EPA" for deposit in the Environmental Protection Trust Fund and delivered to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

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

A copy of the certified check or money order and any transmittal letter shall be sent to:

Kathryn A. Pamentier  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 West Washington Street, 18<sup>th</sup> Floor  
Chicago, Illinois 60602

#### **VII. DISPUTE RESOLUTION**

15. The parties shall use their best efforts to resolve any and all disputes or differences of opinion arising with regard to this Order, informally and in good faith, within fifteen (15) days of a party providing notice to the other parties of such a dispute. If, however, a dispute arises concerning this Order that the parties are unable to resolve informally, either party may, by written motion, within five (5) days of conclusion of the informal resolution efforts, request that an evidentiary hearing be held before the Circuit Court of Macon County, Illinois, to resolve the dispute between the parties.

#### **VIII. FORCE MAJEURE**

16. The Respondent may declare *force majeure* in appropriate circumstances as follows:



a. A *force majeure* event is an event arising solely beyond the reasonable control of the Respondent, which prevents the timely performance of any of the requirements of this Order. For the purposes of this Order, *force majeure* shall include, but is not limited to, events such as floods, tornadoes, other natural disasters, labor disputes beyond the reasonable control of the Respondent, or prohibitions imposed by the Board or any Court having jurisdiction over the Respondent.

b. When, in the opinion of the Respondent, a *force majeure* event occurs which causes or may cause a delay in the performance of any of the requirements of this Order, the Respondent shall electronically notify Complainant and the Illinois EPA via email within forty-eight (48) hours of when it knew or reasonably should have known of the occurrence. Written notice shall be given to Complainant as soon as practicable, but no later than ten (10) business days after the claimed occurrence, setting forth in detail the cause of the event, reasons preventing the timely performance of any requirement specified within Section III herein, and measures implemented and/or to be implemented by the Respondent in resolution of the apparent event so as to ensure compliance with the requirements set forth in Section III contained herein.

c. Failure by the Respondent to comply with the notice requirements of the preceding paragraph shall render this *force majeure* provision voidable by Complainant as to the specific event for which the Respondent has failed to comply with the notice requirement. If voided, this section shall be of no effect as to the particular event involved.

d. An increase in costs associated with implementing any requirement of this Order shall not, by itself, excuse the Respondent under the provisions of this Order from a failure to comply with such a requirement.

**IX. RIGHT OF ENTRY**

17. In addition to any other authority, the Illinois EPA, including its employees and representatives, and the Attorney General, including her agents and representatives, shall have the right of entry into and upon the Complex owned by or under control of the Respondent and which is the subject of this Order, at all reasonable times for the purpose of carrying out inspections of the Site. In conducting such inspections, the Illinois EPA, including its employees and representatives, and the Attorney General, including her employees and representatives, agree to abide by reasonable safety requirements. They may take photographs, samples, and collect information, as they deem necessary.

**X. EXTENSIONS AND MODIFICATIONS**

18. The parties may, by mutual consent, extend any compliance dates or modify the terms of this Order without filing a motion for leave. Any such agreed modification shall be in writing, signed by authorized representatives of each party and incorporated into this Order by reference. Any request for modification shall be made by the Respondent in writing and shall be independent of any other submittal made pursuant to this Order. Moreover, notice of a request for any proposed modification shall be provided to Complainant's representatives listed in Paragraph 10 of this Order.

**XI. RESERVATION OF RIGHTS**

19. Nothing contained herein shall be deemed at this time, and compliance with this

order by the Respondent shall not be deemed, an admission of any wrongful conduct or violation of any applicable statute, law or regulations thereunder by the Respondent, nor a finding of fact or adjudication by this Board of any of the facts or claims contained in the Complaint. Notwithstanding the entry of this Order, Complainant reserves the right to seek additional technical relief and civil penalties in this matter, and nothing in this Order shall constitute a defense to any such requested relief or civil penalties.

**XII. RETENTION OF JURISDICTION**

20. This Board shall retain jurisdiction of this matter and shall consider any motion by Complainant or the Respondent for the purposes of interpreting and enforcing the terms and conditions of this Order.

**XIII. SIGNATURE**

21. This Order may be signed in counterparts, all of which shall be considered one agreement.

*[Remainder of Page Blank; Text Continues on Page 13]*

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

**AGREED:**


**FOR COMPLAINANT**

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* LISA MADIGAN, Attorney General  
of the State of Illinois,

FOR THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

MATTHEW J. DUNN, Chief  
Environmental/Asbestos Litigation Division

ALEC MESSINA, Acting Director  
Illinois Environmental Protection Agency

By:   
ELIZABETH WALLACE, Chief  
Environmental Bureau  
Assistant Attorney General

By: \_\_\_\_\_  
JOHN J. KIM  
Chief Legal Counsel

DATE: 10 | 21 | 16

DATE: \_\_\_\_\_

**FOR THE RESPONDENT:**

TATE AND LYLE INGREDIENTS  
AMERICAS LLC f/k/a TATE AND LYLE  
INGREDIENTS AMERICAS, INC.

BY: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_

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

**AGREED:**

**FOR COMPLAINANT**

PEOPLE OF THE STATE OF ILLINOIS  
*ex rel.* LISA MADIGAN, Attorney General  
of the State of Illinois,


MATTHEW J. DUNN, Chief  
Environmental/Asbestos Litigation Division

By: \_\_\_\_\_  
ELIZABETH WALLACE, Chief  
Environmental Bureau  
Assistant Attorney General

DATE: \_\_\_\_\_

FOR THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

ALEC MESSINA, Acting Director  
Illinois Environmental Protection Agency

By:  \_\_\_\_\_  
JOHN J. KIM  
Chief Legal Counsel

DATE: 10/20/16

**FOR THE RESPONDENT:**

TATE AND LYLE INGREDIENTS  
AMERICAS LLC f/k/a TATE AND LYLE  
INGREDIENTS AMERICAS, INC.

BY: \_\_\_\_\_

Its: \_\_\_\_\_

DATE: \_\_\_\_\_



**CERTIFICATE OF SERVICE**

I, Kathryn A. Pamenter, an Assistant Attorney General, do certify that I caused to be served this 21<sup>st</sup> day of October, 2016, the attached Notice of Electronic Filing and the Joint Motion to Approve and Enter Agreed Interim Order upon (a) James L. Curtis and Jeryl L. Olson and (b) Hearing Officer Carol Webb, *via email*.

  
KATHRYN A. PAMENTER