

ILLINOIS POLLUTION CONTROL BOARD  
August 25, 2016

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 16-43
	)	(Enforcement – Water/Air)
PERFECT MULCH PRODUCTS, INC.,	)	
an Illinois corporation	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.M. Keenan):

On August 31, 2015, the Office of the Attorney General filed a two-count complaint on behalf of the People of the State of Illinois.<sup>1</sup> The complaint alleged that Perfect Mulch Products, Inc. violated the Environmental Protection Act and Board regulations by allowing landscape waste to catch fire and smolder for several months. The fire allegedly emitted vapor clouds, haze, smoke, dust, and foul odors from the respondent’s mulching yard in McCook, Cook County.<sup>2</sup>

The People’s complaint alleged that by allowing the landscape waste to smolder, Perfect Mulch Products: (1) emitted smoke, dust, and other contaminants into the air, causing air pollution<sup>3</sup> and (2) openly burned refuse.<sup>4</sup> The People and Perfect Mulch Products have agreed to a stipulation and proposal for settlement of these claims.<sup>5</sup> The stipulation states that Perfect Mulch Products will pay a \$13,750 civil penalty and implement its fire prevention plan; the respondent neither admits nor denies the alleged violations.<sup>6</sup> The stipulation also states that Perfect Mulch Products has come into compliance with the Act and Board regulations.<sup>7</sup>

The Environmental Protection Act requires the Board to hold a hearing when the People allege violations of its provisions.<sup>8</sup> However, when a settlement is reached, the Board may relieve this requirement upon the motion of the People and the alleged violator.<sup>9</sup> The parties moved for this relief.<sup>10</sup>

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<sup>1</sup> People v. Perfect Mulch Products, Inc., PCB 16-43 (August 31, 2015) (Complaint).  
<sup>2</sup> Complaint at 2.  
<sup>3</sup> Complaint at 4 (alleging violation of 415 ILCS 5/9(a) (2014) and 35 Ill. Adm. Code 201.141).  
<sup>4</sup> Complaint at 7 (alleging violation of 415 ILCS 5/9(c) (2014)).  
<sup>5</sup> People v. Perfect Mulch Products, Inc., PCB 16-43 (Aug. 22, 2016) (Stipulation).  
<sup>6</sup> Stipulation at 2, 5.  
<sup>7</sup> *Id.* at 5.  
<sup>8</sup> 415 ILCS 5/31(c)(1) (2014) (hearing requirement).  
<sup>9</sup> 415 ILCS 5/31(c)(2) (2014) (relief from hearing requirement).  
<sup>10</sup> People v. Perfect Mulch Products, Inc., PCB 16-43 (Aug. 22, 2016) (Motion for relief from hearing requirement).

Before it may grant the parties' motion, the Board must notify the public of the stipulation, proposed settlement, and request for relief.<sup>11</sup> The notice must be published in a newspaper of general circulation in Cook County.<sup>12</sup> If anyone files a written demand for a hearing within 21 days after receiving the notice, the Board will deny the parties' request for relief and hold a hearing.<sup>13</sup> The Board directs the Clerk to give this notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 25, 2016, by a vote of 4-0.



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John T. Therriault, Clerk  
Illinois Pollution Control Board

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<sup>11</sup> 415 ILCS 5/31(c)(2) (2014).

<sup>12</sup> *Id.*, referencing 415 ILCS 5/31(c)(1) (2014).

<sup>13</sup> 415 ILCS 5/31(c)(2) (2014).