

ILLINOIS POLLUTION CONTROL BOARD
January 18, 2024

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 23-91
) (Enforcement - Air)
ROCHELLE ENERGY LLC, a Delaware)
limited liability company,)
)
Respondent.)

ORDER OF THE BOARD (by B.F. Currie):

On February 7, 2023, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Rochelle Energy LLC (Rochelle Energy). The complaint concerns Rochelle Energy’s landfill gas-to-energy facility at 6516 Mulford Road, Rochelle, Ogle County. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

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 Rochelle Energy violated Section 39.5(6)(a) of the Act, 415 ILCS 5/39.5(6)(a) (2022), and Condition 4.2.2(b)(ii)(A)(I) of Clean Air Act Permit Program (CAAPP) Permit No. 13050046. The People allege that Rochelle Energy violated the Act by failing to monitor the processed landfill gas leaving the sulfur system for its sulfur content by using either weekly Draeger tube readings with quarterly lab sampling and analysis or a continuous monitoring system.

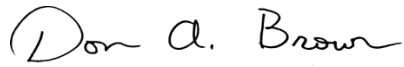
On January 8, 2024, the People and Rochelle Energy filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2022)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2022)), 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, Rochelle Energy does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$35,000.

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 January 18, 2024, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above the printed name and title.

Don A. Brown, Clerk
Illinois Pollution Control Board