

ILLINOIS POLLUTION CONTROL BOARD

May 19, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 97-179
	)	(Enforcement – Air)
MIDWEST GRAIN PRODUCTS OF	)	
ILLINOIS, INC., an Illinois Corporation,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by T.E. Johnson):

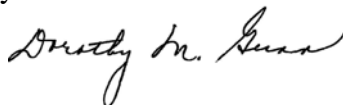
This matter is before the Board on an April 7, 1997 complaint filed by the People of the State of Illinois (People) against Midwest Grain Products of Illinois, Inc., an Illinois corporation (Midwest). In the complaint, the People allege that Midwest committed violations of the Illinois Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2002)) and associated regulations by exceeding statutory emission rates, by not completing a best available control technology (BACT) analysis or installing a BACT system, by discharging particulate matter in excess of permitted emission limitations into the environment, by operating feed dryers in excess of construction permit emission limitations, and by operating two feed dryers without first obtaining an operating permit. The People allege these violations occurred at a facility located at South Front Street and Distillery, Pekin, Tazewell County.

On April 22, 2005, attorney Patrick M. Flachs (Flachs) filed a motion requesting to appear *pro hac vice* as counsel for Midwest. Flachs asserts that he is an attorney and has been licensed to practice law in the State of Texas since November 6, 1978, and the State of Missouri since December 19, 1996. Mot. at 1. He asserts that he is a partner and practices in the environmental and regulatory practices group at Husch & Eppenberger, L.L.C. Mot. at 2.

To date, the People have not filed a response to the motion for leave to appear *pro hac vice*. If a party files no response to a motion within 14 days the party will be deemed to have waived objection to the granting of the motion. See 35 Ill. Adm. Code 101.500(d). The Board hereby grants the motion for Flachs to appear *pro hac vice* before the Board.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 19, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board