

**IN THE CIRCUIT COURT FOR COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex rel.* KWAME RAOUL, Attorney )  
General of the State of Illinois, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
PRESTIGE FEED PRODUCTS LLC, )  
an Illinois limited liability company, )  
 )  
Defendant. )  
 )

No. 2025CH02892

**COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES**

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney  
General of the State of Illinois, on his own motion and at the request of the ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY, complains of the Defendant, PRESTIGE  
FEED PRODUCTS LLC, as follows:

**COUNT I  
AIR POLLUTION**

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General of the State of Illinois, on his own motion and at the  
request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”),  
against the Defendant, Prestige Feed Products LLC (“Prestige” or “Defendant”), pursuant to  
Section 42 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/42 (2022).

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 (2022), and charged with, *inter alia*, the duty of  
enforcing the Act.

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3. At all times relevant to this Complaint, Prestige has been and is an Illinois limited liability company, duly authorized to transact business in the State of Illinois.

4. At all times relevant to this Complaint, Prestige has operated and continues to operate an animal feed manufacturing plant at 601 E. Kensington Road, Mount Prospect, Cook County, Illinois (the “Facility”), located in the Kensington Business Park area of Mount Prospect, Illinois.

5. The Facility is located less than a quarter mile away from residences to the east and south, and other business including Mizkan America, Inc. (“Mizkan”), a company that creates sauces for Ragu and Bertolli, among others.

6. Prestige began its operations at the Facility on or about March 19, 2019 or on a date better known to the Defendant.

7. As part of its operations at the Facility, Prestige uses equipment and machinery to dehydrate raw soy and cheese-based materials into an animal feed ingredient.

8. Starting in March 2019, when Prestige began its operations at the Facility, neighbors in the vicinity of the Facility complained about odors emanating from the Facility.

9. Specifically, from at least June 7, 2023 through the date of filing this Complaint, nearly 150 residents logged over 1,000 separate complaints of odors from the Facility, including but not limited to:

- a. Many residents specifically complain and describe the odors from the Facility as overpowering, nauseating, disgusting, horrible, horrendous, horrific, terrible, pungent, and a stench of burning or burnt cheese.
- b. Numerous residents describe being forced inside their homes by the smell, being unable to go for walks in their neighborhood, being unable to barbeque,

- being unable to enjoy backyard firepits, being unable to enjoy sitting on their front porches, and unable to go out of their homes to enjoy pleasant weather.
- c. Several residents specifically mention being forced to keep windows in their homes closed due to the odor emanating from the Facility.
  - d. At least one neighbor complained specifically that the odor aggravates her asthma to the point where she cannot go outside her home without coughing while the odor from the Facility is present.
  - e. Another neighbor specifically complained that at times, the odors from the Facility make breathing hard.
  - f. Some residents state that social interactions in the neighborhood have been altered by the odors from the Facility, specifically that no one in the neighborhood is able to have spontaneous backyard get-togethers with neighbors that were common before the odors from the Facility became an issue. When the odor is present, neighbors do not want to spend time outdoors and limit their outdoor activity, which limits socializing done among neighbors.
  - g. Neighbors state cutting the grass in their yards can be very unpleasant when the Facility is running operations due to the odors from the Facility.
  - h. Many neighbors and residents expressed concerns regarding exactly what it is that they are breathing, describing the odors from the Facility as being “heavy” and “staying in the nose”.
  - i. Mizkan is a manufacturing plant located at 1661 Feehanville Dr., Mount Prospect, Illinois, less than a quarter mile from the Facility that frequently

holds tastings for buyers. Odor from the Facility interferes with this business, disrupting the ability of Mizkan employees and potential buyers from being able to actually taste the sauces Mizkan develops. Employees of Mizkan complain about the odors from the Facility including reports of headaches and nausea.

- j. Park View Montessori School is a day care and preschool located at 1601 Feehanville Dr., Mount Prospect, Illinois, less than a quarter mile away from the Facility. Staff at Park View Montessori School complained of the odors from the Facility, reporting it when the wind blew it in their direction. Children at the school also complained of the odor from the Facility, which made some of them nauseous. Due to these complaints, during the summer of 2024, staff were forced to keep children indoors on days when the odor from the Facility was present.
- k. Neighbors also reported that the smell has at times made their children sick while waiting for the school bus.
- l. The River Trails School District 26 consists of 4 schools. Each of these schools are also affected by the odor, which is noticeable from all four locations within the district. Students are sometimes kept indoors when otherwise they would be outside, due to the odor, and they complain when they are outside while the odor is present. The odor is distracting to students. The four schools in the district are:

- i. Prairie Trails School, located at 805 North Burning Bush Lane, Mount Prospect, Illinois 60056, approximately 0.75 miles away from the Facility;
- ii. Indian Grove Elementary School, located at 1340 North Burning Bush Lane, Mount Prospect, Illinois 60056, approximately 1.18 miles from the Facility;
- iii. Euclid Elementary School, located at 711 East Euclid Avenue, Mount Prospect, Illinois 60056, approximately 1.16 miles from the Facility; and
- iv. River Trails Middle School, located at 1000 North Wolf Road, Mount Prospect, Illinois 60056, approximately 0.5 miles from the Facility.

10. Residents continue to complain of odors emanating from the Facility's operations and impacting their lives and enjoyment of their homes and property through the date of filing of this Complaint.

11. On July 19, 2023, Illinois EPA conducted an inspection of the Facility. At the time of the inspection, wind direction was varied and there was an odor at 3 off-site locations on that day:

- a. At the parking lot of the Facility between 9:16 PM and 9:21 PM there was a burnt cheese odor. This location is approximately 0.07 miles from the Facility;
- b. At the parking lot of Mount Prospect Ice Arena between 9:21 PM and 9:26 PM there was a burnt cheese odor. This location is approximately 0.11 miles from the Facility; and

- c. At the crossroads between Feehanville Dr. & Lakeview Ct. between 9:58 PM and 10:03 PM there was a strong burnt cheese odor. This location is approximately 0.16 miles from the Facility.

12. On November 21, 2024, beginning at approximately 8:30 PM, an Illinois EPA inspector again observed areas surrounding the Facility. The Facility was operating and there were burnt cheese odors in numerous areas around and off-site of the Facility while the Facility was operating:

- a. At the parking lot to the southeast of the Facility at approximately 8:33 PM there was a very strong burnt cheese odor. This location is approximately 0.06 miles from the Facility;
- b. At Lowden Lane at approximately 8:36 PM there was a very strong burnt cheese odor. This location is approximately 0.14 miles from the Facility;
- c. At Jeffery Drive at approximately 8:40 PM there was a mild burnt cheese odor. This location is approximately 0.17 miles from the Facility;
- d. At Mitchell Lane at approximately 8:42 PM there was a faint burnt cheese odor. This location is approximately 0.24 miles from the Facility;
- e. At Kylemore Drive at approximately 8:45 PM there was a strong burnt cheese odor. This location is approximately 0.27 miles from the Facility;
- f. At Bending Court at approximately 8:50 PM there was a strong burnt cheese odor. This location is approximately 0.31 miles from the Facility;
- g. At Kenmore Court at approximately 8:53 PM there was a strong burnt cheese odor. This location is approximately 0.36 miles from the Facility; and
- h. At Timothy Lane at approximately 8:57 PM there was a strong-mild burnt

cheese odor. This location is approximately 0.61 miles from the facility.

13. At some time prior to April 1, 2024, Prestige retained the services of V3 Companies, Ltd (“V3”), an environmental consulting firm, to assist Prestige in its review of odor complaints within the surrounding community.

14. On April 1, 2024, the Illinois EPA received an Odor Assessment Report from V3 that it submitted to Illinois EPA on behalf of Prestige (“V3 Odor Assessment Report”). The V3 Odor Assessment Report provided test results and analysis of some of the Facility’s exhaust discharge points and ambient air samples for seventeen compounds. The V3 Odor Assessment provided test results and reported that on January 17, 2024, V3 collected samples at nine locations including at the Facility, at the Facility’s boundary line and in residential neighborhoods to the east of the Facility.

15. The V3 Odor Assessment Report identified levels of Butyric Acid at all nine locations that were sampled. Butyric Acid has a published non-regulatory threshold of 1.0 parts per billion volume (“ppbv”), meaning the presence of Butyric Acid at a concentration of 1.0 ppbv allows approximately half of the general population to detect its odor. The V3 Odor Assessment Report results showed that concentration levels of Butyric Acid in the neighborhood around Prestige varied from 32.14 ppbv to 40.96 ppbv, significantly higher than the published non-regulatory odor threshold.

16. According to the National Institutes of Health (“NIH”), Butyric Acid is well known to have a penetrating, rancid, putrid, cheesy, obnoxious, and otherwise unpleasant odor. NIH, *Butyric Acid*, <https://pubchem.ncbi.nlm.nih.gov/compound/butyric%20acid> (last visited March 13, 2024).

17. Also, according to NIH, inhalation of Butyric Acid may cause symptoms such as

wheezing, coughing, shortness of breath, or burning in the mouth, throat, or chest and may cause nausea and vomiting. It is not clear what concentrations of butyric acid may cause symptoms to manifest. NIH, *Butyric Acid*, <https://pubchem.ncbi.nlm.nih.gov/compound/butyric%20acid> (last visited March 13, 2024).

18. Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), provides, as follows:

No person shall:

- a. Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

19. Section 201.141 of the Illinois Pollution Control Board (“Board”) Air Pollution regulations, 35 Ill. Adm. Code 201.141, provides, as follows:

**Prohibition of Air Pollution**

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

20. Section 3.315 of the Act, 415 ILCS 5/3.315 (2022), provides, as follows:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

21. The Defendant, a limited liability company, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2022).

22. Section 3.165 of the Act, 415 ILCS 5/3.165 (2022), provides, as follows:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.



23. The odor emanating from the Facility, is a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2022).

24. Section 3.115 of the Act, 415 ILCS 5/3.115 (2022), provides, as follows:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as **to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property. Emphasis added.**

25. From at least June 7, 2023 through the date of filing this Complaint, as alleged herein in paragraphs 9 through 12, odors from the Defendant’s operations at the Facility have caused residents to have (a) headaches, (b) nausea, (c) asthma attacks, (d) increased stress and anxiety, and (e) limited use of their homes, yards or neighborhoods, all of which have been injurious to human life, health or property and unreasonably interfered with residents’ enjoyment of their lives and their property and is therefore “air pollution” as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2022).

26. By causing, threatening or allowing the discharge of odors from the Facility, the Defendant has caused or tended to cause air pollution, and thereby violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 201.141 of the Board Air Pollution regulations, 35 Ill. Adm. Code 201.141.

27. Violations of the pertinent environmental statutes will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this court enter a preliminary injunction, and, after trial, permanent injunction, and an order in favor of Plaintiff and against the Defendant, PRESTIGE FEED PRODUCTS LLC, on Count I:

1. Finding that the Defendant has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 201.141 of the Board Air Pollution regulations, 35 Ill. Adm. Code 201.141;

2. Enjoining the Defendant from further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 201.141 of the Board Air Pollution regulations, 35 Ill. Adm. Code 201.141;
3. Ordering the Defendant to take immediate action to prevent the emission of odors from the Facility;
4. Assessing against the Defendant, pursuant to Section 42(a) of the Act, a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Section 9(a) of the Act, 415 ILCS 5/9(a) (2022), and Section 201.141 of the Board Air Pollution regulations, 35 Ill. Adm. Code 201.141, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of the action; and
6. Granting such other relief as this Court deems appropriate and just.

**COUNT II**  
**NOISE POLLUTION**

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, on his own motion, against Prestige, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2022).

2-9. Plaintiff realleges and incorporates by reference herein paragraphs 3 through 7, 20 and 21 of Count I as paragraphs 1 through 9 of this Count II.

10. From approximately May 2019, when Prestige began operations at the Facility through the date of filing this Complaint, noise from Defendant's operations at the Facility has been heard in the surrounding neighborhoods. Noise is believed to be caused by fans or exhaust

systems, or other specific systems better known to the Defendant.

11. From at least June 7, 2023 through the date of filing of this Complaint, during the hours of Defendant's operations at the Facility, residents complained of the noise from the Facility. During this period, approximately 21 separate individuals made approximately 115 complaints, including but not limited to the following:

- a. Noise from the Facility caused some residents to wake multiple times a night.
- b. Noise from the Facility also prolonged residents' ability to fall asleep.
- c. Residents reported having to use sleeping aids such as ear plugs, headphones, and fans turned to high.
- d. Residents further reported having to move to a different area of the house to fall asleep because of the noise and the vibrations from the noise that they felt while trying to fall asleep.
- e. Additionally, some residents' children and other family members have had trouble sleeping because of the noise.
- f. Residents also kept their windows closed to limit noise when they would have otherwise left their windows open, which would cause them to use more air conditioning in the summer because the windows were closed.
- g. Some residents also complained of getting headaches because of the noise.
- h. Residents have also complained about difficulty sitting outside while noise is present.

12. By causing residents to have difficulty sleeping and have limited use of their homes and yards, noise from the Facility has caused residents to suffer from (a) headaches, and (b) loss of sleep.

13. Section 24 of the Act, 415 ILCS 5/24 (2022), provides as follows:

No person shall emit beyond the boundaries of his property any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity, so as to violate any regulation or standard adopted by the Board under this Act.

14. Section 900.102 of the Board Noise Regulations, 35 Ill. Adm. Code 900.102, provides as follows:

No person shall cause or allow the emission of sound beyond the boundaries of his property, as property is defined in Section 25 of the Illinois Environmental Protection Act, so as to cause noise pollution in Illinois, or so as to violate any provision of this Chapter.

15. Section 900.101 of the Board Noise Regulations, 35 Ill. Adm. Code 901.101, provides in part as follows:

...

“Noise pollution”: the emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

...

“Sound”: a physical disturbance causing an oscillation in pressure in a medium (e.g., air) that is capable of being detected by the human ear or a sound measuring instrument.

...

16. Section 25 of the Act, 415 ILCS 5/25 (2022), provides in part as follows:

For purposes of this Section and Section 24, “beyond the boundaries of his property” or “beyond the boundaries of the property of any person” includes personal property as well as real property.

17. Defendant has caused or allowed the emission of noise beyond the boundaries of the Facility which have caused residents to have difficulty sleeping, limited use of their homes and yards, and headaches, and have thereby unreasonably interfered with residents’ enjoyment of their lives and lawful activity at their homes and property, in violation of Section 24 of the Act,

415 ILCS 5/24 (2022).

18. The emission of noise from the Defendant's operation at the Facility that caused residents to have limited use of their homes and yards, headaches and loss of sleep, unreasonably interfered with residents' enjoyment of their lives and lawful activity, is "noise pollution," as that term is defined by Section 900.101 of the Board Noise Regulations, 35 Ill. Adm. Code 900.101.

19. By causing or allowing emission of noise beyond the boundaries of the Facility so as to cause noise pollution, the Defendant violated Section 900.102 of the Board Noise Regulations, 35 Ill. Adm. Code 900.102, and thereby also violated Section 24 of the Act, 415 ILCS 5/24 (2022).

20. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, prays that this court enter a preliminary injunction, and, after trial, permanent injunction, and an order in favor of Plaintiff and against the Defendant, PRESTIGE FEED PRODUCTS LLC, on Count II:

1. Finding that the Defendant has violated Section 24 of the Act, 415 ILCS 5/24 (2022), and Section 900.102 of the Board Noise Regulations, 35 Ill. Adm. Code 900.102;

2. Enjoining the Defendant from further violations of Section 24 of the Act, 415 ILCS 5/24 (2022), and Section 900.102 of the Board Noise Regulations, 35 Ill. Adm. Code 900.102;

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 24 of the Act, 415 ILCS 5/24 (2022), and Section 900.102 of the Board Noise Regulations, 35 Ill. Adm. Code

900.102;

4. Assessing against the Defendant, pursuant to Section 42(a) of the Act, a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Section 24 of the Act, 415 ILCS 5/24 (2022), and Section 900.102 of the Board Noise Regulations, 35 Ill. Adm. Code 900.102, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2022), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of the action; and

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6. Granting such other relief as this Court deems appropriate and just.

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

MATTHEW J. DUNN, Chief  
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