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Village of Mount Prospect

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Prestige Feed Products, LLC Odor Complaint/Dispute Timeline

Due to the volume of questions the Village of Mount Prospect ("Village") receives related to Prestige Feed Products, LLC's ("Prestige") operation of its facility from 431 Lakeview Court, Suite A, Mount Prospect, Illinois ("Facility"), the Village has compiled the following timeline of certain key events. The Village intends to update this timeline as additional key events occur.

<u>Date</u>	<u>Description</u>	<u>Link to Document</u>
March 19, 2019	Prestige applies for a business license with the Village to operate under a light manufacturing use. Village Code defines a light manufacturing use as: The assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. Village Code § 14.2401.	Business License Application: Village Code:
May 23, 2019	Prestige opens and the Village begins getting complaints from the community about the odors resulting from the operation of the Facility.	
May 24, 2019	The Village issues Prestige a written notice of a violation of Village Code related to the Facility's odors.	May 24, 2019 notice of violation:
June 10, 2019	Prestige informs the Village that it has a plan to reduce odors and has narrowed potential odor mitigation systems down to two options: 1) Scrub-Air Systems, Inc. system at an estimated cost of \$132,130, 2) DeKalb Mechanical System at an estimated cost of	June 10, 2019 Email and attachment:

	\$109,900. Prestige claims that although there are cheaper systems, these systems are most likely to appease the Village as well as the residents.	
June 12, 2019	After receiving continued complaints from nearby residential and business areas about the odors emitted from Prestige's operation of the Facility, the Village sends a letter to Prestige in which it discusses the complaints, Village staff corroboration of those complaints, and violations of Village Code.	June 12, 2019 Letter: Village Code:
June 13, 2019	Prestige agrees cease operation while evaluates engineering designs of the two odor mitigation systems it is evaluating.	
June 20, 2019	Prestige is contacted by Byers Scientific after Byers Scientific read an article about Prestige in the local paper. Byers Scientific proposes a solution to Prestige that would be 1/3 the cost of the two air scrubber systems Prestige had previously told the Village would appease all the odor related issues.	
August 2 and 22, 2019	Prestige's consultant, Mostardi Platt, performs certain odor emissions testing at the Facility.	
August 7, 2019	Prestige self-selects the Byers Scientific odor reduction system as the system it will install at the Facility and informs the Village of its decision.	August 7, 2019 Email and Attachments:
August 28, 2019	Prestige issues a letter to the Village outlining its installation plan for the Byers Scientific system that Prestige believes, when operational, will comply with Village Code Requirements.	August 28, 2019 Letter:
October 28, 2019	Prestige completes the installation of its odor reduction system.	
January 21, 2020	Despite Prestige's installation of the Byers Scientific odor reduction system at the Facility, the Village still receives complaints	January 21, 2020 Email:

	from the community about the odors resulting from the operation of the Facility. Prestige acknowledges the issue, claiming an 80-85% effective rate on combating the odor and promising changes to the odor reduction system. Moreover, Prestige promises to operate only at night while it tweaks the system.	
April 22, 2020	Prestige presents a plan for further changes to its Byers Scientific odor reduction system to the Village. It involves add-ons to the system such as applying a vapor and adding carbon filtration.	April 22, 2020 plans:
July, 2020	Prestige installs Anue Geomembrane carbon air filtration system as an add-on to its odor reduction system.	
October, 2020	Representatives of Prestige and representatives of the Village meet at the Facility and Prestige explains the changes it made to the Facility's odor reduction system. The Village gives temporary approval for Prestige to operate during daytime hours.	
March 1, 2021	The Village still receives complaints from the community about odors released from the Facility, Village staff corroborates the complaints, and the Village presents Prestige with a "Notice of Imminent Legal Action."	March 1, 2021, Notice of Imminent Legal Action:
March 30, 2021	Prestige claims the Facility complies with Village Code. Prestige and the Village enter into a tolling agreement to attempt to resolve their disputes without litigation. (A tolling agreement pauses the "clock" on a statute of limitations or other time-bound legal process, allowing more time for negotiations or other actions before a potential lawsuit or legal action.) The tolling agreement is amended and restated on 7 different occasions.	The March 30, 2021 Tolling Agreement: Extensions of the Tolling Agreement:
April 8, 2021	Prestige acknowledges the operation of its Facility creates odors that affect a local business and Prestige agrees to modify its	April 8, 2021 Email:

	operating hours to accommodate that local business.	
April 29, 2021	The Village still receives complaints from the community about odors released from the Facility, Village staff corroborates the complaints, and the Village presents Prestige with a cease and desist letter.	The April 29, 2021 Cease and Desist letter:
May 11, 2021	Prestige agrees to operate in the 8:00 p.m. to 5:00 a.m. time window.	
June 2, 2021	Prestige's consultant, Mostardi Platt, produces an Odor Investigation for Prestige from tests it performed on April 1, 2021.	
Spring, 2022	Prestige claims to upgrade its existing carbon air filtration add-on (the Anue Geomembrane carbon air filtration system) to the Byers Scientific odor mitigation system.	
October 31, 2022	Prestige's consultant, Mostardi Platt, produces an Odor Investigation for Prestige from tests it performed on June 10, 2022.	
April 10, 2023	The Village still receives complaints from the community about odors released from the Facility, Village staff corroborates the complaints, and the Village terminates the tolling agreement effective May 11, 2023.	Village Termination of Tolling Agreement:
May 25, 2023	Prestige files a complaint for injunctive relief and damages against the Village claiming that the operation of the Facility complies with Village Code.	Prestige's Complaint:
June 7, 2023	Prestige and the Village enter into an agreed order which permits Prestige to operate its facility on a limited basis starting at 9:00 p.m. and ending at 5:00 a.m.	Agreed Order:
July 19, 2023	The Illinois EPA conducts an inspection at the Facility and detects odors coming from the Facility at 3 off-site locations.	People of the State of Illinois' complaint against Prestige:

August 8, 2023	The Village files a counterclaim for injunctive relief against Prestige stating that the Facility's operation violates Village Code.	Village Counterclaim:
September 6, 2023	Prestige files a motion to dismiss the Village's counterclaim.	Prestige's Motion to Dismiss: The Village's Response: Prestige's Reply:
October 2, 2023	Prestige installs an Atmosphere Global misting system as an additional add-on to its Byers Scientific odor mitigation system at the Facility.	
October 12, 2023	The Court denies Prestige's motion to dismiss the Village's counterclaim.	October 12, 2023 Order:
December 11, 2023	The Village files an amended counterclaim for injunctive relief and a motion for a temporary restraining order ("TRO"). A TRO is extraordinary, ancillary relief. A TRO is entered without in-court testimony. The Court balances the likely harms to each side, the likelihood of success on the merits, and the impact on the public.	Amended Counterclaim: Motion for Temporary Restraining Order:
December, 2023	Prestige, without a building permit, replaces its Byers Scientific odor mitigation system, including the carbon filter add-on to that system. In its place, Prestige installs a Strobic Fan Exhaust System and keeps the Atmosphere Global misting system that was an additional add-on to the Byers Scientific odor mitigation system.	
December 14, 2023	The Village agrees to allow Prestige to operate with the new system during daytime hours to determine if the system works to reduce or eliminate odors.	December 14, 2023 order:
April 1, 2024	The Illinois EPA receives an Odor Assessment Report from Prestige compiled by V3 Companies, Ltd., an environmental consulting firm Prestige hired related to the odors produced at the Facility. (The Village	People of the State of Illinois' complaint against Prestige:

	receives a copy of this report in late December 2024/early January 2025.) Among other things, the report disclosed that Butyric Acid, a chemical with a penetrating, rancid, putrid, cheesy, obnoxious, and otherwise unpleasant odor, far exceeded certain testing thresholds.	
April 17, 2024	The Village still receives complaints from the community about odors released from the Facility, Village staff corroborates the complaints, and the Village files its Second Amended Counterclaim and a motion for a TRO.	Second Amended Counterclaim: Motion for Temporary Restraining Order:
May 3, 2024	Prestige moves to dismiss the Village's second amended counterclaim.	Prestige motion to dismiss: Village Response: Prestige Reply:
June 4, 2024	The Court grants Prestige's to dismiss the Village's second amended counterclaim which moots the temporary restraining order motion.	June 4, 2024 Order
July 19, 2024	The Village files its Third Amended Counterclaim.	Village Third Amended Counterclaim:
July 2024	Prestige, without prior notice to the Village, modifies its Strobic Fan odor mitigation system by changing the Atmosphere Global misting system add-on to change its injection point.	
August, 2024	Counsel for the Village engages Trinity Consultants perform odor measurement readings over several days at and around the Facility.	
August 19, 2024	The City of Des Plaines seeks to intervene in the lawsuit against Prestige alleging that Prestige's operation of the Facility violated City Code.	Petition to intervene:

August 22, 2024	Trinity Consultants reports its odor measurement findings. Trinity Consultants detected odors arising from Prestige’s operation of the Facility. Trinity Consultants describes the odors as “spoiled milk” and “vomit” smells.	Motion for TRO (Ex. K):
August 23, 2024	The Village files a motion for TRO or, in the alternative, a motion for preliminary injunction. (A preliminary injunction, while similar to a motion for TRO, is typically based on an evidentiary hearing and typically requires discovery (<i>e.g.</i> , depositions)).	Motion for TRO: Response:
August 2024	Without notice to any party, Prestige once again, modifies its odor mitigation system by changing the deodorizer solution.	
September 9, 2024	The Court denies the Village’s Motion for TRO and continues the matter to determine a discovery schedule and set a preliminary injunction hearing.	September 9, 2024 Order:
September 16, 2024	The parties enter into a series of court facilitated discussions to explore an interim temporary solution to last until a full trial on the merits.	
September 24, 2024	The City of Des Plaines files its complaint against Prestige.	The City of Des Plaine’s complaint:
October 25, 2024	The parties enter the confidential interim agreement that was since publicly disclosed pursuant to a FOIA request. As part of the confidential interim agreement, the case is transferred to law division to facilitate an early trial before a jury (Prestige had made a jury demand.).	Confidential Interim Agreement: Public Statement regarding Confidential Interim Agreement:
November 21, 2024	The Illinois EPA conducts an inspection at the Facility and detects odors emitting from the Facility at 8 off-Facility locations.	People of the State of Illinois’ complaint against Prestige:
December 2024	In light of community complaints regarding a film-like substance in the area in and around	

	Prestige, one of the Village's counsel engages Hygieneering, Inc. to do an analysis of the particulate.	
December 2, 2024	The law division sets the case for trial beginning on September 22, 2025. The law division sets briefing and argument for Prestige's Motion for Judgment on the Pleadings and Partial Summary Judgment on The Village's Third Amended Counterclaim, and a Motion to Dismiss the City of Des Plaines' complaint.	December 2, 2024 Order: Prestige Motion for Judgment on the Pleadings and Partial Summary Judgment on the Village's Third Amended Counterclaim: Village response: Prestige reply: Village supplemental response: Prestige supplemental reply: Prestige Motion to Dismiss the City of Des Plaines' Complaint: City Response: Prestige Reply:
January 2025	The Village analyzes V3 Companies, Ltd. report that it prepared on behalf of Prestige and one of the Village's counsel consults with an expert at RHP Risk Management Consulting Health Scientists.	
January 2, 2025	Fehr Graham, the company performing odor strength observations pursuant to the interim agreement, reports readings that require Prestige to forego its next shift at the Facility. Specifically, a strength of odor reading of 15 dilutions to threshold (15 D/T) is reported in Prestige's parking lot and at a Des Plaine's resident's home located at 676 Middleton Ln, Des Plaines, Illinois.	January 2, 2025 Field Observation Sheet:
January 9, 2025	Fehr Graham reports readings that require Prestige to forego its next shift at the Facility. Specifically, a strength of odor reading of 15	January 9, 2025 Field Observation Sheet:

	D/T is reported at the premises of a school located at 1601 Feehanville Dr., Mount Prospect, IL.	
January 28, 2025	The court denies Prestige's Motion for Judgment on the Pleadings and Partial Summary Judgment on the Village's Third Amended Counterclaim and denies Prestige Motion to Dismiss the City of Des Plaines' Complaint. The City of Des Plaines files a motion to strike certain paragraphs of Prestige's affirmative defenses.	January 28, 2025 Order: City of Des Plaines' Motion to Strike:
February 7, 2025	Hygieneering, Inc. reports that the film-like substance that caused community complaints is primarily a mixture of components associated with construction dust, and that no semi-volatile organic compounds were detected in proximity to Prestige.	February 7, 2025 Report:
February 13, 2025	Fehr Graham reports readings that require Prestige to forego its next shift at the Facility. Specifically, a strength of odor reading of 31 D/T is reported at the premises of a Des Plaines resident located at 676 Middleton Ln, Des Plaines, Illinois.	February 13, 2025 Field Observation Sheet:
March 4, 2025	The Village Board, on its consent agenda, approve the retention of RHP Risk Management Consulting Health Scientists to provide both air sampling and emission dispersion modeling related to health impacts of the odor being discharged by Prestige.	March 4, 2025 Consent Agenda Action Item:
March 14, 2025	The Village seeks leave to file a Fourth Amended Counterclaim to clarify certain aspects of its claims. In turn, Prestige seeks leave to file an Amended Complaint. Additionally, the Illinois EPA files a separate lawsuit against Prestige on behalf of the People of Illinois. The IEPA lawsuit is based odors emanating from the Facility in violation of law.	Village's Motion for Leave to File Fourth Amended Counterclaim: Prestige's Motion for Leave to File Amended Complaint: People of the State of Illinois' complaint against Prestige:
March 17, 2025	Fehr Graham reports readings that require Prestige to forego its next shift at the Facility.	March 17, 2025 Field Observation Sheet:

	Specifically, a strength of odor reading of 1) 31 D/T is reported in the Facility's parking lot, 2) 31 D/T is reported at a School in Mount Prospect located at 1601 Feehanville Dr., Mount Prospect, IL, and 3) a 15 D/T is reported at a medical practice in Mount Prospect located at 1660 Feehanville Dr., Mount Prospect, IL.	
March 20, 2025	The Court 1) denies Prestige leave to file an amended complaint; 2) grants the Village leave to file its proposed fourth amended counterclaim; 3) and strikes Prestige's affirmative defenses, but gives Prestige another opportunity to reallege affirmative defenses.	March 20, 2025 Order:
March 24, 2025	The Village files its Fourth Amended Counterclaim.	Village's Fourth Amended Counterclaim:
March 28, 2025	Prestige files a new complaint in law division alleges money damages claims against the Village, Mayor Paul Hoefert, Village Michael Cassady, and Director of Building William Schroeder. The stated claims are substantially in the form of Prestige's proposed amended complaint that the Court denied on March 20, 2025, and claims that defendants violated Prestige's civil rights by improperly and unfairly targeting the curtailment of Prestige's business operations.	Prestige's Complaint