

ILLINOIS POLLUTION CONTROL BOARD
January 4, 2001

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 01-97
) (Enforcement – Water)
FERRARA PAN CANDY COMPANY,)
INC., an Illinois corporation,)
)
Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

On December 20, 2000, the People of the State of Illinois (People) filed a six-count complaint against respondent Ferrara Pan Candy Company, Inc. (Ferrara), a candy manufacturer. The complaint alleges Ferrara caused water pollution, created a water pollution hazard and offensive conditions, discharged a contaminant without a permit, and failed to implement reliable systems at its facility located at 3000 West Washington Boulevard, Bellwood, Cook County, Illinois. These actions are in alleged violation of Sections 12(a), (d), and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d), (f) (1998)) and the Board's water pollution regulations at 35 Ill. Adm. Code 302.203, 304.102, 304.105, 304.106, and 309.102(a).

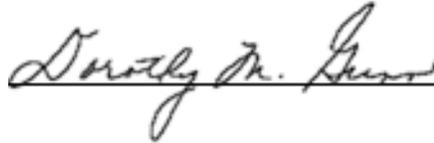
On December 20, 2000, the People, along with Ferrara, also filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). In the proposed stipulation Ferrara neither admits nor denies the allegations contained in counts I, II, IV, and V of the complaint. Ferrara admits the violations alleged in counts III and VI of the complaint, discharging a contaminant without a permit and causing offensive conditions. Ferrara proposes to pay a \$15,000 penalty.

Pursuant to Section 31(c)(2) of the Act, the complainant may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement. 415 ILCS 5/31(c)(2) (1998). Unless the Board determines that a hearing is needed, the Board is required to publish notice of the stipulation and proposal for settlement and request for relief from the hearing requirement.

Accordingly, the Board directs the Clerk of the Board to cause publication of the required newspaper notice. Any person may file a written demand for hearing within 21 days of the published notice. If a hearing is requested, the Board will deny the parties' request for relief and schedule a hearing

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 4th day of January 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board