

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	PCB No. 2023 -
)	(Enforcement-Air)
CONAGRA FOODS PACKAGED)	
FOODS, LLC, a Delaware limited)	
liability company,)	
)	
Respondent.)	

NOTICE OF FILING

TO: See attached service list (VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirements, copies of which are attached and hereby served upon you. **You may be required to answer the charges of the Complaint at a hearing before the Board, at a date set by the Board.**

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office, or an attorney.

NOTIFICATION - YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental Facilities Financing Act [20 ILCS 3515/1, et seq.] to correct the alleged violations.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
KWAME RAOUL, Attorney General
of the State of Illinois

By: /s/Raymond J. Callery
Raymond J. Callery
ARDC # 6193579
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
raymond.callery@ilag.gov
ebs@ilag.gov

Dated: February 14, 2023

Service List

For the Respondent

Rene L. Rimelspach
Conagra Brands, Inc.
Counsel – Commercial Transaction
Legal & Government Affairs
222 West Merchandise Mart Plaza
Suite 1300
Chicago, IL 60654
(via certified mail)

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**PCB No. 2023 -
(Enforcement-Air)**

COMPLAINT

Complainant, 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, complains of the Respondent, CONAGRA FOODS PACKAGED FOODS, LLC, a Delaware limited liability company, as follows:

COUNT I
OPERATING WITHOUT A CLEAN AIR ACT PERMIT PROGRAM PERMIT

1. This Complaint 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”) pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2020).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2020), and charged, *inter alia*, with the duty of enforcing the Act and regulations promulgated by the Illinois Pollution Control Board (“Board”).

The Board's regulations for air pollution are found in Title 35, Subtitle B, of the Illinois Administrative Code ("Air Pollution Regulations").

3. At all times relevant to this Complaint, Respondent is and was a Delaware limited liability company duly authorized to transact business in the State of Illinois.

4. On October 26, 2018, Respondent acquired the Lender's Bagels facility located at 3801 DeWitt Avenue, Mattoon, Coles County, Illinois ("Facility"), from Pinnacle Food Groups.

5. At all times relevant to this Complaint, the emission units operated by Respondent at the Facility included Bagel Lines 1 and 2.

6. At all times relevant to this Complaint, Bagel Lines 1 and 2 at the Facility were capable of emitting and have emitted Volatile Organic Material ("VOM"), which is a specified air contaminant as that term is defined in Section 201.102 of the Board's Air Pollution Control Regulations, 35 Ill. Adm. Code 201.102.

7. At all times relevant to this Complaint, Bagel Lines 1 and 2 had the potential to emit more than 100 tons per year of VOM.

8. Previously, Pinnacle Food Groups had been operating the Facility pursuant to a Lifetime Operating Permit.

9. In November 2018, shortly after acquiring the Facility from Pinnacle Food Groups, Respondent initiated an environmental assessment of operations at the Facility.

10. In June 2019, Respondent concluded that Pinnacle Food Groups had underestimated the Facility's potential to emit VOM, and that Respondent was not eligible to operate the Facility under a Lifetime Operating Permit.

11. On September 25, 2019, Respondent submitted its Clean Air Act Program Permit ("CAAPP") permit application to Illinois EPA.

12. Attached hereto and incorporated thereby as Table 1 is Respondent's Facility Emissions Summary submitted with its CAAPP permit application.

13. From at least October 26, 2018, through January 1, 2020, Respondent operated the Facility without a CAAPP permit.

14. On January 2, 2020, Bimbo Bakeries USA, Inc. acquired the Facility and its operations from Respondent.

15. On February 19, 2020, Illinois EPA issued a CAAPP permit to Bimbo Bakeries USA, Inc. for operations at the Facility.

16. Respondent's operation of the Facility was subject to the Act and the Board's Air Pollution Regulations.

17. Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2020), provides, in pertinent part, as follows:

- a. It shall be unlawful for any person to violate any terms or conditions of a permit issued under this Section, to operate any CAAPP source except in compliance with a permit issued by the Agency under this Section or to violate any other applicable requirements. . . .
- b. After the applicable CAAPP permit or renewal application submittal date, as specified in Subsection 5 of this Section, no person shall operate a CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the Agency.

18. Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), provides the following definition:

"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.

19. Respondent, a corporation, is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2020).

20. Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2020), provides the following definitions:

"CAAPP" means the Clean Air Act Permit Program, developed pursuant to Title V of the Clean Air Act.

"CAAPP Permit" or "permit" (unless the context suggests otherwise) means any permit issued, renewed, amended, modified or revised pursuant to Title V of the Clean Air Act.

"CAAPP source" means any source for which the owner or operator is required to obtain a CAAPP permit pursuant to subsection 2 of this Section.

"Major source" means a source for which emissions of one or more air pollutants meet the criteria for major status pursuant to paragraph (c) of subsection 2 of this Section.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by USEPA. This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term "capacity factor" as used in Title IV of the Clean Air Act or the regulations promulgated thereunder.

"Source" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person or persons under common control) belonging to a single major industrial grouping.

"Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Clean Air Act.

21. Section 39.5(2) of the Act, 415 ILCS 5/39.5(2) (2020), provides, in pertinent part,

as follows:

- (a) Sources subject to this Section shall include:
 - (i) Any major source as defined in paragraph (c) of this subsection.

* * *

- (c) For purposes of this Section, the term "major source" means any source that is:

* * *

- (ii) A major stationary source of air pollutants, as defined in Section 302 of the Clean Air Act, that directly emits or has the potential to emit, 100 [tons per year] or more of any air pollutant subject to regulations

22. At all times relevant to this Complaint, Bagel Lines 1 and 2 at the Facility had the potential to emit more than 100 tons per year of VOM. Therefore, the Facility was a "CAAPP source" and a "major source" as those terms are defined in Sections 39.5(1) and 39.5(2) of the Act, 415 ILCS 5/39.5(1) and (2) (2020), respectively.

23. At all times relevant to this Complaint, Respondent was an "owner or operator" of a CAAPP source as that term is defined in Section 39.5(1) of the Act, 415 ILCS 5/39.5(1) (2020).

24. Because the Facility is a "CAAPP source" and a "major source," Respondent was required to obtain a CAAPP permit to operate the Facility, pursuant to Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2020).

25. From at least October 26, 2018, through January 1, 2020, Respondent operated a CAAPP source without having first applied for and obtained a CAAPP permit.

26. By operating a CAAPP source without the required CAAPP permit, Respondent violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2020).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLNOIS, respectfully requests that the Board enter an order against Respondent, CONAGRA FOODS PACKAGED FOODS, LLC, on Count I:

1. Authorizing a hearing in this matter, at which time Respondent will be required to answer the allegations herein;
2. Finding that Respondent violated Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2020);
3. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
4. Pursuant to Section 42(b)(5) of the Act, 415 ILCS 5/42(b)(5) (2020), assessing against Respondent a civil penalty of up to \$10,000 per day of violation of Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2020);
5. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2020), ordering Respondent to pay all costs, including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 

RACHEL R. MEDINA
Deputy Bureau Chief
Environmental Bureau
Assistant Attorney General
ARDC #6297171

Of Counsel

Raymond J. Callery
ARDC #6193579
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
raymond.callery@ilag.gov

Dated: February 14, 2023

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STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by KWAME RAOUL, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and CONAGRA FOODS PACKAGED FOODS, LLC, a Delaware limited liability company, (“Respondent”) (“Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.* (2020), and the Board’s Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. At all times relevant to this Complaint, Respondent is and was a Delaware limited liability company duly authorized to transact business in the State of Illinois.

2. On October 26, 2018, Respondent acquired the Lender's Bagels facility located at 3801 DeWitt Avenue, Mattoon, Coles County, Illinois ("Facility"), from Pinnacle Food Groups.

3. At all times relevant to this Complaint, the emission units operated by Respondent at the Facility included Bagel Lines 1 and 2.

4. At all times relevant to this Complaint, the emission units operated by Respondent at the Facility included Bagel Lines 1 and 2.

5. At all times relevant to this Complaint, Bagel Lines 1 and 2 at the Facility were capable of emitting and have emitted Volatile Organic Material ("VOM"), which is a specified air contaminant as that term is defined in Section 201.102 of the Board's Air Pollution Control Regulations, 35 Ill. Adm. Code 201.102.

6. At all times relevant to this Complaint, Bagel Lines 1 and 2 had the potential to emit more than 100 tons per year of VOM.

7. Previously, Pinnacle Food Groups had been operating the Facility pursuant to a Lifetime Operating Permit.

8. In June 2019, Respondent concluded that Pinnacle Food Groups had underestimated the Facility's potential to emit VOM, and that Respondent was not eligible to operate the Facility under a Lifetime Operating Permit.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act:

Count I: OPERATING WITHOUT A CAAPP PERMIT
Section 39.5(6)(b) of the Act, 415 ILCS 5/39.5(6)(b) (2020),

C. Non-Admission of Violations

Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

D. Compliance Activities

1. On September 25, 2019, Respondent submitted its Clean Air Act Program Permit ("CAAPP") permit application to Illinois EPA.

2. On January 2, 2020, Bimbo Bakeries USA, Inc. acquired the Facility and its operations from Respondent.

3. On February 19, 2020, Illinois EPA issued a CAAPP permit to Bimbo Bakeries USA, Inc. for operations at the Facility.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns

to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2020).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2020), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Respondent operated the Facility without a CAAPP permit from October 26, 2018 through January 1, 2020. Compliance with permitting requirements is essential to effective regulation of sources of air pollution.
2. There was social and economic benefit in the operation of Respondent's facility.

3. Respondent's facility was suitable for the area in which it was being operating.
4. Submitting a CAAPP permit application and obtaining a permit in a timely manner was both technically practicable and economically reasonable.
5. Respondent has subsequently resolved the violations alleged in the Complaint.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2020), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and

8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Respondent operated the Facility without a CAAPP permit from October 26, 2018 through January 1, 2020. Compliance with permitting requirements is essential to effective regulation of sources of air pollution.
2. Respondent's actions demonstrated due diligence.
3. Any economic benefit from non-compliance would have been less than the civil penalty required by the Stipulation.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Seventeen Thousand Five Hundred Dollars (\$17,500.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.
6. Respondent did self-disclose the violation by submitting a CAAPP permit application.
7. The settlement of this matter does not include a supplemental environmental project.
8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

Respondent shall pay a civil penalty in the sum of Seventeen Thousand Five Hundred

Dollars (\$17,500.00) within thirty (30) calendar days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name and case number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Raymond J. Callery
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706
Raymond.Callery@ilag.gov

D. Future Compliance

1. This Stipulation in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

2. Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of Respondent's payment of the \$17,500.00 penalty, its commitment to cease and desist as contained in Section V.D.2 above, and upon the Board's approval of this Stipulation, Complainant releases, waives and discharges Respondent from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed simultaneously with this Stipulation. Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or

regulations;

c. liability for natural resources damage arising out of the alleged violations; and

d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), or entity other than the Respondent.

F. Enforcement

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

KWAME RAOUL
Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY:

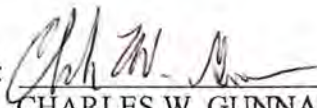
ANDREW ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

DATE: _____

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY:




CHARLES W. GUNNARSON,
Chief Legal Counsel

DATE: 02/07/23

CONAGRA FOODS PACKAGED
FOODS, LLC,

BY:



TREVOR FOSTER
Vice President and Chief Counsel

DATE: 10/24/22

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


PEOPLE OF THE STATE OF ILLINOIS,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

KWAME RAOUL
Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: 
RACHEL R. MEDINA,
Deputy Chief
Environmental Bureau
Assistant Attorney General

BY: _____
CHARLES W. GUNNARSON,
Chief Legal Counsel

DATE: 2/14/23 _____

DATE: _____

CONAGRA FOODS PACKAGED
FOODS, L.L.C.,

BY: _____
TREVOR FOSTER
Vice President and Chief Counsel

DATE: _____

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MOTION FOR RELIEF FROM HEARING REQUIREMENTS

Complainant, People of the State of Illinois, by Kwame Raoul, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, Complainant states as follows:

1. Filed contemporaneously with this Motion is a Stipulation and Proposal for Settlement executed between Complainant and the Respondent, CONAGRA FOODS PACKAGED FOODS, LLC.
2. The parties have reached agreement on all outstanding issues in this matter.
3. Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2020), provides as follows:
 - (c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision 1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for

hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

4. No hearing is scheduled in this matter.

5. Complainant hereby requests relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2020).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by KWAME RAOUL, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: /s/ Raymond J. Callery
RAYMOND J. CALLERY
ARDC #6193579
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217) 557-5690
raymond.callery@ilag.gov
ebs@ilag.gov

Dated: February 14, 2023

CERTIFICATE OF SERVICE

I, Raymond Callery, an Assistant Attorney General, certify that on the 14th day of February, 2023, I caused to be served the Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirements by certified mail to:

Rene L. Rimelspach
Conagra Brands, Inc.
Counsel – Commercial Transaction
Legal & Government Affairs
222 West Merchandise Mart Plaza
Suite 1300
Chicago, IL 60654

By: /s/Raymond J. Callery
Raymond J. Callery
ARDC # 6193579
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
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