

ILLINOIS POLLUTION CONTROL BOARD
October 25, 1990

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 90-84
) (Enforcement)
WE-TOAST BREAD)
COMPANY, INC.,)
)
Respondent.)

PAMELA CIARROCCHI APPEARED FOR COMPLAINANT

ROBERT MELTZER, ROBERT MELTZER & ASSOCIATES APPEARED FOR
RESPONDENT

OPINION AND ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board upon a complaint filed April 26, 1990 on behalf of the People of the State of Illinois ("People"), by and through its attorney, Neil F. Hartigan, Attorney General of the State of Illinois, against We-Toast Bread Company (We-Toast) located Chicago, Illinois. The complaint alleges that We-Toast has violated Section 9(b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1001, et. seq., and 35 Ill. Adm. Code 201.144 of the Board's rules and regulations.

Hearing on this matter was held June 13, 1990, in Chicago, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. The Board on August 30, 1990 requested that the People file additional information in support of the Stipulation. On October 15, 1990, the People filed a response to that request. The additional information contained in that response assisted the Board in resolving this matter.

The Stipulation specifically details terms of settlement. We-Toast admits to past violations of Section 9(b) of the Act and 35 Ill. Adm. Code 201.144 and agrees to pay a civil penalty of three thousand dollars (\$3,000). We-Toast further agrees to cease and desist from the alleged violations.

On July 27, 1990, a Notice of Amendment to Stipulation and Proposal for Settlement as well as the executed Stipulation and Proposal for Settlement were filed by the People with the

Board. The amendment does not materially alter the unexecuted Stipulation and Proposal for Settlement filed at hearing as it merely deletes provisions for the right of entry. The Board finds the Settlement Agreement, as amended, acceptable under 35 Ill. Adm. Code 103.180. This Settlement Agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- 1.) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and We-Toast Bread Company, Inc., concerning We-Toast's operations located in Chicago, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) We-Toast shall pay the sum of three thousand dollars (\$3,000) within 30 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

We-Toast shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

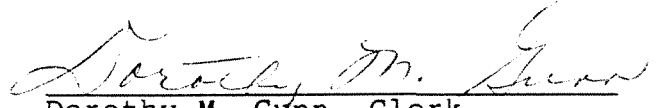
Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

Board Members J. Dumelle and J. Theodore Meyer dissented.

Board Member J. Anderson concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 25th day of October, 1990, by a vote of 5-2.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

